

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 11 February 2015**

**(Extract from book 2)**

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

**By authority of the Victorian Government Printer**



## **The Governor**

The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education . . . . .	The Hon. J. A. Merlino, MP
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment . . . . .	The Hon. J. Allan, MP
Minister for Industry, and Minister for Energy and Resources . . . . .	The Hon. L. D’Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports. . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Training and Skills . . . . .	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water . . . . .	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections . . . . .	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade . . . . .	The Hon. A. Somyurek, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Kairouz, MP

### **Joint committees**

**Environment and Natural Resources Committee** — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson 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**

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

**Deputy President:** Ms G. TIERNEY

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

**Leader of the Government:**

The Hon. G. JENNINGS

**Deputy Leader of the Government:**

The Hon. J. L. PULFORD

**Leader of the Opposition:**

The Hon. M. WOOLDRIDGE

**Deputy Leader of the Opposition:**

The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**

The Hon. D. K. DRUM

**Leader of the Greens:**

Mr G. BARBER

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

**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



# CONTENTS

---

## WEDNESDAY, 11 FEBRUARY 2015

PAPERS .....	97
NOTICES OF MOTION .....	97
BUSINESS OF THE HOUSE	
<i>Sessional orders</i> .....	97
MEMBERS STATEMENTS	
<i>Chinese New Year</i> .....	97
<i>City of Monash councillor</i> .....	97
<i>South West TAFE</i> .....	98
<i>Greens members</i> .....	98
<i>Kostas Nikolopoulos</i> .....	99
<i>Regional and rural Victoria</i> .....	99
<i>Australia Day</i> .....	99, 100
<i>Abla Amad</i> .....	100
<i>Northcote Greek festival</i> .....	100
<i>Latrobe Valley coalmine task force</i> .....	100
GOVERNOR'S SPEECH	
<i>Address-in-reply</i> .....	100, 160
PRODUCTION OF DOCUMENTS ....	101, 125, 142, 146, 151
QUESTIONS WITHOUT NOTICE	
<i>Duck season</i> .....	117
<i>Accountability framework reform</i> .....	117
<i>Public holidays</i> .....	118, 119
<i>Latrobe Valley employment</i> .....	120
<i>Industry and innovation programs</i> .....	120
<i>Victorian fashion industry</i> .....	121
<i>Vegetable production</i> .....	121
<i>Child protection</i> .....	122
<i>Dandenong-Pakenham-Cranbourne rail</i> <i>corridor</i> .....	123
<i>Student fees</i> .....	124
STATEMENTS ON REPORTS AND PAPERS	
<i>Budget update:</i> <i>report 2014–15</i> .....	154, 155, 156, 157, 158, 159
<i>Auditor-General: Additional School Costs for</i> <i>Families</i> .....	155
STATUTE LAW REVISION BILL 2014	
<i>Statement of compatibility</i> .....	164
<i>Second reading</i> .....	164
<i>Referral to committee</i> .....	164
ADJOURNMENT	
<i>Port Fairy adverse possession claim</i> .....	165
<i>Shepparton bypass</i> .....	166
<i>Kindergarten funding</i> .....	166
<i>Korumburra Secondary College</i> .....	166
<i>Child protection</i> .....	167
<i>City of Greater Geelong mayor</i> .....	167
<i>Road safety</i> .....	168
<i>Level crossings</i> .....	168
<i>St Albans level crossing</i> .....	169
<i>East Gippsland timber industry</i> .....	170
<i>Police numbers</i> .....	170
<i>Beaumaris secondary college</i> .....	170
<i>Local government rates</i> .....	171
<i>City of Greater Dandenong elections</i> .....	171
<i>Responses</i> .....	172



## Wednesday, 11 February 2015

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.**

### PAPERS

#### Laid on table by Acting Clerk:

Auditor-General's Reports on —

Additional School Costs for Families, February 2015  
(Ordered to be published).

Responses to 2012–13 Performance Audit  
Recommendations, February 2015 (Ordered to be  
published).

Members of Parliament (Register of Interests) Act 1978 —  
Summary of Primary Returns — 2015 and Summary of  
Variations notified between 17 September 2014 and 6  
February 2015 (Ordered to be published).

Murray-Darling Basin Authority — Report, 2013–14.

### NOTICES OF MOTION

#### Mrs PEULICH having given notice of motion:

**The PRESIDENT** — Order! I really do need to have copies of notices of motion in advance so that they can be incorporated. That last notice clearly was an improvised notice of motion, and it puts us in some difficulty in terms of the procedures of the house. Mrs Peulich will need to put that motion in writing and sign it, and I trust the written version will match what has been given in the house.

#### Further notices of motion given.

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

**The PRESIDENT** — Order! That notice varied from the copy I have. Is Mr Melhem's the latest? Mine does not have the distributor in it.

**Mr MELHEM** — Yes.

**The PRESIDENT** — Order! As long as Mr Melhem's has it.

### BUSINESS OF THE HOUSE

#### Sessional orders

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

That contingent upon notice of motion no. 32 to adopt new sessional orders, standing in the name of Mr Jennings, being moved and debated during government business, notices of

motion to adopt or amend sessional orders, standing in the name of any other member, be moved and debated concurrently with Mr Jennings's motion.

#### Leave refused.

**Mr Jennings** — On a point of order, President, the mover of that motion seems surprised that leave was not granted. In terms of transparency and collaboration, if a response was given 24 hours ago as to how this would be dealt with, and no further correspondence has been entered into, as a general rule we would not have interjections based upon the response as if it were a complete surprise or outrageous when it is within the terms of the house rules.

**The PRESIDENT** — Order! That is not a point of order. Does Mr Davis have a point of order, or does he wish to continue the debate?

**Mr Davis** — I just want to make a point.

**The PRESIDENT** — Order! I do not accept the point, because I am only interested in points of order. The Leader of the Government's point was not a point of order. He had an explanation, but it was not a point of order.

### MEMBERS STATEMENTS

#### Chinese New Year

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to take the opportunity to wish all the members of our Chinese community a very happy Chinese New Year, which is to be celebrated in a few days. It is the year of the goat. Most communities get into the spirit of the celebration and I also intend to do so across the South Eastern Metropolitan Region. It is usually a bipartisan event and includes not only our Chinese community but also the broader community in celebration of Chinese culture and tradition.

#### City of Monash councillor

**Mrs PEULICH** — On a more serious note I would also like to raise some concerns with the Minister for Local Government in relation to an Australia Day ceremony that was conducted by Cr Klisaris at the City of Monash. Everyone knows the City of Monash is a stronghold for the Labor Party. Cr Klisaris misused his position in order to call on new citizens taking on citizenship at the citizenship ceremony on Australia Day to vote Labor. Not only is this a breach of the commonwealth code for the conduct of citizenship ceremonies and a breach of the Local Government Act 1989, but I am concerned that the only remedy is the

establishment of a conduct panel, which is unlikely to occur because it is such a Labor stronghold.

**Ms Mikakos** — On a point of order, President, I am concerned that the member has asserted that a member of the public has breached an act. I am concerned that the member has made particular assertions on the record on which that particular individual might feel the need to respond to the house. I just want to draw the matter to your attention because I think the member may have breached the standing orders with respect to this.

**Mr Davis** — On the point of order, President, it is entirely appropriate for the member to raise these matters. There was widespread community concern about Cr Klisaris's actions, and those actions may well constitute a breach, but that is a technical point. The point is Mrs Peulich is raising matters of community concern, as she is entitled to do in this proceeding.

**Mrs PEULICH** — On the point of order, President, I wish to make three points. The first is that the incident was witnessed by many people who were in attendance, and I am in receipt of numerous complaints. The second is that it was reported in the local Leader newspaper, and the third is that a right of reply is available to members of the public should they feel they need to set the record straight.

**The PRESIDENT** — Order! On the point of order, I thank Ms Mikakos for the point of order. I do not uphold the point of order on this occasion. I think Mrs Peulich's comments were not about a member of the public, they were about an office-holder — actually a mayor of a municipality. I think in that sense there is a very different test than applies to a member of the public in terms of the discretion members use in applying various forms of the house to make complaints.

Given the gravity of what Mrs Peulich has been talking about, I am surprised she has used a 90-second statement rather than some other more substantial mechanism to pursue this matter. Even an adjournment item would have sought clear action by the minister, as distinct from a 90-second statement which does not rely on a minister's response. Because I think this is a grave matter I think it is within the capacity of the member to raise this type of issue in a 90-second statement, and to that extent I do not uphold the point of order.

**Mrs PEULICH** — My concern is that new citizens coming from dictatorships may see this as an instruction they need to observe. I do not believe the City of Monash will establish a conduct panel. I think

the minister needs to take immediate action to make sure that rectification is taken by this mayor — —

**The PRESIDENT** — Order! Thank you, Mrs Peulich.

### South West TAFE

**Ms TIERNEY** (Western Victoria) — Four years of savage cuts to our TAFE system under the coalition government left South West TAFE on its knees and in deficit. However, the staff and management of this great institution are celebrating once again after the Andrews Labor government committed \$4 million in rescue funding last week.

Under the coalition government funding was slashed, courses were axed, staff numbers were cut and students were made to pay significantly higher fees. This left many young Victorians without the option of going to TAFE and left industries searching for trained workers. What the coalition government did to South West TAFE, and indeed to the whole TAFE system, is nothing short of disgraceful. The damage will be felt for many years to come. However, the Andrews Labor government was elected to restore our TAFEs to the strong institutions they once were, and that is exactly what it will do.

The \$20 million fast-tracked from Labor's \$320 million rescue package is the first step. The \$4 million in funding for South West TAFE will end the cycle of financial risk, job losses and course cuts that have decimated the institute over a number of years. It will be used to grow South West TAFE once again and to ensure that this important institute can meet the needs of students and industry in the region. Labor understands that our TAFEs play a crucial role in supporting regional communities like Warrnambool, Portland and Hamilton by delivering skills training that will grow jobs in key local industries. This fantastic announcement has been very well received in south-west Victoria.

### Greens members

**Ms PENNICUIK** (Southern Metropolitan) — I would like to take this opportunity to congratulate all members who were re-elected or newly elected to the Victorian Parliament in the recent state election.

I am particularly thrilled with and proud of the election of the first Greens members in the Legislative Assembly: Sam Hibbins, the member for Prahran, and Ellen Sandell, the member for Melbourne. I am also extremely proud of the election of two new Greens MPs in the Legislative Council: Samantha Dunn,

representing Eastern Metropolitan Region, and Nina Springle, representing South Eastern Metropolitan Region. Of course I am also thrilled that Greg Barber, Colleen Hartland and I have been re-elected to the Council.

I would like to take this opportunity to thank the 128 people who stood as Greens candidates, the many hundreds of members and supporters who worked on their local campaigns, and the fantastic campaign team and staff in the Greens state office, who worked tirelessly to bring about this fantastic result for the Greens. I would also like to thank our electorate staff. Thank you also to the many thousands of people across Victoria who supported and voted for the Greens. With their support we have increased our representation in the Victorian Parliament from three members to seven. The diverse make-up of the Legislative Council in this Parliament is particularly noteworthy, and I look forward to working with all the parties and with the individual crossbenchers for the benefit of Victoria.

### **Kostas Nikolopoulos**

**Ms MIKAKOS** (Minister for Families and Children) — I rise today to pay tribute to a pioneer of multicultural journalism, Kostas Nikolopoulos, who passed away recently. Kostas was a distinguished journalist and a widely respected member of Victoria's Greek community, having worked at SBS and *Neos Kosmos* for over 35 years. Kostas was a stout defender and promoter of multiculturalism throughout his career and held an unwavering commitment to his community and his profession. He was very proud of his Hellenic heritage and was actively involved in every issue facing the Greek community, particularly foreign policy matters.

To list all of Kostas's achievements and roles would require much more than the 90 seconds I have available to me, but it is an extensive and impressive list by anyone's measure. Among them, he sat on the board of the Australian Hellenic Council for a brief period, and he was the secretary of the Greek National Day coordinating committee for many years. He was presented with an Award for Excellence in Multicultural Affairs by the Victorian government. The large number of people in attendance at Kostas's funeral was testament to how well respected and loved he was.

To me, Kostas was a man of great integrity, a friend and someone whose wise counsel I could rely on, and I will greatly miss him. I express my deepest condolences to his wife, Effie, and their son, Niko. May he rest in peace.

### **Regional and rural Victoria**

**Mr DRUM** (Northern Victoria) — A very frightening pattern is emerging across regional Victoria at the moment — the new Labor government is starting to turn its back on rural and regional Victoria. During the Bracks and Brumby years Labor's neglect of our smaller communities and smaller councils became so apparent that they were forced to join together to become what was known as the Whelan group of councils. These 19 councils representing the poorest areas of the state, with postcodes reflecting the lowest socio-economic communities, joined together to enforce the fact that they did not have the funds to offer the services their communities needed.

During its time in government the coalition introduced a range of financial assistance packages aimed at helping these rural and regional councils. They included \$160 million for the country roads and bridges program and \$100 million for the Local Government Infrastructure Fund. It now looks as though these programs are doomed under the new Labor government. More worrying is the fact that in answer to questions without notice yesterday the Minister for Regional Development stated that the expenditure of the \$460 million that was earmarked for regional Victoria from the sale of Rural Finance is now purely at the discretion of the Treasurer. These moneys alone, ripped out of regional Victoria, more than account for the paltry amount that Labor has on the table for regional Victoria.

Regional Victorians had better start preparing themselves for the fact that projects that were in the budget, such as the Murray Basin rail project and other projects that have been announced, such as the Murray River bridge at Echuca-Moama, are now under real threat from the Labor Party as it rips the funds for these projects out of regional Victoria.

### **Australia Day**

**Mr ELASMAR** (Northern Metropolitan) — On Australia Day I attended the City of Darebin's citizenship ceremony. The mayor, Cr Steven Tsitas, officiated along with the CEO, Mr Rasiah Dev, and his council officers. On this very special day over 100 people from all corners of the world were granted the best award of all: citizenship of this great nation. I thank the City of Darebin for a well-managed program, and I was happy to mingle with our new citizens after the event.

### **Abla Amad**

**Mr ELASMAR** — On another matter, I was delighted to see the name of Mrs Abla Amad, AM, in the Australia Day honours list. I have known Abla and her family for many decades, and during that time she has been an inspirational woman who has combined outstanding business success with philanthropy by donating generously to projects aimed at assisting people less fortunate than herself. I sincerely congratulate Abla for a well-earned award that recognises her accomplishments, contributions and achievements in the community of Melbourne which she has served and continues to serve so well.

### **Northcote Greek festival**

**Mr ELASMAR** — On another matter, on Sunday, 1 February, it was my pleasure to attend the annual Greek festival held in Northcote. The Darebin-Northcote Australian Greek Association continues to provide marvellous Greek food and folk dancing and games for the children during the festival. I thank the organisers for their wonderful efforts in keeping alive the spirit of multiculturalism in Victoria.

### **Australia Day**

**Mr EIDEH** (Western Metropolitan) — Each year on Australia Day I am thrilled to celebrate the many new Australians who become citizens, and this year was no different. I had the pleasure of attending Australia Day celebrations at Hobsons Bay City Council, which welcomed a total of 106 new Australian citizens. It is always such a joy to see the families so proud on this day and to be a part of such a wonderful ceremony, which is testament to those who organise the celebrations at Hobsons Bay.

I acknowledge my parliamentary colleagues who attended on the day: the Honourable Wade Noonan, Minister for Police and Minister for Corrections; the federal member for Gellibrand, Mr Tim Watts; and Ms Colleen Hartland and Dr Rachel Carling-Jenkins. This year people from 29 different countries attended, many of them opting to dress in their traditional clothing, a symbolic commitment of their willingness to treasure Victoria's vibrant multiculturalism.

The celebration also recognised the valuable contributions that two exceptional residents make to the Hobsons Bay community, and I take this opportunity to congratulate both of them. The Citizen of the Year Award was presented to Geoffrey Mitchelmore for his outstanding commitment to arts and culture, the local environment and the Hobsons Bay community, and the

Young Citizen of the Year Award was presented to student Hue Man Dang for showing exceptional leadership and dedication to social justice and making a difference in the community. I congratulate both recipients and all those who became citizens on the day.

### **Latrobe Valley coalmine task force**

**Mr MULINO** (Eastern Victoria) — Last Friday I visited the Morwell Country Fire Authority (CFA) brigade, the Latrobe Valley coalmine task force and representatives of other emergency services bodies with the Minister for Emergency Services. The Morwell CFA makes over 700 call-outs a year, many of which involve substantial risk and complexity. I place on the record my appreciation for the work of the CFA and other emergency services agencies.

I acknowledge the work of the Latrobe Valley coalmine task force. Following the Hazelwood mine fire inquiry of 2014 the task force was established to examine the fire preparedness of Victoria's major coalmines for 2014–15. Members of the task force include local government, state government departments, WorkSafe Victoria, the CFA, the Environment Protection Authority, Emergency Management Victoria, the Department of Health and Human Services and, importantly, mine operators.

The terms of reference include reviewing the fire and emergency services preparedness of the three Latrobe Valley brown coal mines and supporting improved capability and interoperability between the coalmine industry, government agencies, Latrobe City Council and the community. This approach of breaking through silos is critically important if we are to develop a truly effective strategy for managing the ongoing risks associated with the coalmines across the region. I look forward to working with the task force over the coming years.

## **GOVERNOR'S SPEECH**

### **Address-in-reply**

**Debate resumed from 10 February; motion of Ms SYMES (Northern Victoria) for adoption of address-in-reply.**

**Debate adjourned on motion of Ms PATTEN (Northern Metropolitan).**

**Debate adjourned until the conclusion of statements on reports and papers today.**

**PRODUCTION OF DOCUMENTS**

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

That this house —

- (1) notes —
  - (a) the Premier’s broken promise to release the east–west link contracts in the first week of a Labor government;
  - (b) that Labor has breached Partnerships Victoria guidelines by failing to release the east–west link contracts within 90 days of financial close; and
- (2) requires the Leader of the Government to table in the Legislative Council by 12 noon on Thursday, 12 February 2015, all contract documents entered into by or on behalf of the state of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.

This is a simple motion. Yesterday during question time we heard the Minister for Small Business, Innovation and Trade, Mr Somyurek, and the Minister for Agriculture, Ms Pulford, talk about the way the Andrews government delivers on its election commitments — that it will do what it promised to do. This motion is very much about ensuring that the government does what it promised it would do.

There was a clear statement from the now Premier of Victoria, Mr Andrews, as to his government’s intention with respect to documents regarding the east–west link. Prior to the election Mr Andrews, as Leader of the Opposition, made some intemperate comments about the east–west link documents — some unfortunate comments that are now, frankly, embarrassing, as I think the Premier would recognise, if not concede. He said the contracts were not worth the paper they were written on. That is an extraordinary statement for the now Premier to have made, because at the time Mr Andrews made that comment he had not seen the contracts. In fact he had not seen any of the documents associated with the east–west link. Nonetheless, he made the comment that they were not worth the paper they were written on.

On coming to government following the election of 29 November the now Premier restated his commitment that his government would release the contracts for the east–west link — in fact that he would release all the documents in respect of the east–west link project — in the first week of government. He was interviewed the day after the election. He did a series of interviews on the Sunday following the election, and there are reports of those interviews. I refer to the *Age* published on 30 November, which states:

Mr Andrews has also promised to release all documents on the east–west link on Monday —

being the Monday following the election. To quote Mr Andrews:

The Labor government has a mandate to release all documentation in relation to the east–west link, a secretive, rushed and botched project ...

The day after the election, then, Mr Andrews said he would release all the documentation. It was a very clear restatement of what he had committed to do while he was in opposition.

Later that week the government was formally commissioned. Mr Andrews was sworn in as Premier of Victoria. In a series of interviews the week after Mr Andrews’s commissioning as Premier he was interviewed by the *Geelong Advertiser*, and in the course of that interview the issue of east–west link documents and contracts was again raised. I will quote that article from the week after Mr Andrews became Premier. This was of course following briefings from the Department of Premier and Cabinet that Mr Andrews received the Sunday following the election; before he was commissioned as Premier, the day after the election, he was briefed by the department on issues associated with east–west link. This was not new to Mr Andrews; he had been briefed, as I said, the day after the election, near enough to a full two weeks before he made these comments. In respect of documents, the *Geelong Advertiser* reports the Premier as saying:

Contracts for the east–west link project will be made public as promised, Victorian Premier Daniel Andrews says.

Mr Andrews says he will honour his pre-election commitment to release the contract and business case within his first week in government.

The article goes on to quote Mr Andrews as follows:

Many of these documents are cabinet in confidence but I am determined and it is my view that the new Labor government has a clear mandate to release these documents.

What’s more I think the public interest is served by releasing those documents.

That was the Premier 10 days after the election. After he had been briefed by the Department of Premier and Cabinet and after he had been sworn in by the Governor of Victoria he was still committed to releasing the contracts for east–west link. Now, however, here we are, some nine weeks after the election, and has the government released the contracts for the east–west link? No, it has not. It has purported to release other documents with respect to east–west link. It has

purported to release business case documents. Interestingly — and frankly in an unprecedented step — it has purported to have released cabinet documents.

I invite members of the chamber to look at the documents now published on the Premier of Victoria's website — to look at these documents which purport to be cabinet documents with respect to east–west link. In fact what are up on that website are not cabinet documents in relation to this project. We have some draft documents — some potentially draft cabinet documents — in relation to this project, but what we do not have published by the Premier, despite what he said, is actual cabinet documents.

As a former minister I can tell the house that a cabinet document is a document signed and dated by a cabinet minister, and not one of the documents published on the Premier's website purporting to be cabinet documents is signed or dated by a minister. At best they are drafts. They may or may not have ever reached a cabinet or cabinet committee meeting. They may never have been considered by government. The public service drafts dozens of cabinet documents on any range of matters, but until they are signed by a minister and submitted to cabinet, they are not cabinet documents and may never have been considered by government. Not one of those published documents purporting to be cabinet documents is, as I said, signed by a minister.

The other aspect of this motion relates to the government's obligations under the *Partnerships Victoria Requirements* document. The Partnerships Victoria policy dates back to the previous Labor administration; it was first put in place under Treasurer John Brumby. It is a concise document of only a dozen pages or so which sets out what a government will do with respect to a public–private partnership (PPP). It is concise and straightforward. The latest version of that document, *Partnerships Victoria Requirements*, published in May 2013, is very clear with respect to the publication of contracts and related documents for PPPs. It states on page 5:

The portfolio minister in consultation with the Treasurer to approve the release of the project summary and contractual documents within three months of financial close.

The east–west link reached financial close on 3 October last year. We are now well beyond the three months within which the contracts were required to be published under the requirements of Partnerships Victoria, which were set down by the previous Labor administration.

We have had the Premier saying he would release the contracts in his first week. We have the Partnerships Victoria document requiring the contracts be released within 90 days of financial close. What we do not have is those contracts in the public domain. Leading up to the election we had a range of ill-considered statements by the Premier to the effect that the contracts were not worth the paper they were written on. Now that the Premier has seen the contracts and been briefed on them by his department and by counsel, he is resisting that release.

The opposition's point of view is that we believe the contracts that were executed for the east–west link are appropriate and robust. They appropriately protect the interests of the state of Victoria and appropriately ensure that this vital piece of infrastructure will be built, if they are honoured in accordance with — —

**Mr Herbert** — So why didn't you publish them? Why in government didn't you?

**Mr RICH-PHILLIPS** — I take up the interjection from Mr Herbert. If Mr Herbert understood the guidelines which were put in place by his own government, he would understand that the contracts were to be published three months after financial close. That falls within the period of the Andrews government, and it is a requirement that this government has not honoured. Had we been re-elected, we would have published those contracts.

The opposition believes these contracts are appropriate and robust and that they will withstand public scrutiny. Through this motion this morning we are calling on the government — in fact inviting the house to order the Leader of the Government in this place — to release those contracts. They will withstand public scrutiny, they are robust and appropriate for the project and they will deliver, firstly, on the Premier's currently broken commitment to release these contracts and, secondly, on the obligations under the *Partnerships Victoria Requirements* to release those contracts.

As the Premier said in his interview with the *Geelong Advertiser* the week after he was commissioned:

What's more I think the public interest is served by releasing those documents.

The opposition agrees with the Premier on this point. The public interest is served by releasing those east–west link contracts. They will highlight that the contract is appropriate and robust, and that the Premier's comments before the election that they are not worth the paper they are written on are ridiculous. They will be a significant embarrassment

to the Premier, and that is why to date the government has not released them. Public interest determines that they should be released, and I call on the house to support this motion that these contracts be released.

We require that the Leader of the Government table these contracts by midday on 12 February. This is deliberate. It is not a long time frame, and it is not a long time frame because it is a contemporary matter. These contracts are not things that have been buried in the archives, that the government will have to spend weeks or months looking for or that it will have to send a team of public servants to look for. These are contemporary contracts, they are a matter of public debate, they are readily available, and it is appropriate, given that the commitment to release these contracts was made by the Premier some nine weeks ago, that they now, by order of this Council, be released to the public this week.

**Mr LEANE** (Eastern Metropolitan) — I am pleased Mr Rich-Phillips has moved a general business motion about broken promises and the dastardly acts of the Napthine government in relation to that government's pet project, the east-west link. For a member who was a minister in that government to move a motion about broken promises is just amazing. The Baillieu government came to power on myriad commitments.

**Mr Barber** — The Doncaster rail line.

**Mr LEANE** — Thank you, Mr Barber. That is the first commitment that was not fulfilled that I want to touch on. The fact that Mr Rich-Phillips has moved this motion to bring on a debate about broken promises makes me wonder whether there are any leadership pressures between him and the new leader of the Liberal Party in this chamber, because the most outrageous broken promise in Eastern Metropolitan Region was a commitment to build the Doncaster rail line. The commitment was quoted in literature distributed in the electorate. It was a quote of the previous member for Doncaster in the Assembly, now a new member for Eastern Metropolitan Region and the new leader of the Liberal Party in this house. The commitment was 'Doncaster rail. We'll fund the study. We'll find the funds and we'll build it'.

**Ms Wooldridge** interjected.

**Mr LEANE** — It is a quote attributed in quotation marks in campaign material of the new opposition leader in this house. I have to say I appreciate that she is the opposition leader and not the leader of the Liberal Party we had during our last term of government.

Before the 2010 election the now Leader of the Opposition stood next to former Premier, Mr Baillieu. As Mr Barber has interjected, on the TV news Mr Baillieu, with the previous member for Doncaster, stated — unless the TV news was doctored somehow — 'This is a great day for Doncaster. If we form government' — which they did, in 2010 — 'we will build rail to Doncaster'.

**Ms Wooldridge** interjected.

**Mr LEANE** — I have the election — —

**The PRESIDENT** — Order! I want to bring this debate back to the motion. The motion is a production of documents motion. It is a very narrow motion. Historically in this place production of documents motions have explored the need for documents to be provided. It might be interesting to go back over election campaigns and bring in people, but it is not part of the debate for the production of documents. I ask the member to come back to the narrow debate for the production of documents.

**Mr LEANE** — On a point of order, President, if you read the motion, it is not narrowed to a call for documents. If it were narrowed to a call for documents, the tradition of this house — it is only a tradition; it is not in the standing orders — is that those debates can be limited. However, I have to say that in the previous Parliament there were government contributions on production of documents that lasted over an hour.

**Mr Barber** — Weeks!

**Mr LEANE** — Weeks. I thank Mr Barber for that clarification. Paragraph (1)(a) of the motion accuses the new Premier of breaking a promise. If the motion were limited to the production of documents, then maybe I would say that your ruling is fine, but I find it hard to accept the ruling when paragraph (1)(a) is present in the motion.

**The PRESIDENT** — Order! Mr Leane makes a fair point. I have had an opportunity to look at the motion and it is more than just the production of documents, but nonetheless the debate material Mr Leane was using, as I heard it from my office, was outside even the scope of this part. I am happy to have Mr Leane debate the motion a little bit more fully than just the straight production of documents given paragraphs (1)(a) and (b) and he may answer those points, but Mr Leane made a most unfortunate remark in terms of leaders of the opposition which I do not think did us much justice. To be talking about the current Leader of the Opposition standing beside a former Premier and doing

this or that is really not part of the debate on this motion.

I will meet Mr Leane part way in as much as the motion is not just about the production of documents, based on what I have just read, so I accept his point of order, but I ask him to keep the debate to the points that are here and not make it some sort of great romance.

**Mr LEANE** — On a further point of order, President, I understand that lead speakers get some scope in these debates. As I said, if we are going to be consistent with the last Parliament, that is exactly what happened in general business motions. Paperwork motions could be debated for weeks, as Mr Barber rightly interjected. I find it inconsistent, and I believe that as lead speaker I have the right to build an argument and a case around this motion.

**The PRESIDENT** — Order! Indeed, but as I said, the member needs to be focused on what the motion actually says. I still regard it as a fairly narrow debate; I do not regard it as encompassing being able to go over election campaigns and so forth. I regard it as addressing the points that are here, and I believe there is consistency with the last Parliament. I believe Mr Leane's recall is different to mine in terms of production of documents motions and so forth in previous Parliaments; we did indeed maintain a focus on those documents. I notice that quite a lot of speakers have been proposed by the government so we are looking at a fulsome debate. At the end of the day it is still basically a production of documents motion. I accept that the member can go further, but I ask him to try to keep it to a debate — on the substance of this issue.

**Mr Dalidakis** — On a further point of order, President, not having been a member of the last Parliament obviously I defer to your rulings, but the Honourable Gordon Rich-Phillips introduced in his motion the notion of a broken promise, so the response to the motion deserves a little bit of latitude around being able to provide examples to illustrate that the Premier has not broken a promise by contrasting the situation with broken promises that occurred previously. A little bit of latitude is not only desirable but optimal as well.

**The PRESIDENT** — Order! But there is not much latitude. The Premier made a commitment to release contracts, and that is what Mr Rich-Phillips picks up on in his motion. The motion addresses this government's commitment — not the commitments of other governments, not other promises in the past, not other matters. It is quite a specific motion. We have a pretty busy agenda for today with other production of

documents motions and so forth; there is an extensive range of items on the program. I hope this is not a filibustering debate and that it will address the substance of the matters raised in the motion. I want members to have the opportunity to debate, but it is important to stick to the parameters of the debate as outlined in Mr Rich-Phillips's motion.

**Mr Herbert** — On a point of order, President, I appreciate your guidance — I also am new to this chamber — but Mr Leane is the lead speaker. You pointed out that you do not want speakers to go over commitments made by past governments. The debate is about what happened when a decision was made by the previous government. I appreciate the motion is about documents produced under the previous government, but given the nature of the way the motion was drafted I would have thought that as lead speaker Mr Leane would have some scope to reflect on past practices in the transport area before getting to the salient point of the motion. That is what Mr Leane is doing; he is not focusing on a point for an excessive amount of time. He is making some points about transport issues and previous government practices, and I would have thought that is a reasonable lead-in for a lead speaker when addressing the motion.

**The PRESIDENT** — Order! I hope that is right.

**Mr LEANE** — Thank you, President. If it conforms to your ruling, I will briefly touch on commitments made by the Baillieu-led opposition before it came to office and then move on to the history, as we see it, of the east–west link tunnel by also addressing other points raised in the motion.

On the Doncaster rail link, commitments made by the previous government to build a Southland station never eventuated. There was a commitment to implement lock, stock and barrel all the recommendations from the 2009 Victorian Bushfires Royal Commission. The previous leader of The Nationals ran around and said a number of times that those recommendations would be implemented lock, stock and barrel. One of the recommendations from the royal commission was to put single insulated powerlines underground, yet under the previous government I do not know whether any of that type of powerline was put underground. A commitment was made to deliver 800 new hospital beds to reduce hospital waiting lists.

**Mr Barber** interjected.

**Mr LEANE** — Watch this space, Mr Barber, about keeping election commitments. I could ask the same thing: how many election commitments have you kept?

If we want to go there, the answer to that would probably be zero as well.

There was a commitment not to sack any public servants, yet thousands of public servants were sacked within months of the former government coming to office. When it came to freedom of information applications, Mr Baillieu said before the election, ‘Seek and you will receive’, which was far from the case when high-profile Liberal Mr Coulson was FOI officer in the Premier’s office. I suppose a lot of people in the Liberal Party wish he had not been in that role, but that was a fact.

A promise was made to eliminate Dorothy Dixers from question time in Parliament. During an ABC election leaders debate Mr Baillieu was asked a question on that issue by one of the panellists, Josephine Cafagna. He said — 100 per cent — that he would eliminate Dorothy Dixers in the Parliament, but it did not go close to happening. There was a commitment that teachers would be the highest paid in the land, and that did not happen. There was a commitment to keep to the target of reducing greenhouse emissions by 20 per cent by 2020. That commitment lasted one week! The Treasurer at the time, Mr Wells, the member for Rowville in the Assembly, did not even know that the government had made the commitment, but it was in its election material.

I will move on, President. But on your ruling, for Mr Rich-Phillips to come into the chamber and say there has been a broken promise from the Premier is a strange premise for a motion, considering the track record of the government he was part of in keeping its election commitments. Not keeping those commitments is the reason his party is not in government anymore.

In his motion Mr Rich-Phillips seeks to have documents tabled tomorrow in the Council. The motion states in part that these documents are:

... all contract documents entered into by or on behalf of the state of Victoria with the East West Connect consortium ...

If Mr Rich-Phillips wants these documents tabled tomorrow, he might want to sight them. I thought Mr Rich-Phillips was part of the government that produced these documents and that he would have signed off on them. I did not see Mr Rich-Phillips, as the then Assistant Treasurer, at the ceremony in that weird white bunker where the then Premier and current member for South-West Coast in the Assembly, Dr Napthine, and the then Minister for Roads, the member for Polwarth in the Assembly, Mr Mulder, signed the contracts — maybe he wanted to distance himself from it — but now Mr Rich-Phillips is asking

to see documents that he co-authored. He is asking to see documents that his government, not this government, produced, documents that he would have been party to producing, which seems to me to be a strange premise. Maybe it is just me.

**Mr Rich-Phillips** — It is.

**Mr LEANE** — Maybe it is just me, but it seems to be a strange premise given that these are the previous government’s documents.

Let us look at the history of this project. As I said in my introduction, it was quite a disappointing and sad event for the state of Victoria. We see it is as an act of panic to commit to this project — —

**Mr Somyurek** — After three and a half years of doing nothing.

**Mr LEANE** — That is exactly right, Mr Somyurek. Basically when the previous government came to power with Mr Baillieu at the helm there was disappointment within his party about the pace he set in government. There was some disappointment from Mr Baillieu’s government about his vision for government. I recall the story about Mr Baillieu speaking to businessmen. When he was asked about his vision, he looked out the window of that particular building and said, ‘I can see my house from here’. I do not know if that was too helpful for Mr Baillieu’s leadership — —

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I refer Mr Leane to the previous ruling by the President where he was asked to confine himself to the motion at hand, which relates to the production of documents. I feel he is straying again, even though he gave a commitment that he would deal with the motion before the chamber.

I also ask Mr Somyurek to stop interjecting unless he wants to be put on the speakers’ list, which I am happy to accommodate through the Government Whip if Mr Somyurek wishes it. Mr Leane has the call. He is speaking to the motion. I draw him back to the motion and invite him again to take the call.

**Mr Somyurek** — On a point of order, Acting President, I note that Mr Leane is the lead speaker for the government and that he is building a case. It is a broad-ranging motion that Mr Rich-Phillips has put on the table. From what I have heard, and based on my interjections as well, Mr Leane was talking about the east–west link. He was talking about three and a half years of complete paralysis.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Mr Somyurek is straying from the point of order. I do not accept the point of order. Mr Leane has had 21 minutes to start building a case around the motion and now he is referring to the activities of a former Premier, Mr Baillieu. All I am asking Mr Leane to do is come back to motion 28 on the notice paper.

**Mr LEANE** — I thank the Acting President for his ruling, and I will concentrate on the east–west link. As I said, as far as we can see, the commitment by the previous government was a knee-jerk reaction to fair criticism that the pace set by that government was a problem for not only Victoria’s economy but the then Premier’s party. That was the catalyst for a change of leadership and a change of premier. That is a fact. No-one really knows what happened on the night there was a change of premier other than the people in the party room. Even the next day some of the Liberal Party caucus did not know what had happened when Mr Baillieu was removed and Dr Napthine was made Premier.

Premier Napthine inherited from Mr Baillieu the criticism that his was a government that had put the economy to sleep. It was a government that had not committed itself to any major projects other than when the then Minister for Major Projects oversaw the design competition for the Flinders Street railway station redevelopment. The government was very proud that it had completed one major project in a term. That project was basically a competition which saw Victorian taxpayers give a lot of money to an overseas architectural firm for a design that no-one really likes and the government had no intention of funding or building. This was the pressure the former government was under.

Basically the Liberals changed leaders and they needed to have some sort of flagship major project in order to try to rescue their political fortunes. Their finger randomly landed on the east–west link. Mr Baillieu had handed over the leadership to Dr Napthine and had copped criticism that he had done nothing, but the bottom line was that Dr Napthine did the same thing. He did nothing, but at a more frenetic pace. He tried to go out and paint himself as Action Man, promoting the east–west link, and that included sitting on plastic toy trucks — as you do — and jumping on skateboards, bicycles and scooters.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Mr Leane has given a commitment to the chamber that his contribution will address the motion — that is, motion 28 — which talks about the release of east–west link contracts. In the last 5 minutes

of his contribution I have not heard anything about the release of the contracts for east–west link. Again I refer Mr Leane back to the motion. I will continue to do so throughout his contribution if I believe he is straying from the motion before the house.

**Mr Melhem** — On a point of order, Acting President, just to correct one thing: Mr Leane mentioned east–west matters only about 35 seconds ago and did so a number of times when he was referring to the Premier as well, so he is still well on track and is talking about the motion.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I am not sure the mention of the words ‘east–west link’ links his remarks to the motion.

**Mr Dalidakis** — On the point of order, Acting President, the reason it is important to discuss those issues of change of leadership in the previous government is that we would not have got east–west link if the leader had not changed.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I note Mr Dalidakis’s name is on the list of members to speak, so he will make a contribution to the debate in time. I do not believe the leadership of the Liberal Party has context in debate on this motion. Again I ask Mr Leane to come back to the motion.

**Mr LEANE** — I am happy to come back to the motion and speak on the east–west link, Acting President, and I respect the fact that it is your job to pull me up if you think I am straying from the motion.

The point I was making was that east–west link was part of the previous government’s attempt, under Premier Napthine, to counter the impression that his government was doing nothing. Because he wanted to be seen as Action Man, Dr Napthine plucked out this particular project.

**Mr Finn** — On a point of order, Acting President, I was in my room listening to Mr Leane’s contribution — or indeed what passes for a contribution — and felt compelled to come to the chamber to raise this point, having had a little bit of experience myself with exactly what Mr Leane is doing at the moment. It is obvious to anybody who is taking even a passing interest in this debate that he is not even mildly interested in referring to the motion before the house. He will talk about anything apart from the motion before the house. His contribution is irrelevant.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I do not support the point of order. I have already encouraged Mr Leane to refer back to the

motion that is on the notice paper and he has made a commitment that he will do so. As I said, I will rule against Mr Leane again if I believe he is straying from the motion. Mr Leane has the call.

**Mr LEANE** — Thank you for the call, Acting President, and thank you, Mr Finn, for that confession.

Getting back to the east–west link, regardless of which Premier was leading the government at the time, Labor saw it as a project that the then government needed to pluck out to show it was acting. It was under pressure from the building industry, economic groups, the Australian Industry Group and a lot of other people to produce a major project.

**Mr Somyurek** interjected.

**Mr LEANE** — As I said, I think it was the whole business community and in particular the building industry, which relies on major projects from the Victorian government. It was under pressure from various levels of the building industry. As we know, government major projects involve larger companies becoming engaged in the projects, and that then leads to more work becoming available in the mid and lower scale of the building industry, even benefitting sole traders, and everyone in the building industry respects that.

The Premier plucked out the east–west link, despite advice that there was more bang from the taxpayers dollar in other major projects, including Melbourne Metro. I believe the Premier made a commitment to some sort of Melbourne Metro project, but it ended up being the provision of a second train station near the casino. But that is neither here nor there.

Let us consider the defence and argument that Dr Napthine and his government mounted in the early days for pinning their flag to the east–west link. When the Premier was asked why he was committing his government to the east–west link project, he responded, ‘Because it is a game changer’. There were months and months of defence and rationale for this project from the Premier, when asked in Parliament and when asked by journalists and by any type of media — —

**Mr Finn** interjected.

**Mr LEANE** — I will get to the western suburbs, Mr Finn. I will get there.

**Mr Finn** — I think you should. It has been far too long.

**Mr LEANE** — I will get there. The former Premier said, ‘Because it is a game changer. Victorians need to commit these billions of dollars to do this project that most of them do not want, the reason being it is a game changer’. That was not good enough. It was not a game changer, I say to Dr Napthine. An Xbox console is a game changer. I do not know what else is a game changer, but that is a game changer.

In taking up Mr Finn’s interjection about the west, I do not think Dr Napthine’s caucus actually understood — —

**Mr Finn** — We have a parliamentary party.

**Mr LEANE** — His parliamentary party, then. I am happy to be corrected there by Mr Finn and am always happy to be assisted by him. I do not even think Dr Napthine’s parliamentary party understood what this project was going to be, through the chanting of, ‘Game changer, game changer, game changer’. I was sitting where Mr Ondarchie is sitting now when an adjournment matter was raised by Mr Elsbury — and I wish him very well; I respect him because he used to have a crack, and he had a crack that day at his own government when he raised the adjournment matter — calling on the Premier to start this project at the western end.

**Mr Finn** — That was your policy at the time. You have done a complete backflip over it!

**Mr LEANE** — At the time, Mr Finn, unfortunately you were in government. At the time it did not matter. At the time the Labor Party was in opposition. This is what you will get — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I ask Mr Leane to take a seat for a minute. For the information of new members, we address the members in this chamber by their surnames. The debate does not happen between members; the debate happens through the Chair. I remind Mr Finn that he should not interject. If he wishes to be put on the speaker list, I will ask the Opposition Whip if she can accommodate it. Also I note that there are four government speakers on this motion, and while the whip has advised me that referring to east–west link constitutes referring to the motion, the motion is clear about the documents required and the promise made by the now government to produce those documents within a week. I ask for the contributions by members to come back to motion 28(1)(a) and (b) and (2), to allow time for debate and for other members to speak. I am not directing Mr Leane’s contribution, I am just

encouraging him to refer back to the motion at hand in relation to paragraphs (1)(a) and (b) and (2).

**Mr LEANE** — Thank you for your ruling, Acting President; I appreciate what you have said. I am not one to be greedy, so I will go to the paperwork of the east-west link business case. I think that was important to bring up. I know it is unruly to respond to interjections, but I could not help myself. Mr Finn provoked me. I will take that on board.

We have a motion before us today calling for the production of documents for the east-west link project. It is strange, because I remember when we occupied the opposition benches, which seems a long time ago —

**An honourable member** — Last year.

**Mr LEANE** — It was only last year. I remember that when we were sitting there, many general business motions were moved calling for east-west link documents. There were calls for the release of the full business case. Motions for the release of the full business case were denied by the then government. In fairness to not just this chamber — there are only 40 MPs in here, but we represent a lot of people — and the people we represented, we argued that if this was going to be the star in the Napthine government's election campaign, then every Victorian had a right to see what the project actually delivered. When we asked for that, former opposition members were given the short-form business case.

Basically the short-form business case comprised 12 pages. Those 12 pages included the covers, so basically there were 10 pages, and the information, the actual text, was in a huge-sized font. Inside those 10 pages — if you do not count the covers — three-quarters of one page was taken up with a picture of a tram. We were talking about a road tunnel and a business case that was supposed to convince Victorians that this project was going to be good for the nation. We were supposed to have voted on the basis of this 10-page brochure, half a page of which was taken up by a picture of pedestrians at an intersection in the middle of town. Half a page was taken up by a picture of pedestrians. Every one of the 10 real pages, if you want to call them that, had much of its space taken up by many coloured triangles. Forgive the public for not being sold on what was produced, but it just was not good enough. We now know what was not put into those 10 pages. It was 50 years of tolls.

**Mr Somyurek** interjected.

**Mr LEANE** — Absolutely, Mr Somyurek. It was not just the tunnel; it was the tolls on the Eastern

Freeway and the tolls on the West Gate Freeway. The big selling point was that this project was going to return \$1.40 for every \$1 spent. But after the bragging about this return, the reality was that this project was going to return 45 cents in the dollar. It is a bit strange that all of a sudden there is this call to release the documents when that was denied time after time. I am not standing up here saying we are going to deny these documents. What I am saying is that we will not vote for a motion of this nature from a party that came to office on broken promises. The Baillieu and Napthine governments came to power on the back of many broken promises, and we are not going to support a motion of this nature from the experts in broken promises.

If this were purely a call for documents, then we would not have any problem with those documents going through the processes —

**Mr Finn** — They are waiting to take your photo.

**Mr LEANE** — Someone is waiting to take my photo? That is it; I am going. On the game changer stuff and the stuff about \$1.40 for every \$1 spent, it might have been good enough for Tony Abbott to support the project, but it was not good enough —

**Ms Shing** interjected.

**Mr LEANE** — Good point, Ms Shing. Tony Abbott said, 'This is a referendum about the east-west link'. That referendum was lost. Fortunately the Victorian public was not sold on a statement about \$1.40 being returned for every \$1 spent. It was not swayed —

**Mr Finn** — On a point of order, Acting President, of relevance. I fail to see how reliving the last state election campaign is at all relevant to this motion, which is about documents. It is a very narrow motion. Mr Leane has wandered far and wide. With very great respect, I think it is time that he be brought back to some reference to the motion, at the very least.

**Mr Somyurek** — On the point of order, Acting President, Mr Leane is the lead speaker for the government so he has some leeway. I concede that on occasions he has taken full advantage of that leeway. But at the moment when Mr Finn raised his point of order Mr Leane was talking about the documents. There was an exchange between me and Mr Ondarchie about the last state election. Maybe Mr Finn misheard.

**Mr Ondarchie** — On the point of order, Acting President, in relation to relevance, Mr Leane said in his contribution that he would not deny the release of these

documents, so I am not sure that he has anything further to add given that he is supporting the motion.

**Mr LEANE** — On the point of order, Acting President, Mr Ondarchie is verballing me. I am not saying that we are denying these documents — those are the words I said. Therefore I think Mr Ondarchie has verballing me.

**Ms Shing** — On the point of order, Acting President, I fail to see the issue in relation to Mr Leane's contribution which, over the last 10 minutes, if I have been watching the clock with any accuracy, has been confined to the question of documents relating to the east–west link. On that basis, and given Mr Leane's assiduous contribution on the many prongs of this motion, I urge you to give consideration to allowing Mr Leane to continue his contribution along the lines that he has begun to do.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I will respond to the five members who spoke on the point of order. I do not uphold the point of order, but I have sympathy with the points that were made by all those members. I refer to the President's rulings on Mr Leane's contribution and his concern about Mr Leane straying away from the motion before the chamber. I also refer to the President's statement that it is true that lead speakers have some latitude in relation to these motions. However, I say to the chamber, particularly to those members who are about to speak on this documents motion, that there is a general motion in relation to the east–west link on the notice paper for today so there will be plenty of opportunity for them to expand their contributions in relation to the east–west link. This is a documents motion — a fairly tight, specific motion on the notice paper, involving paragraphs 1(a), 1(b) and 2. My understanding is that Mr Leane, as he was summing up, was going to be strictly referring to the motion at hand. In fact I thought the last part of his contribution actually directly referred to the business case of the east–west link. Potentially and hopefully he will refer again to the motion in relation to contracts.

**Mr LEANE** — Dealing with the contracts that I understand are part of this motion: even after years of public opinion polls saying that the Napthine government may not be successful at the 2014 election and even after the Labor Party made its position more than clear months out from the 2014 election, the Napthine government went ahead and signed these contracts, which the opposition is now calling for. It signed the contracts only weeks from the election and literally days from caretaker mode.

I see this as a sinister act of the previous government; it is an absolutely irresponsible, sinister act. It signed contracts when the public was clear about what it thought about the project and the opposition was more than clear about its policy on the project. Dr Napthine and Mr Mulder went into that white bunker — I do not know what that was all about — and made a big song and dance about signing these contracts. They filmed it, and the thing that got me was that it was in some weird white room.

**Ms Shing** interjected.

**The PRESIDENT** — Order! I do not think Mr Leane needs assistance; he should continue without assistance.

**Mr LEANE** — Sometimes I do need assistance, Acting President, and Ms Shing was quite helpful.

What is even worse than signing contracts days from caretaker mode is the former Treasurer's side deal. If signing those documents was a sinister act by the Napthine government, then Michael O'Brien's side deal was an act of bastardry inflicted on this state. And he went out and bragged about it — and is still bragging about it! I reckon the gas is going to come out of that soon. He was intimating that if his parliamentary party did not win the election, that would be bad luck because Victorian taxpayers were going to have to pay anyway. That is due to Mr O'Brien's side deal, which was an amazing act of bastardry inflicted upon this state.

It was an act of malice towards the voters in case they had the audacity to vote out a government that they saw as a bad government. It was a government that they saw as a do-nothing government. Mr O'Brien was running around saying that if the Victorian voters decided to vote the government out, there would be a penalty. He was intimating that they were all going to be penalised. He was running around saying, 'I have done a side deal and everyone is going to pay'!

On top of that, we have this motion calling for cabinet documents and contracts, when Mr O'Brien only days ago publicly released a cabinet-in-confidence document, his side deal. He went out and bragged about it, releasing it to any radio station, TV station or newspaper he could. He said, 'Here is the side deal', and his intention was to suggest that if the public decided it did not want the east–west link then the consortium would still take a bucket of taxpayers money.

I see this as an absolutely outrageous act. It is an amazing act for which there has been no precedent. If

you use a search engine on the internet and type in the search term ‘Victorian government side deal’, the only results are about Michael O’Brien. It only comes up with Michael O’Brien! This is Michael O’Brien’s legacy. This side deal, which he has gone out and bragged about and which is an amazing act for a minister of the state to have undertaken, is his legacy.

People who were in this chamber during the previous government’s term know Mr Guy. I will be disappointed with Mr Guy if he does not show some leadership and does not remove Mr O’Brien from the front bench after this. I do not think he has any choice. I think he needs to remove Mr O’Brien, and I will go even further — —

**Mr Finn** — On a point of order, Acting President, this motion, as we have discussed, is a very narrow one: it is about documents. It has nothing to do with the opposition front bench; it has nothing to do with the Leader of the Opposition; it has nothing to do with the shadow Treasurer, yet that is all we have heard about for the last 5 minutes from Mr Leane. He clearly needs to be brought back to the motion.

**Mr LEANE** — On the point of order, Acting President, I would argue that the motion has everything to do with Mr Guy and Mr O’Brien because they were ministers in the government that signed these contracts. They were ministers in the government that signed the side deal.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! The point of order is not for debate. I uphold the point of order because I cannot see that changing positions in relation to the party room is relevant to the motion. I again ask Mr Leane to come back to the motion on the notice paper.

**Mr LEANE** — I accept the Acting President’s advice, and I will address the motion on the notice paper, but I still find Mr O’Brien’s part in this unbelievable. If Mr Guy does not want to show that leadership, then maybe Mr O’Brien should show leadership and resign as a member of Parliament.

**Mr Finn** — On a point of order, Acting President, Mr Leane said he accepts your ruling, but he immediately flouted it. He cannot do both.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I uphold the point of order. Mr Leane just gave me a commitment that he would move back to the motion and support the ruling I just made. I ask him to do that and not refer back to the positions of the opposition.

**Mr LEANE** — I thank you for your ruling, Acting President. This motion by Mr Rich-Phillips, which is on the notice paper, identifies what the opposition sees as a broken promise. It is a shame those opposite were not better at identifying broken promises when they were in government. That would have been a killer thing to do. It might be a bit late to, all of a sudden, start identifying broken promises at this stage of the game because, as I stated, the Baillieu and Napthine governments came to power on myriad broken promises.

This motion requires the production of documents relating to what is essentially documentation drawn up under the previous government. Members of the previous government are calling for documents produced by the previous government. That is the way I see it. That is a bit weird in itself. I appreciate that there will be calls for documents in this chamber during this government’s term, and I respect that. When I was an opposition member and spoke on such motions I stated to the government at the time that I respected the limitations it had on it so far as cabinet-in-confidence documents were concerned.

**Mr Ondarchie** interjected.

**Mr LEANE** — Mr Ondarchie is welcome to check *Hansard*, where he will find that I said I respected the fact that there were limitations on the government in relation to commercially sensitive paperwork and documents.

**Mr Ondarchie** — Why did you promise it?

**Mr LEANE** — You just need to sit tight a little bit longer.

*Honourable members interjecting.*

**Mr LEANE** — You might do an O’Brien and release it yourself.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Mr Leane! We have now spent 58 minutes on Mr Leane’s contribution on a documents motion.

**Mr LEANE** — I will wrap up now because I have touched on the motion and the fact that we find it hypocritical and quite strange for an opposition to call for documents produced when it was in government, but if that is the way it wants to use its first chance to address general business in opposition, that is out of the government’s control. We respect that, and we are happy to let the debate around this issue continue. We will speak about broken promises and the east–west link as long as the opposition wants to; we are happy to do that.

The opposition gave us so much fodder when it was in government, when you think about such things as the teachers being the highest paid, the rail line to Doncaster — —

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I am going to get in first before Mr Finn raises a point of order and again ask Mr Leane to refer his contribution back to the motion.

**Mr LEANE** — Thank you, Acting President. I actually went through an identity crisis just then when you said that.

We will support paperwork motions, and we have; but we will not support a motion that talks about a broken promise. As I said to the opposition and to Mr Barber, ‘You just have to be patient. It is going to happen’. I would be saying to opposition members of this chamber in particular, ‘You really need to be careful what you wish for’, because there is so much to come out about this project.

**Mr Finn** interjected.

**Mr LEANE** — Mr Finn needs to be patient. Good things come to those who wait. Members of the opposition really need to be careful what they wish for.

**Mr BARBER** (Northern Metropolitan) — This motion is in two parts. The first part relates to the Premier breaking his promise to release the east–west link contracts in the first week of a Labor government, and as much as anything can be a fact in politics, it is a fact that the Premier has broken that promise. That is what sticks in the government’s craw. Apparently government members will call for a division on this motion because they do not want to have to admit they have broken this promise. I do not propose to spend much time at all on that part of the motion. Suffice it to say that when Steve Bracks became Premier in 1999, he reviewed and released all of the Kennett era contracts, but with this government it will be like pulling teeth.

As we look down the notice paper we see a number of motions in the same vein, one seeking a study, another seeking a business case and another seeking — —

**Mr Dalidakis** — On a point of order, Acting President, the motion before the house is not about debating other motions on the notice paper. The member should deal with the motion at hand.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I thank the member for his point of order, but

Mr Barber just started his contribution and we should allow him a little more time.

**Mr BARBER** — Thank you for your protection, Acting President. The second part of the motion is the action part of the motion. Members have heard a lot of rhetorical debate and flourishes and all the rest of it, and we will hear a lot more of that over the next four years, but the second part of the motion requires someone to do something — that is, the Leader of the Government is to table in the Legislative Council by a certain date and time all the contract documents. This is not just a matter of rhetorical flourish; depending on the outcome of the vote on this motion, someone may or may not be required to do something, and that is quite important.

The Parliament has the power to require the Leader of the Government to table these documents. It is important we understand that as we go through the various motions on today’s notice paper that have a similar aim. The Parliament has the power to request that documents, persons and other things be brought before it so the Parliament can get on and do its job.

Parliament has two jobs: one is to scrutinise the government of the day, and the other is to deal with legislation. You could argue, though, that they are the one job because, as I know many members have heard, the government may at some future time bring legislation before this Parliament to cancel these contracts. I know members of the crossbench have already been canvassed by the media as to how they might vote on that hypothetical legislation. That is the very reason those same MPs — in fact all MPs — would want to know about these contracts. They would want to see these contracts because future legislation may very well relate to them, and they would not want to cast a vote that is uninformed. It is for that reason that the Parliament not only should but must have the power to seek documents such as these.

If any members have any doubt about the Parliament’s power to do this, they should ask the clerks for a copy of the legal advice obtained by the Legislative Council almost eight years ago in relation to the gambling licences that were subject to a select committee inquiry process. New members who want to know more about this could ask the President for advice about how this and other parliaments have in the past upheld and used their powers. There is not a Parliament in the Westminster family that has ever acknowledged any limitation on its ability to call for documents, persons and other things.

We started to hear a bit of an argument from the government about cabinet-in-confidence documents,

and we will have to return to that at a later date. There was even a discussion about commercial in confidence being some magical formula that means Parliament should back off from a no-go area. Government now vastly outsources its services compared to what it did 20 years ago. Huge amounts of what were previously government-provided services are now delivered by the private sector. We may have outsourced the delivery of those services, but we have not outsourced the accountability for the delivery of those services, and it is impossible to suggest that the Parliament can no longer scrutinise things just because a private contractor is delivering them.

As for cabinet in confidence, if we accept that argument, it will not be long before every single piece of paper is routinely put on a trolley and wheeled through a cabinet meeting so that it becomes a cabinet document. In fact you could have cabinet meetings in a document storage facility on an industrial estate and say all that paper is now off limits to the Parliament and, by extension, the people of Victoria. Make no mistake, that is our job here. In between elections we stand in the shoes of the people of Victoria and look after their money and their interests.

If members like, they could simply look at the Constitution Act 1975, which must govern us as MPs. It is a very good thing to read this. When all else fails, read the instruction manual, and here it is: the Constitution Act 1975. You do not have to be a lawyer — I am not a lawyer; I was trained as a biologist — but it is a matter of common sense to start understanding what the powers of the Parliament are, to simply read the words of the constitution and to make your own judgement about what you think they mean.

Section 19 says, in short, that this Parliament has the powers, privileges and immunities of the House of Commons of 1855 — that is, we imported from Westminster at the time of our creation as a state all of the Westminster powers. Did the House of Commons at that time have the power to call for documents, persons and other things? Absolutely it did. What was the big thing members were debating in the House of Commons in 1855? The war in the Crimea, still one of the most disastrous military debacles ever. When the MP for Sheffield stood up and moved a motion calling for an inquiry into the debacle in the Crimea, the government treated it as a motion of no confidence and resigned. Talk about accountability! Parliamentarians knew what it was back then, but good luck getting any government or any individual minister to resign or accept any kind of accountability for anything these days. If you go back and read the reports of the debates of the House of Commons of the time, you see that

members routinely called for documents on a whole range of matters, and those documents were delivered.

If you want, alternatively, a more accessible version of an understanding of what the Victorian constitution is, you can read this book *The Constitution of Victoria* by Greg Taylor; there are copies of it in the parliamentary library. Before we were a balance-of-power Parliament, this book was not getting much of a workout. In fact when I checked out the copy from the parliamentary library the spine opened with an audible crack, suggesting that nobody had ever read it before. I can tell you that since the government has lost control of the upper house, as the then government did in 2006, the concepts, findings and academic work in this book have been getting a real workout. Page 276, which talks about the powers of Parliament, states:

One might add that the power to send for documents and other things, and to compel the attendance of witnesses, is one of the chief weapons available to an upper house in which there is no government majority and which wishes to perform its functions of scrutinising not only legislation, but the performance of the executive government more generally. This power can be exercised by the house itself or, if delegated by it to them, by committees, although the power of punishment for disobedience to such a summons is each house's alone.

It goes on to say:

The power to send for persons, documents and other things is subject to an exception for members, documents and other things belonging to other houses of Parliament (both the other house ... and the houses of ... Australian parliaments) ...

That is, however, to do with the comity between the different houses and the different parliaments. Since they all have these powers, you want to avoid a constitutional head-on collision between two of them to make impossible a situation where one house orders someone to do something and another house orders someone not to do it. That is why the powers must be exercised separately.

We could go around to other parliaments, including the Canadian Parliament, and talk about where the powers have been used and how precedent has developed in those parliaments. In the case of New South Wales you can also look at court cases. There is the case of *Egan v. Willis*, where the leader of the government, Mr Egan, was asked to present certain documents about — I think it was — a mining company. He refused to do so and was expelled from the house. He took the Parliament to both the Supreme Court and the High Court and lost, and in New South Wales now it is routine for motions such as this to be moved and complied with, because there is no dispute there anymore.

You could also look at the powers of the Auditor-General and the Ombudsman. They are independent watchdogs who assist the Parliament — independent officers of the Parliament who assist us in our role of scrutiny in government. Both the Auditor-General and the Ombudsman have powers to look at even cabinet documents and to release them if they believe it is in the public interest to do so. They get their powers from acts, and the acts come from the Parliament, so it follows that if they have those powers, of course the Parliament itself must have those powers as well. Quite literally, a stream cannot rise above its source. That is, then, a brief sketch of how it is that the Parliament has come to have the power to require the tabling of documents and also why it is important.

It remains only for members to decide that as a matter of preference the house does need to see these documents. I have already pointed to one reason: it could be that the government sooner rather than later wants to bring legislation before this Parliament to expunge part of the contract or possibly even to expunge the ability of the contractor to receive compensation, and when that happens and when members need to make up their minds about how to vote on that legislation they are going to want to have been informed by themselves having read the contracts. For that matter they may just see it as their duty to have this material released.

The power of Parliament to make this order is absolute and in my view unchallengeable. In the view of others, such as constitutional law expert Greg Taylor, it is likewise unchallengeable and is also without limit. It is, however, the wise exercise or use of that power that it is for the chamber to decide. I believe it is critical that we release this contract. It would not matter to me whether or not the Premier had promised to release it. It should be released, and it should be released quickly. For that reason the Greens will be supporting this motion.

**Mr ONDARCHIE** (Northern Metropolitan) — It is clear that the Andrews Labor government's summer of spin continues. Those opposite have been promising one thing in opposition and are not delivering it in government. When they were in opposition, Labor members demanded that documents be released. They spent countless hours of parliamentary time seeking a myriad of documents by way of substantive motion, yet today they oppose Mr Rich-Phillips's motion 28 that the east-west link contracts be released tomorrow. The government said it would do this — it said it would release the contracts — yet here are government members today standing in the house and denying the opportunity. They shy away, hide and retreat. It is a good job the International Cricket Council World Cup

is on at the moment, because the great spinners in Victoria are on that side of the chamber.

In question time yesterday Mr Somyurek said that Labor would fulfil every one of its election commitments — not some, not a few, but every single one. This was an election commitment by the Labor Party. The Labor Party of Dan Andrews said it would release the contracts. We are asking for that to happen, and Labor is reneging. Labor has form on reneging on its commitments; I well remember Labor in 1999 promising a train line to South Morang. The South Morang rail extension was completed 13 years later, under the watchful eye of the coalition government. Labor also told us when it was last in government that it was going to release a brand-new public transport ticketing system that would be good for Victoria — the myki ticketing system — and it reneged on that commitment as well. The myki system still needs work. Labor promised a desalination plant that would be an important bit of infrastructure for Victoria. Now this apparently vital bit of infrastructure is costing Victorians \$1.8 million every single day.

**Mr Somyurek** — How many problems did you fix? That was a whopper, wasn't it!

**Mr ONDARCHIE** — As the minister for Google interjects, let me tell him the simple calculation — —

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Enough is enough. Mr Ondarchie should direct his comments through the Chair, and Mr Somyurek should refrain from interjecting.

**Mr ONDARCHIE** — Through the Chair, I remind the Minister for Small Business, Innovation and Trade that in the Andrews Labor government's term in office Victorians have paid \$133.2 million for the desalination plant. That sum has been spent on a so-called vital piece of infrastructure that is the greatest white elephant this state has ever seen.

**Ms Shing** — It's an insurance policy.

**Mr ONDARCHIE** — I will take up the interjection of Ms Shing. She says it is a good insurance policy. My next insurance broker is not going to be Ms Shing. Already in the life of the government \$133.2 million has been spent on something that is not used. Ms Shing said yesterday in her maiden speech that Labor was going to cut through the rhetoric and cut back on the spin. The best thing she could do in the lunch break today is have a chat to Mr Leane, because that is not what we have seen today. We have heard lots of rhetoric and spin from Mr Leane, yet his colleague said

in her inaugural speech to this Parliament that the Labor Party was going to cut through that.

We also remember the airport rail link, a vital bit — —

**Mr Finn** — The first broken promise of the Bracks government.

**Mr ONDARCHIE** — As my colleague Mr Finn reminds us, it was the very first broken promise of the Bracks government, and the spin continues today. Labor may have changed its leader, but it has not changed its modus operandi.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I was instructed by the President that he informed the chamber earlier that this is a very narrow motion and that we do not want to debate broken promises or other things. I ask Mr Ondarchie to come back to the motion.

**Mr ONDARCHIE** — I indicate that I was responding to the contribution made by Mr Leane specifically relating to paragraph 1(a) of the motion, which reads ‘the Premier’s broken promise’. I was talking about broken promises in the context of the motion.

What we have seen today from the government is spin, spin and more spin. It promised one thing before the election and is delivering something completely different or reneging after. Victorians should get used to it, because this is what Labor does. It will say and do anything to win an election with no regard for the electorate itself, and we are seeing more of that today. The Andrews Labor Party, led by the cast of *Shrek*, is running government in Victoria. *Shrek*, Lord Farquaad and all the characters are there, playing Victorians as if this were a cartoon, and it is unacceptable. We demand, as Labor did — —

**Mr Melhem** — On a point of order, Acting President, I ask that the member withdraw his remark in relation to *Shrek*. He can correct me if I am wrong, but I think he was referring to the Premier. If he was, I believe he should withdraw.

**Mr ONDARCHIE** — On the point of order, Acting President, I made no correlation between the characters in *Shrek* and anybody specific at all. If Mr Melhem wants to assign roles to certain people, that is his business.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I understand Mr Melhem’s point of order. Mr Ondarchie has declared that the Premier has nothing to do with it.

**Mr Melhem** — He was precisely referring to the leader. There is only one leader of the Labor Party.

**Mr Finn** — He didn’t say that.

**Mr Melhem** — Fine; withdraw.

**Mr O’Donohue** — On the point of order, Acting President, I was listening to the contribution from Mr Ondarchie, and I have a different recollection to Mr Melhem. I do not believe he attributed characters from *Shrek* to any particular members of the government.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I have heard the point of order. My understanding is that Mr Ondarchie did not relate his comments to the leader or to the Premier.

**Mr ONDARCHIE** — If I could just touch on Mr Melhem’s point of order where he asked me if I were — —

**Ms Shing** — On a further point of order, Acting President, I fail to see the relevance to the motion that is being debated of ascribing characters from films to various members of the government. On that basis — and referring to comments that you have made and other comments that have been made by the Chair in the course of today’s discussion — I ask that Mr Ondarchie be asked to rein in his remarks and to remain relevant in the way we have been asked to do.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I have already asked Mr Ondarchie to come back to the motion, and I think the matter has been dealt with.

**Mr ONDARCHIE** — They can run, but they cannot hide. If those opposite want to have a debate about leadership in this state, let us have it. I quote the leader of the government in the Legislative Assembly, the Premier, who said:

Lethargy and indecision is not leadership. Hiding under your desk is just hiding under your desk.

Starving the constructors ... of infrastructure is bad for our economy, bad for confidence, bad for jobs and bad for skills.

Already in his target of 100 000 jobs Mr Andrews is at minus 3700, by cancelling the east–west link. Here is an idea. If Mr Andrews is going to be true to his word, if he is going to be true to his election commitments and if he is going to be honest with the people, he should release the contracts as he said he would, because doing nothing is not an option.

I remind the house of the many people who supported the east–west link. I remind the house that the then state secretary of the Victorian branch of the Australian Workers Union, Cesar Melhem, was quoted in the *Age* of 30 July 2012 as having said in relation to the east–west link project — —

**Ms Shing** — On a point of order, Acting President, I note again that, contrary to the recommendations and directions of the Chair, Mr Ondarchie has strayed from the content of the motion and is now wandering into territory that has no bearing on the motion to produce documents.

**Mr Rich-Phillips** — On the point of order, Acting President, the lead speaker for the government widened the scope of this motion far beyond its original intent. He canvassed an enormous range of matters beyond the scope of the east–west link — previous governments and other portfolio areas — and it is now appropriate that Mr Ondarchie, in responding to Mr Leane’s contribution, be able to rebut matters raised by Mr Leane in his extraordinarily broad contribution to this debate. It was the choice of the government and its lead speaker to broaden the scope of this debate despite rulings from the Chair, and it is appropriate now that Mr Ondarchie have the opportunity to respond to matters raised by Mr Leane on behalf of the government.

**Mrs Peulich** — On the point of order, Acting President, it is quite clear that Mr Ondarchie has been setting up an argument for the release of these documents. It is as simple as that. I cannot understand why the new member would be so touchy about it.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I understand the point of order. I was in the chair earlier when some people raised points of order based on the same issues. My concern now is that while Mr Ondarchie has the right to contribute, he should come back to the motion.

**Mr ONDARCHIE** — In light of the motion about the east–west link contracts, I will tell the house why it is so important that those east–west contracts be released. I will do that by using the evidence available to me, including what was said by the then state secretary of the Victorian branch of the Australian Workers Union, Mr Cesar Melhem, who was quoted in the *Age* of 30 July 2012 as having said:

It is just crazy not to go ahead with the [east–west] project ...

We are not going to live without roads and cars. We definitely need more investment in public transport infrastructure from both Labor and the coalition, but we can’t do without road investment.

Further, when he was state secretary of the Victorian branch of the Australian Workers Union, Mr Melhem was reported in the *Sunday Herald Sun* of 17 March 2013 as having said that the east–west link should be a priority for Premier Napthine:

‘The key here is to decide on a solution and go with it, get it moving, and get the Victorian economy moving’, Mr Melhem said.

‘We have steel, aluminium, asphalt and a whole range of other manufacturers who are crying out for the orders that a big project would produce.

Every order means jobs for Victorians’.

Further, by way of confirming the need for the release of these contracts, I quote from the July 2008 submission to the east–west link needs assessment (EWLNA) study by the then state secretary of the Victorian branch of the Australian Workers Union, Mr Cesar Melhem. He said:

The new road link recommended by the EWLNA will create a direct, connected east–west route across the city for around 150 000 vehicles each day. It will provide an additional high-capacity river crossing and an alternative to the M1. It will eliminate ‘choke points’ in the cross-city road network, improving travel reliability and reducing the incentive for ‘rat-running’.

**Ms Shing** — On a point of order, Acting President, in relation to the further material that Mr Ondarchie is seeking to ventilate in the house, I question how statements made in 2008 are directly relevant to the motion to produce documents that is on today’s notice paper.

**Mr ONDARCHIE** — On the point of order, Acting President, I am demonstrating why the government should release these contracts. It is very simple.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I do not uphold the point of order, and I ask Mr Ondarchie to continue.

**Mr ONDARCHIE** — Mr Melhem went on to say:

The link will also provide much improved connections for freight transport to Melbourne Airport and the port of Melbourne.

In his submission he said also:

The road tunnel has the opportunity of linking the growth in the west to the growth in the east. That will have an important multiplier effect in terms of options and choices for residents on both sides of the city. Greater access and connectivity brings more local jobs and investment.

...

The EastLink project could not be considered fully completed until the east–west tunnel had been built. Without the east–west tunnel, the Eastern Freeway will turn into a congested car park and will defeat the purpose of EastLink.

Hello. That is exactly what happened. He said also:

We call on the state government to adopt the Eddington report, and use the EastLink model of private-public partnership to build the tunnel.

Amenity at ground level above the proposed tunnel will also improve and the report identifies a range of benefits from dedicated public transport and bicycle lanes along currently congested thoroughways such as Alexandra Avenue and Victoria Parade.

If Mr Melhem gets it, if Mr Melhem understands the importance of the east–west link and the importance of releasing appropriate information, how come the Andrews Labor government does not? Those opposite made a commitment to voters before the election. They said and did everything they could to con that vote — and they will not deliver. They have form on this over many generations of offering things to the buyers and failing to deliver. This is a clear reason why we should release these contracts. We are looking forward to the Labor Party putting its hand on its heart and, following Mr Melhem’s lead and his great support for the east–west link, saying, ‘Yes, we will release the contracts, as we said we would do’.

But do you know what? The Victorian public has had a full summer of spin from this new government, which has said lots and delivered nothing. What it has delivered is \$133.2 million of costs to the Victorian taxpayer in its short time in office — \$1.8 million a day. I cannot understand, nor can the Victorian public understand, why the Andrews Labor government is stopping 3700 jobs, significant investment into the state of Victoria, improvements to business and improvements to productivity. It is for that reason that those opposite should support this motion and release the contracts forthwith.

**Mr MELHEM** (Western Metropolitan) — Thank you, Acting President.

**Mrs Peulich** — Are you eating crow?

**Mr MELHEM** — I am going to ignore that. The opposition has forgotten one thing — and that is what happened on 29 November 2014. Those opposite have forgotten that Victorians have rejected their policy. They rejected the east–west link. But that does not really matter, because those opposite do not really care what Victorians think. Guess what? That is why they are not in government. That is why they are

sitting on the other side now. It is a very important point. We went to the election with a clear agenda about the east–west link. We said that we were not going to go ahead with the project. The previous government could have waited another eight weeks before it signed the contract, but it did not. It had already waited four years. What is an extra eight weeks going to do? It waited four years, and it did nothing. Eight weeks is not going to make any difference.

But guess what? For those opposite, that is not looking after their mates. They want to look after their mates. That is why they gave them a side letter saying, ‘Don’t worry about whether the contract goes ahead or not. Don’t worry about whether the court will declare the contract invalid. Don’t worry about whether the Parliament can declare that invalid. We will compensate you’. I reckon that during those discussions the consortium would have asked for a bit of compensation, but I think the former Treasurer would have said, ‘No, that is not enough. You should put more money in there — maybe half a billion or \$1 billion. You should ask us for more. We will give you a side letter so you get looked after’.

What a disaster. Those opposite call themselves responsible economic managers, but in my lifetime I have never heard of someone negotiating a contract with another party and then putting a termination clause not in the contract but somewhere on the side so hopefully no-one will see it. Guess what? It is out.

**Mr Rich-Phillips** — We released it!

**Mr MELHEM** — If you talk about releasing the document, if the former Treasurer saw fit to release that side letter himself, then he could release the contract. I am sure he has a copy of it. To be frank, we do not know how many side letters are out there. There could be hundreds of them. They could come up all over the place. The hypocrisy of the opposition — —

*Honourable members interjecting.*

**Mr MELHEM** — Taking into account the interjections, I make the point that it does not matter what I say as an individual. What matters is what Victorian voters say at the end of the day. They are the ones who pass judgement. They tell us what we should be doing, not the other way around. We will release the contract.

*Honourable members interjecting.*

**Mr MELHEM** — You just wait; hold your horses! When we were the opposition in the previous

Parliament, every time we asked for documents to be released — the case in point is the east–west link — or a business case or various other documentation, and I know our friends from the Greens asked for the same things, what we got from the government at the time was total rejection and the reason that those documents could not be released. Now those opposite find themselves on the other side. Obviously they are finding it a bit difficult to have a debate about this matter.

The motion will be considered by this house. If it passes, obviously it will be taken back to the government and the government will consider its position and its response to the house. However, as I said earlier, we are still looking for the other side letters. As we speak, sensitive negotiation is taking place with the consortium. It is time to minimise the damage and the impact that is going to have on taxpayers.

**Mr Ondarchie** — Are you involved?

**Mr MELHEM** — No, I am not involved. Thanks to the former government and the former Treasurer we have basically sold the farm to these people, so even if we intended to release the documents tomorrow, it could compromise the negotiations and probably would not be possible; it is a very complex issue.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Duck season

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Agriculture, Ms Pulford. Against the best scientific advice, the minister has declared a duck hunting season for this year. The minister would know that in previous years there have been many breaches of the law by duck hunters out on the wetlands. There was the infamous Box Flat massacre about which the minister’s department was given warning. On that day many protected species were killed. I can give a list: 104 freckled ducks, 3 blue-billed ducks, 31 Eurasian coot, 10 Australian grebes, 4 black swans, 2 whistling kites. What measures different to those taken by her predecessors will the minister be implementing this year to ensure that these environmental crimes do not reoccur?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Barber for his question. I say at the outset that the overwhelming majority of people who participate in the duck season do so in a responsible manner. I

understand that perhaps for members of the Greens party a duck season in any shape or form would never be an acceptable outcome, but the Andrews Labor government supports a responsible and sustainable season. There are around 48 000 game hunters in Victoria, including 26 000 duck hunters. This contributes a significant economic boost to a number of communities in Victoria and supports around 3000 jobs.

The decision I have taken around arrangements for the season this year is based on advice I received from the Game Management Authority (GMA). The two pillars of our approach are around science and safety. The GMA provided advice to me about how to proceed with the season to ensure that it is sustainable into the future. I understand the Greens have an ethical position on this, and that is their right, but we think the balance is right.

### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — From that response can I take it that there will be no new measures this year, no education campaigns, no increased fines, no additional enforcement resources from that which the minister’s predecessors delivered?

**Ms PULFORD** (Minister for all Agriculture) — This season, unlike the last four, is a reduced season, and that is based on the advice I received from the Game Management Authority. The GMA will monitor hunter and protestor behaviour during the season and will lead a significant multi-agency compliance operation. We recognise that no matter what decision is made about the duck season there will be people who will be unhappy. I have received correspondence from hunters who are disappointed about a restricted season. I have received correspondence from people who are disappointed that there is any season at all. As I said, I think we have struck the right balance, and this has been done based on advice from the GMA.

### Accountability framework reform

**Mr MULINO** (Eastern Victoria) — My question is to the Special Minister of State and Leader of the Government. Will the minister update the house on how the Andrews Labor government will reform Victoria’s accountability and transparency agencies?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Mulino for the opportunity to talk in the Parliament today about the way in which the Andrews government has made election commitments. We will satisfy election commitments to reform the

accountability framework in this state, whether it be through the operations of IBAC, the operations and scope of responsibilities of the Auditor-General or the scope of responsibility of the current Freedom of Information Commissioner and the reforms that Labor will introduce.

I am pleased to make it clear to the house that it is my responsibility to ensure that an accountability framework is developed and introduced to the Parliament to provide an interlocking set of arrangements between the agencies that I have mentioned. This will provide the community with the confidence that if there is unethical practice or allegations of corrupt practice that the community is concerned about, those investigations will be pursued with vigour and in a fulsome way. There will not be gaps between the relationships and responsibilities of those agencies, which is clearly the case at the moment.

The framework and legislation introduced by the previous administration failed to address the fundamental interlocking nature of those agencies and the thresholds that apply to them. A clear indication of this failure was seen in a *Herald Sun* article as far back as 16 April 2014 in which the IBAC Commissioner was quoted as saying:

There have been corrupt allegations where IBAC has not felt able to commence investigations because of threshold restrictions in the IBAC act.

This constraint has possibly undermined IBAC's ability to perform and achieve its principal objects and functions.

As I have indicated, it is the intention of the government to make sure that the interlocking jurisdictional responsibilities between IBAC, the Auditor-General, the Ombudsman and the FOI commissioner are integrated to prevent those difficulties from occurring. Within the operations of IBAC itself, Labor will reform the threshold for investigations and remove the requirement that prima facie evidence of an indictable offence be predetermined before those investigations are able to be made.

**An honourable member** interjected.

**Mr JENNINGS** — Consistent with that interjection, what we are experiencing today from the actions of opposition members is that they choose to live in a world prior to 2010 where they criticised previous Labor administrations. They made promises for 2010, but they did not deliver them between 2010 and 2014. They think that they then reserve the right to criticise the government, which has been in office for less than

10 weeks, about its pace of change to implement the reforms and the promises it made, ones that they made and failed to deliver on.

In fact that is the retrospective approach of the opposition. If opposition members continue to criticise the administration prior to 2010, take no responsibility from 2010 to 2014 and expect us to fix the issues they did not resolve, then we will take that responsibility. The outgoing government did not take that responsibility. It failed, and the people of Victoria understood that it failed because it did not introduce the reforms that they were promised.

The Auditor-General has made it very clear. He has an ongoing claim — this Auditor-General and the previous one — for follow-the-money powers. The incoming Andrews government made promises to make sure that it delivers on that promise to the Auditor-General in legislation that I will bring to the Parliament, and I will be happy to be accountable. I will be happy to take responsibility during this term in a way that the previous government did not.

### Public holidays

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. His preferred search engine, Google, shows the cost impact to Victorian businesses of the AFL Grand Final eve public holiday is \$800 million. Is the minister's official advice on the cost impact on Victorian businesses of Labor's new public holiday greater than \$800 million, or does he not know?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I do have ICT as part of my portfolio. It appears that the Liberals have learnt absolutely nothing from the defeat of antiworker, antifamily, first-term Liberal governments in Victoria and Queensland or from the perilous circumstances that the Abbott government finds itself in after a full-on, frontal assault on working families —

**Mr Davis** — On a point of order, President, it was a very specific question about a policy in relation to the minister's portfolio. It has nothing to do with Queensland or the federal government. This is a long rant, and he has not even begun to address the issue about which he was asked.

**Mrs Peulich** — On the same point of order, President, answers to questions are not an opportunity to attack the opposition, which clearly the minister is doing, and I ask that you bring him to order.

**The PRESIDENT** — Order! There is merit in the point that Mrs Peulich makes in particular. In the last Parliament I established — and I regard it as a continuing aspect of this Parliament — that I do not expect ministers to be criticising other parties as part of their answers, certainly not in a detailed sense. I accept that Mr Somyurek, at this point, might be briefly into his answer and that he is going to get to the substantial response to the question, but I indicate that I share with Mr Davis some concern that there was discussion of the federal government and another state government, neither of which, as I understand it, proposed this public holiday. Therefore I suggest that an apposite answer to the question would be appropriate.

I want to emphasise to members that there will be consistency with my approach in the last Parliament. I also indicate that I am now also informed by the government's wish to have more responsive questions. This is being set out in the sessional orders proposal in the other house and is also, as I understand, proposed for this house. There is an attempt by the government to have more responsive answers to questions, and I indicate to the minister that I am very mindful of that in listening to his answer to Ms Wooldridge's question on this occasion.

**Mr SOMYUREK** — I simply make the point that I think it is about time the Liberals learnt the lesson from the elections that I just mentioned and started to act like a responsible, mature political party representing the interests of all Victorians and stopped declaring war on Victorian families and Victorian workers. Labor will not be lectured on cost benefits by those opposite. Unlike the opposition, Labor will undertake a detailed process to outline the benefits of the grand final public holiday. A regulatory impact statement will take into account all elements of the economy, and we would welcome a submission from those opposite.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I thank the minister for his response, though it was clearly not an answer. I take from that that the answer is he does not know and will be waiting for his departmental officials to put it in the impact statement as it is developed. I ask the minister: can he indicate if he does know what proportion of the costs are relevant and will have an impact on businesses in regional Victoria?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — Again, I talk about the process. Let me talk members through the process and that might help. The regulatory impact statement

process has recently commenced. It is proceeding according to normal methodology. We are not making it up as we go. The process includes a period of public consultation with stakeholders.

**Ms Wooldridge** — My point of order, President, is relevance. I did not ask about the process; I asked about the cost. The minister has had 24 hours since a similar question in relation to cost was asked, and we would like an answer in terms of the impact on regional Victoria.

**The PRESIDENT** — Order! I have some sympathy with Ms Wooldridge's proposition to the house now. To the Leader of the Opposition I indicate that I am not in a position to direct a member as to exactly how they should answer a question, and it may well be that the minister has in mind a direct response to the issue that was raised in the question. I always think if a minister does not respond in their allotted time to those questions, then you still have an answer, and you can draw whatever conclusions you like from the fact that the minister does not reach that answer. The minister would be wise to be mindful of the question that was asked.

**Mr SOMYUREK** — I think I have finished.

**The PRESIDENT** — Order! I am sorry, but I do not believe the minister has finished. I do not regard that as a satisfactory response. The minister was going through a process position and he did not finish talking about that process. I am eager to understand what the process might be or indeed what the answer to the question might be.

**Mr SOMYUREK** — The process includes a period of public consultation with stakeholders. I expect the process to conclude before grand final day, and I do not know what — —

*Honourable members interjecting.*

**Mr SOMYUREK** — Before grand final Friday.

*Honourable members interjecting.*

**Mr SOMYUREK** — President, it seems members opposite do not want an answer. I am not sure what they want. They are plucking all these figures out of thin air, so how am I meant to expect everything?

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

**Mr Jennings** — President, I do not want my point of order to be seen to be discourteous to the Chair, but

your last direction to the Minister for Small Business, Innovation and Trade — when, having been subjected to a lot of interjection, he made his judgement call that he thought he had concluded his answer — was, may I put to you respectfully, in advance of the sessional orders. Whilst it is the intention of government ministers to be fulsome in our answers, that is currently not a requirement as the sessional orders have not been adopted. Until we transition to the government's preferred sessional orders or the opposition's sessional orders, supported by other members of the chamber if that is the case, as no new arrangements have yet been put in place, perhaps we could operate within the constraints of the standing orders as they currently exist.

**The PRESIDENT** — Order! I thank the Leader of the Government. I will be mindful of and sensitive to that position at this point. But I indicate that, irrespective of sessional orders, the minister had indicated that he was going to outline a particular response. He was talking about process and was stopped mid-sentence — he had not completed that sentence. It was on that basis, apart from anything else, that I recalled him to his feet. But I am mindful of and sensitive to what the Leader of the Government has indicated.

**Mr Leane** — On a further point of order, President, in respect of your ruling, if a minister is requested to give an answer under your ruling, they should be able to give that answer without a barrage of interjections that prevent anyone hearing the answer you have requested anyway.

**The PRESIDENT** — Order! Mr Leane, I agree with that.

### **Latrobe Valley employment**

**Ms SHING** (Eastern Victoria) — My question is to the Minister for Regional Development. Can the minister outline to the house what plans the Andrews Labor government has to create jobs in the Latrobe Valley?

**Ms PULFORD** (Minister for Regional Development) — I thank Ms Shing for her question and congratulate her on the inaugural speech she made last night. The Latrobe Valley is an important part of regional Victoria. It has a skilled labour workforce and considerable natural resources. But the Latrobe Valley is under pressure. It was hit hard by the former government's tax cuts and public sector job cuts.

The Andrews Labor government has a plan to get the Latrobe Valley back on track. We have a \$500 million Regional Jobs and Infrastructure Fund which will be all about driving job creation and promoting investment across regional Victorian communities. This includes a \$250 million Regional Infrastructure Development Fund, a \$200 million Regional Jobs Fund and a \$50 million Stronger Regional Communities Fund. Legislation is being prepared to give full effect to this election commitment, and I look forward to the full support of all members for that legislation when we come to dealing with it.

But specifically on Ms Shing's question about the Latrobe Valley, Labor intends to invest \$10 million to develop the Gippsland logistics precinct in Morwell, which will create 150 jobs. The Latrobe Valley University Training Clinic also needs considerable investment to provide the necessary support to develop a world-class health training and prosthetics manufacturing facility. This will create 114 jobs. I look forward to working with a fine advocate for the Latrobe Valley in Ms Shing to deliver on these commitments.

### **Industry and innovation programs**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer to Labor's plan to cut \$162 million a year from industry and innovation programs, and I ask: what programs or grants will be cut in the minister's portfolio?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I have written to my department secretary asking him to review all the programs, grants and initiatives in terms of whether they are in line with Labor's election commitments, and I have asked for an overview of which of those programs are performing well.

#### *Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his answer. It sounds as though he has delegated a principal ministerial responsibility to his department head. Given the extent of the cuts that Labor has proposed from industry and innovation programs, I ask the minister to provide an assurance to the house that where companies, peak bodies, universities and other institutions have signed funding and grant agreements in good faith with the previous government, those contracts will be honoured.

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — There are sovereign risk issues, and they will be honoured.

*Honourable members interjecting.*

**Mr SOMYUREK** — If I can just talk about the amount of funding that we did promise, we will establish three funds in order to create jobs, boost productivity and attract investment into Victoria. The first fund, in the next few weeks, will be the \$500 million Premier's Jobs and Investment Fund. Strategic investment from that fund will be guided by the Premier's Jobs and Investment Panel, which will comprise Victorian industry and economic leaders. We will also establish a \$200 million Future Industries Fund. That fund will provide grants to Victorian companies — —

**The PRESIDENT** — Order! Thank you, Minister.

### Victorian fashion industry

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Can the minister point to any coordination or facilitation that the Andrews Labor government has undertaken to improve Victoria's fashion industry internationally?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — The fashion industry sits within the creative industries portfolio.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — As the minister who is responsible for trade, which includes international business, can the Minister for Small Business, Innovation and Trade confirm that the Andrews Labor government has cut the \$1.25 million in funding provided for Victorian small businesses to participate in this year's vitally important Expo Milano?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I have answered this question before.

*Honourable members interjecting.*

**Mr SOMYUREK** — All the grants and program initiatives will be reviewed by the department secretary.

### Vegetable production

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Regional Development, Ms Pulford. Information from the Department of Health and Human Services suggests that only about 10 per cent of Victorians eat the required amount of vegetables. Research by AusVeg, the peak growers group, suggests that some of the barriers include affordability and people's lack of knowledge about how to cook and prepare fresh vegetables. There is a group down at Korumburra called Grow Lightly, which is establishing a food hub. It had a grant application that went to the predecessor minister. I am wondering whether the minister has had a look at that grant application and whether she is going to contact the group and consider funding it.

**Ms PULFORD** (Minister for Regional Development) — I thank Mr Barber for his question. At the outset I feel compelled to confess that some days I am 90 per cent group; I imagine we all are in this line of work. Yes, everybody should eat more vegetables, and the Andrews Labor government would like that to happen. In relation to the specific grant application that was considered by my predecessor, I have not received information on that. All grant applications will be considered on their merits, as I indicated in my earlier response to Ms Shing's question. We will get regional Victoria moving again. We have a suite of policies and programs. There will be grants for meritorious projects that will be able to be applied for, and I am happy to consider applications on their merits. But, yes, everybody should eat more vegetables.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — I can assure the minister that the application has been received by her department, and I would be pleased if she could chase it up. What other measures might the minister be considering to encourage more people to source and consume locally produced farm products in their own local areas?

**The PRESIDENT** — Order! I am a little perplexed as to whether this is the right minister to be asking that particular supplementary question of, notwithstanding that it might well be apposite to the substantive question. I will leave it to the minister to determine.

**Ms PULFORD** (Minister for Regional Development) — Questions of nutrition and where people source their food from are obviously very personal decisions that should be matters of consumer choice. We will work with Victorian producers to

access markets all around the world, including at the end of the street. In the context of my responsibilities as Minister for Regional Development, I know there has been some good work done by a number of my predecessors in this portfolio to support farmers markets and the like. As I indicated in my answer to Mr Barber's earlier question, we will consider grant applications on their merits and do so in a way that will be informed with a view to creating jobs and opportunities for people in regional Victoria. Applications will be considered on their merits.

### Child protection

**Ms SYMES** (Northern Victoria) — My question is to the Minister for Families and Children. Can the minister outline to the house what the Andrews Labor government is doing to provide better care and a safer environment for children and young people in Victoria's out-of-home care system?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question and her deep interest in this matter. The safety and wellbeing of children in care is this government's highest priority. I was very concerned by reports last year of children in residential care being sexually abused and exploited. This is why I have moved quickly to ensure that more children and young people in care will have the extra security and safety of 24-hour support and supervision.

Our \$16 million commitment will ensure that every standard four-bed residential care facility in Victoria provides a staff member who remains awake at night, as well as making more staff available throughout the day. These additional staff will be in place by April.

In a new initiative my department will use \$1.5 million to conduct spot audits of residential care facilities managed by non-government agencies, have direct discussions with children and staff and examine formal records. Importantly, this auditing process is additional to existing accreditation processes, which require formal reviews every three years and one mid-term review in the cycle.

Whilst we are making residential care a safer environment for children, ultimately the best place for a child to be is in a loving and nurturing home environment through home-based care. Unlike the former government, Labor will invest \$1.5 million to attract, recruit and retain more foster carers. We value our foster carers. They are the unsung heroes of our community. They are integral to our out-of-home care

system, and it is concerning that in 2012–13 more foster carers left foster caring than entered it.

**Mr O'Donohue** — On a point of order, President, I am reluctant to intervene, but in line with Mr Jennings's earlier point of order, we are currently operating under the standing orders. The sessional orders are yet to be debated and adopted, but the government made a clear election promise to abolish Dorothy Dixers. The minister is slavishly reading the answer. I suggest that she could at least try to pretend to answer in a responsive way, but if she is not able to do so, she should table the response.

**Mr Melhem** — On the point of order, President, I do not believe there is a point of order. Opposition members need to make up their minds. The government tried to negotiate with them about the new sessional orders, but they knocked them back. The President made it quite clear in ruling on the point of order that was raised by the Leader of the Government that we are operating under the standing orders.

**Mr Davis** — And you can't slavishly read under the current ones.

**Mr Melhem** — You cannot have your cake and eat it too. We are operating under the current standing orders, so I do not see that there is any point of order. The minister is in line with the current standing orders.

**The PRESIDENT** — Order! In terms of my approach to the anticipated sessional orders, I guess part of my reaction as President is not so much about their technical passing and the agreement of the house to those sessional orders but what I picked up as the intent of the government expressed in public terms — in its promises going to the election and subsequently, including in the Governor's speech, as I recall. There was an intent there, so in my position I am not beholden to the passage of the new sessional orders to ensure that we meet the spirit of what the government had intended and what was explained to me.

In terms of Ms Mikakos's presentation today in response to a member's question, I do not have a problem with the fact that she has referred to copious notes and that she is giving a fulsome answer to the member. I hear what Mr O'Donohue says, but I think in this circumstances the answer is appropriate, and I do not believe Ms Mikakos has overstepped the mark in referring to her copious notes.

**Ms MIKAKOS** — The point I make is that the first question I have received that is directly related to my portfolio was from a Labor member. I congratulate the member on her interest and on asking me a question,

unlike members of the opposition, who yesterday sought to ask me a question that related to the portfolio of the Minister for Sport. Clearly we have a situation where the Leader of the Opposition — a former minister in this portfolio area, who knows her vulnerabilities in that respect — is not advising Ms Crozier appropriately to ask me some questions that are relevant. She knew full well for more than two years about these matters and did not act —

**Mr Drum** — On a point of order, President, this is pure debating. The minister is now trying to turn what was a nothing question into some form of attack on the previous government and its ministers. It is a joke.

**The PRESIDENT** — Order! I accept the point of order. It is debating, and it is reflecting on a member of the opposition who, frankly, was not involved in any of the discussions within the chamber at the time. The member might not have asked a question yet, but she has only had two days, for heaven's sake! If we are going to plead time frames, then I do not think two days is a problem, given that there were other matters to be pursued. That was debating. Ms Mikakos would be on safer ground if she were to return to responding to the member's question.

**Ms MIKAKOS** — President, thank you for your guidance on this matter. I was reflecting on interjections from the other side. In fact the point of order that was taken earlier invited this response from me. The point I make is that the previous government did not take action on this issue and made an announcement on the eve of the election. I have moved quickly, within a few weeks of being elected to office, to take action on this issue.

**Ms Wooldridge** interjected.

**Ms MIKAKOS** — Ms Wooldridge is wrong on that, because if she had been listening carefully to what I said about the package we have announced, she would know it had a range of very different elements to it. The previous government only committed \$10.7 million to address the issue of staffing in residential care. We have committed \$16 million. In fact our announcement goes much further in terms of the number of places that are covered; the fact of the spot audits, which is a new initiative; and the foster care recruitment and retention strategy, which is a new initiative. We know that the previous government left our child protection system in crisis, and we are acting.

## Dandenong-Pakenham-Cranbourne rail corridor

**Mrs PEULICH** (South Eastern Metropolitan) — My question is directed to the Special Minister of State, who is responsible for Infrastructure Victoria, and I ask: can the minister confirm that the Andrews Labor government will not be proceeding with a plan to invest the full \$2 billion in the Dandenong-Pakenham-Cranbourne rail corridor, including installing high-capacity signalling?

**Mr JENNINGS** (Special Minister of State) — I thank Mrs Peulich for her question. The answer to her question is subject to the due diligence and consideration of the incoming government that has expressed concerns about the structure and nature of solicited bids and the way in which they were handled under the previous administration in terms of the probity requirements, the confidence that the community might have in the transparency of the business cases associated with them and the contractual arrangements that may or may not be entered into. We have clearly given an indication to the Victorian community that we have a very close watch on this matter. I am not in a position to say what that close watch has concluded.

There is a live tender arrangement in place, which is still subject to the scrutiny of the Department of Treasury and Finance and other appropriate agencies within the Victorian government. Whether or not the project proceeds in this form is a decision that the government will make. It will be very clearly made. It will be articulated to the community. Ultimately the answer as to whether the project proceeds in this form or in an amended form is something that the government is currently considering.

### *Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — I thank the minister for his answer, which I understand is probably code for there being savage cuts to the planned investment of \$2 billion in the south-east, and I ask:

**Mr Leane** — What code do you use?

**Mrs PEULICH** — I am reading the subtext from the spin doctor. I ask: given the half-baked and piecemeal approach to this project, should it proceed, can the minister indicate what the direct impact will be on commuters in Melbourne's south-east?

**The PRESIDENT** — Order! In calling the minister I indicate that it will be very difficult for me to

constrain any debate the minister might enter into in his answer, because he was provoked by debate and editorial comment while the supplementary question was being asked.

**Mr JENNINGS** (Special Minister of State) — Thank you, President. In fact I will not do so, because if Mrs Peulich says that this is a half-baked proposal, it is a half-baked proposal that was developed by the administration she was part of.

**Mrs Peulich** — On a point of order, President, the very Special Minister of State is spinning my words.

**Mr JENNINGS** — You used the words ‘half-baked’.

**Mrs Peulich** — No, I wanted a guarantee that there was going to be a full investment, not just of the money but of the breadth of the project in the south-east, which the minister’s response clearly indicates will be savagely cut.

**The PRESIDENT** — Order! Clearly there was no point of order, and members do not get extra opportunities to debate a supplementary question.

**Mr JENNINGS** — If the person who asks the supplementary question in this chamber shoots themselves in the foot by the way in which they couch the question, they should bear the consequences. Mrs Peulich clearly said ‘a half-baked proposal’ that was developed by her administration that is currently under active review by the incoming Andrews government.

### Student fees

**Mr LEANE** (Eastern Metropolitan) — I am very pleased to ask my first question of the Minister for Training and Skills, Steve Herbert. Depending upon the outcome of tomorrow’s debate, it might be my first and last question. Can the minister inform the house of the impact of uncapped fees on students undertaking diploma courses in the TAFE and training system in Victoria?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for his question and for his long-term interest in training and vocational education in this state. I begin by saying that we made a major commitment in the course of the election campaign to transform vocational education in this state and to rebuild our TAFEs, and we will meet every one of those commitments.

Recently there has been major speculation about the impact of high fees, particularly on diploma students and advanced diploma students. For those in the chamber who do not know, these courses are at the top end of the vocational education and training (VET) spectrum and lead to high-level skills. They are also pathways that lead to undergraduate courses, often with time taken off if you do a degree. Unfortunately, under the former coalition government — and its members know this — the cost for all TAFE courses skyrocketed. The costs for diplomas and advanced diplomas have gone through the roof. They are incredible costs.

What we have seen since 2012 is both the slashing of funding to TAFE institutes and the uncapping of VET fees through legislation brought into this Parliament, which all coalition members voted for. Before that, there was a cap on the fees that students had to pay. The protections for VET students were taken away, and we saw the former government actively encouraging training organisations, both public and private, to raise the fees that students had to pay.

What happened? Of course the fees went up. They skyrocketed! Hand in hand with that was a scheme called VET FEE-HELP, which enabled students to take out a higher education contribution scheme-like loan, although it was more expensive, to pay for the astronomical fees that the government was forcing them to pay. I want to give members just one example of this, but the list is long — and it keeps on going. There are dozens and dozens of courses for which the fees have gone through the roof.

I will take one small example. If you had done a diploma of furniture design and technology at a well-known TAFE in 2010 under the former Labor government’s scheme of capping, you would have paid \$2000 and the state would have picked up the rest of the costs. If you do exactly the same course today and you are a government-funded student, you will pay \$15 000. If you are full fee paying, you will pay \$22 000 for a diploma. It is outrageous! Most people will do it through VET FEE-HELP — through debt.

I want to put this in context. If we look at the number of student loans in these courses, we will see that we went from 1300 in 2009 to 18 000 in 2014. And it continues to go through the roof. These are loans that students have to take out for courses that would have been primarily government funded before the changes made by the coalition government. It amounts to a 36 per cent increase since 2012.

Students were hit by a double whammy of funding cuts and course fee increases. They face long-term debt. On top of that, because of the way the former government handled the scheme, we have all seen rorters out there offering iPads, offering deals that involve no up-front fees whatsoever. What they did not offer were jobs at the end of those diplomas.

*Honourable members interjecting.*

**Mr HERBERT** — I hear some people on the other side criticise this, but this is an issue that their federal colleagues are looking into, albeit too late. They left it pretty late, I must say, but they are looking into it at long last.

## PRODUCTION OF DOCUMENTS

### Debate resumed.

**Mr MELHEM** (Western Metropolitan) — To return to what I was saying earlier, the Liberal government signed the construction contract just eight weeks before the state election, despite the business case demonstrating that the benefit-cost ratio was only 45 cents in the dollar. That did not seem to really matter: the previous government went ahead and signed the contract knowing that most Victorians did not want it to be signed. They knew that Victorians would have liked the opportunity to vote on whether this contract should be signed in the first place. The then government ignored every single poll that indicated Victorians' preference not to go ahead with the project. It was clear the Victorian people's preference was to complete the rail tunnel instead and to undertake other projects that this state desperately needs. Nonetheless, the previous government went ahead and signed the contract.

I turn now to paragraph 1(a) of Mr Rich-Phillips's motion, which refers to the Premier's broken promise to release the east-west link contract in the first week of the Labor government. We released the business case, which those opposite refused to do. The issue was debated in this house for weeks and Labor demanded that the coalition release the business case, but it failed to do so.

We have released the business case, and we are now in the middle of negotiations with the consortium as we try to minimise the damages imposed on Victorian taxpayers by the former government and by the side letter signed by the former Treasurer, Mr O'Brien, the member for Malvern in the Assembly. That could cost Victoria in excess of \$1 billion. We find ourselves in a very sensitive situation.

*Honourable members interjecting.*

**The PRESIDENT** — Order! There is way too much background noise. I am having some difficulty hearing Mr Melhem, who is very close to my chair. No doubt Hansard is experiencing some interference from that background noise. Members will keep it down to a dull roar.

**Mr MELHEM** — As I was saying, we are in the process of delicate negotiations with the consortium as we try to minimise the damage. The Premier has made a promise. Mr Andrews made a lot of promises before the election, but he made one promise which I totally believe in — that is, we will deliver on every promise we have made to Victoria.

In the last 60-odd days we have delivered on our promises far more than the now opposition delivered in four years. The Premier has not said that the contract is not going to be released. Obviously it is a very sensitive matter because, as I said, the consortium is now racing to the Victorian Civil and Administrative Tribunal to try to make its ambit claim and to rip off as much money as it can from the Victorian taxpayers. This is all courtesy of the former government.

Obviously there is some sensitivity in relation to information about whether the contract will be released tomorrow, next week or when the negotiations are concluded. These are matters for the government, and the Premier in particular, to consider. Most importantly, we must make sure that the interests of Victorians are put first. The interests of the taxpayers should be put first, not the interests of the consortium or the people who did the grubby deal with the former Treasurer and former government to get as much money as they could out of Victorian taxpayers.

**Mr Ramsay** — You promised to release it!

**Mr MELHEM** — You have a copy of the contract. You have released the side letter. If you are so keen for the contract to be released, you can release it now! I am sure you have a copy of it. You could have released it yourselves, but it did not suit you.

**An honourable member** interjected.

**Mr MELHEM** — We have not broken a promise. Going back to the issue, we are in very sensitive and delicate negotiations. The only interest the former government had — this is why everything was rushed — was in being seen to be doing something. It went to the consortium and said, 'The short list was down to two, now it is down to one. We have this deadline. We are going to sign it by September. We do

not care how we get there. Don't worry about the business case, don't worry about what penalties we are going to pay, don't worry about those sorts of things'. Setting false deadlines is an absolutely stupid way for any person or persons to enter into commercial negotiations with any other party.

What happened then is members of the consortium rubbed their hands together and said, 'That is beautiful. We know there is going to be a change of government. We know Victorians do not want the project. We know the government is on the nose. We know we can take advantage of the Liberal government and the Treasurer. We can take advantage of their stupidity and we can milk that for whatever its worth. We can put whatever compensation we want on the table and we will get it regardless'.

We are the new government and, as we said we would, we will scrap the contract; we will cancel the project. We have been consistent about that from day one. We have not broken any promise. In fact we have kept our promise and we will keep our promise going forward. The problem is that members opposite have not come to terms with the fact that they are no longer in government. They got rejected by Victorian voters; they are a bit like the fish rejected by John West. They need to get over it and accept the fact that the Victorian electors have handed down their verdict. Members opposite are no longer in government. They no longer have the high moral ground to continue to advocate for the east-west link. They have no mandate to push or to continue to advocate. Obviously they are still in denial mode — maybe their ears are painted on — because they are not listening.

One thing about the last state election is that Victorians said, 'We will give you one go, but if you do not come up to the mark, we are not going to give you another go'. The same thing happened in Queensland. The Labor government hears that message and we will do what we said we would do, otherwise we know what the voters will do to us in four years. It is all about honouring promises.

As far as the process is concerned — and I think Mr Barber alluded to the process earlier — obviously the Legislative Council has the power to request that the government of the day produce specific documents held by government agencies or departments and so forth. We get that. The Parliament can order the production of these documents but that privilege is not unlimited; it is not open-ended. There are certain rules that apply to freedom of information requests et cetera.

**An honourable member** interjected.

**Mr MELHEM** — I am not flagging that the government is not going to honour its promise; I am just making the point that it is something we will take very seriously. We have said we will release the contract, and we will do that at the appropriate time, but we are not going to do something which will compromise the state of Victoria or compromise our negotiating position with the consortium. We are trying to minimise the damage the coalition government caused. It was daylight robbery and members opposite caused it. We are trying to minimise that.

In fact the coalition government went as far as saying to the federal government, 'If this project does not go ahead, do not give Victoria the \$3 billion'. How irresponsible is that? That was the former government's position. That was even the Prime Minister's position, but thank God he has now seen the light and it looks like we might be able to get the \$3 billion to invest in Victorian infrastructure projects. But it will not be invested in the east-west project; it will be in the West Gate distributor, the program to remove 50 level crossings or perhaps the Melbourne rail project. I think Mr Barber would agree that that is a project which needs to be given priority over the east-west road tunnel. That is a project we would like to see commencing.

These are some of the priorities this government has, unlike the opposition's priority which is basically about saying, 'It's my way or the highway'. The coalition has been shown the highway because Victoria has rejected it.

**Mr Ramsay** interjected.

**Mr MELHEM** — Mr Ramsay may have to take the train; I suppose you are right. He will not get to use the east-west tunnel. There will not be a highway there so he may have to use an alternative road.

Members of the opposition can go on about this as long as they want, but whatever they try to do they will not be able to hide the fact that they really stuffed up this project. They stuffed up any credibility the government may have had when negotiating with private enterprise. We are now sending a signal to construction and other private companies. We are saying, 'We are going to negotiate with you. We will set our own deadlines. You can basically demand whatever you want in relation to the cost of a particular project and its penalty clause'. The coalition government set a very bad precedent with that side letter. I think that is criminal. Basically the former government was hiding a letter from Victorian taxpayers and not telling anyone.

Those opposite were forced to release it. They were hoping no-one would find out about this letter. But guess what? They were full of stuff in their own minds. They thought they were not going to be defeated at the election and you would still be in government so this letter would never see the light of day. They got it wrong. The only reason they released the letter is that they had no choice.

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

**Mr MELHEM** — As I said earlier, the Andrews Labor government, whilst in opposition, obtained legal advice, and the message was clear that any contract signed immediately prior to an election is at a great risk of being declared unenforceable and cannot be entered into safely, particularly for a project that is subject to a Supreme Court challenge. That advice was in the public domain and everybody knew about it, including the previous government. Nonetheless, it ignored all that advice and went ahead and signed that ill-fated contract. The only thing left of that contract now is a potential bill of over \$1 billion that will have to be paid by Victorian taxpayers.

Let me make it clear that this government will fight tooth and nail to make sure it cleans up the coalition's mess. We will make sure that we will not be paying the money the coalition Treasurer promised the consortium, knowing full well the coalition would lose the election. We will cancel the contract, as we said we would, yet we may be lumped with a bill of over \$1 billion. Opposition members come into this chamber and still want to talk about it, instead of standing up and apologising to the people of Victoria for leaving such a mess behind. They should say they are sorry and ask for forgiveness. They should say they did not know what was wrong with them back then and that they just had to sign a contract before the election so that at least they could show Victorians they did something — they signed a contract.

The coalition did not deliver a single major project in its four years in government. I challenge opposition members to name one single project the coalition developed and commissioned in its own right. There is not a single one, although it promised a lot before the election. It promised it would do all sorts of projects, but it broke every single promise. Yet now the opposition is accusing the Premier of breaking his promise, but he has not broken his promise.

The difference between this government and its Premier and the previous government and its Treasurer and Premier is that this is a responsible government, unlike the previous government. We will not

compromise our negotiating position with the consortium. We need to sort out the coalition's mess first.

**Mr Ondarchie** interjected.

**Mr MELHEM** — I am sure Mr Ondarchie has seen it because apparently he drafted it. I am not sure whether the former Treasurer shared it with him; he probably did not.

**Mr Ondarchie** — Have you seen it?

**Mr MELHEM** — I do not need to see it.

**The DEPUTY PRESIDENT** — Order!  
Mr Melhem will direct his remarks through the Chair.

**Mr MELHEM** — Thank you, Deputy President. I will direct my remarks through the Chair, but I would appreciate it if members on the other side would keep the noise down a bit so I can get on with the debate.

There was a lack of consultation by the coalition about the plan and where the tunnel would go. There was confusion among residents of the area around the proposed roadway, but that was not important. The coalition set up a committee to look into that, but it ignored its own committee. These concerns were raised by that committee, but it did not matter. The coalition did not like what the committee had to say, so it ignored it.

I come back to the central point. At the election Victorians voted against the coalition's tunnel. It will cost too much, it will not be enough to reduce congestion and it is not a priority for the state of Victoria. Victoria has other priorities. The government listens to the people of Victoria and hears their message about what is important and what the priorities should be — projects like the metro rail tunnel, railway crossings, the West Gate distributor, the widening of the Tullamarine Freeway, the spending of over \$1 billion on metropolitan roads —

**Mr Ondarchie** interjected.

**The DEPUTY PRESIDENT** — Order! I ask Mr Ondarchie for less of his constant commentary.

**Mr MELHEM** — We are also spending over \$1 billion on maintaining roads in regional Victoria. These are our priorities, but obviously the coalition's priorities are elsewhere.

Unlike the previous government, the Andrews Labor government is committed to being open and transparent about the decisions it makes on behalf of Victorians,

but it will not jeopardise a commercial negotiation that will result in a bad deal for Victoria. That is why we are establishing Infrastructure Victoria. It will look at how we can communicate the financial, commercial and economic underpinnings of our major investments, including delivering roads for Victorians at the best possible price and quality.

We will get an independent body to analyse this entire project and to advise the government — not to make a decision for us but to advise us — about the short-term, medium-term and long-term needs of this state. We will do that instead of allowing a potential repetition of what happened over the last four years, when we had government members who did not do much at all in this space of infrastructure projects and who finally woke up and said, ‘Hey, we want to spend \$27 billion of taxpayers money. We want to do all these projects, and we’re gonna do them’. Their government became the gonna-do government. Infrastructure Victoria will hopefully address that problem. We will have some long-term planning in relation to what is really important for this state, like the metro rail project, railway crossings et cetera.

Instead the whole focus of the opposition is on how it is going to cover its lie about its \$18 billion east–west link, which was a financial disaster. Those opposite are trying to cover up, but I can tell them that it is not going to work. If I were an opposition member, I would hope to put this behind me, but obviously those opposite cannot see this.

If the motion is passed today, obviously the government will give it due consideration. Our position on whether or not the contract will be tabled tomorrow will be communicated to the opposition. I would not hold my breath in terms of the opposition’s deadline. They think that is pretty good, but it shows me that those opposite are not fair dinkum, because it says, ‘Okay, we want this done by 12 February’. We all know that is just political spin, a political ploy. That is about it. This is not about wanting the contract to be tabled. Those opposite know that we have said we are going to table the contract, and we have not broken that promise.

**Mr Ondarchie** interjected.

**Mr MELHEM** — We had a big mess; we had to clean it up. We had to find the coalition’s letter. We might be finding more letters. If the opposition knows there are more letters around, it needs to tell us. It might make life easier for us.

In any case, with those comments I will leave my contribution there. I hope opposition members will do some reflecting on what they did in the last four years and recognise that this project, which they were pushing, was a dud project that was simply going to waste \$18 billion of taxpayers money and commit Victoria to 50 years of tolls. It was a project that was going to cost far more than a similar project would have cost if it had been done and analysed properly instead of being rushed. It was rushed, and I say shame on those opposite.

**Mr DALIDAKIS** (Southern Metropolitan) — It is somewhat strange — and it is with a heavy heart — that my first significant contribution, apart from my response to the Governor’s speech, is to deal with something that could have affected the finances of Victoria so greatly and put Victoria and good public policy at such risk. The motion put by Mr Rich-Phillips is somewhat surprising. To talk about the east–west link, to continually bring it up, is somewhat confounding, because it was the antithesis of good public policy. For Mr Rich-Phillips’s sake, I hope it is something in relation to which, in years to come, his name and his signature will not appear on any of the documents associated with cabinet submissions or other documents when they are released in good time.

*Honourable members interjecting.*

**Mr DALIDAKIS** — There are a range of interesting interjections coming from the other side, and I know it would be disorderly to respond to them, but in terms of the interjections I would recommend to Mr Rich-Phillips that if he is so keen to have a look at other documents, he just needs to avail himself of Mr O’Brien, the member for Malvern in the Assembly, who apparently has effectively stolen Victorian cabinet documents, which he is now releasing at will and which, by the way, he has no legal standing or parliamentary standing to retain now that he is in opposition. Mr Rich-Phillips might like to reflect on that prior to continuing to interject, because I am happy to spend a whole lot more time on the way those opposite should conduct themselves in cabinet.

**Mrs Peulich** — On a point of order, Deputy President, the member has reflected on a member of another chamber, accusing him of breaching the Crimes Act 1958, and I suggest that you ask him to withdraw that.

**Mr DALIDAKIS** — On the point of order, Deputy President, I believe the evidence is clear to all, because Mr O’Brien had a media conference in which he

revealed cabinet documents which, under the documents act, is illegal.

**Mr Finn** — On the point of order, Deputy President, under standing orders it is clear that such an allegation cannot be made except by way of substantive motion. To drop that in as part of a contribution on a debate such as this is very much against the standing orders, and I ask you to ask the member to withdraw.

**The DEPUTY PRESIDENT** — Order! I believe the points of order that Mrs Peulich and Mr Finn have raised are correct. A member cannot reflect on another member of this chamber or the other chamber. I request that Mr Dalidakis withdraw.

**Mr DALIDAKIS** — I am happy to withdraw under those circumstances.

The issue of good public policy and corporate governance goes to the heart of what has become a terrible blight on Victoria's recent political landscape. These contracts were signed just 135 days ago. I reference the time and date specifically because it was only four weeks prior to the then government going into caretaker mode. These are significant contracts that effectively tried to lock the state of Victoria into 10 to 15 years worth of financing. Moreover, we are only talking about stage 1, and many academics have released their own calculations costing it at \$18 billion. So 135 days ago the now opposition decided to sign Victoria's future away, when there was no need to do so. It did not expedite construction works that would have seen the project finished any quicker than if we had allowed the people of Victoria to decide.

But the people of Victoria did in fact decide. This government campaigned long, hard and loud on the basis that we would not continue with the east-west link. Unlike other governments, state or federal, we have made a point of saying that we will honour our election commitments, and one of the biggest election commitments we made was not to continue with the east-west link. For the previous government to sign contracts for stage 1 at a cost of upwards of \$18 billion took the support of the Victorian public for granted, and the Victorian public subsequently had its say.

Let us fast-forward to Thursday, 5 February, which will go down in Victorian political history as a day of shame for the opposition — the day the shadow Treasurer ripped off the scab of pretence of decency and good governance and revealed to all and sundry that this side deal was basically a blank cheque. The side deal was not predicated on successful litigation, and it is important to labour this point. Courts are an

independent part of our system, in accordance with the separation of church, state and judiciary. But if a court were to decide that the contracts are invalid, this side deal then states, 'We will pay the money regardless, and we will compensate you on top of that'. Never before in my commercial and financial background have I come across something so blatantly against the best interests of the people that an organisation — in this case Parliament — is designed to represent.

The most astonishing part is that the current shadow Treasurer released this document by his own hand. It is amazing that somebody would out themselves as being a corporate destroyer and as having shackled the Victorian public with billions of dollars of expenditure, some weeks out from an election, for a project that it has subsequently been shown the public did not want. Doubtless the shadow Treasurer thought this was a philosophy of policy opportunism, but in fact it was economic vandalism and downright deception. It is no surprise that there are no interjections right now, because none of the members of the opposition — —

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! Mr Dalidakis should not invite interjections.

**Mr Ondarchie** — On a point of order, Deputy President, we are 8½ minutes into this contribution, and the member has not as yet spoken one solitary word on this very narrow motion. I ask you to bring the speaker back to the motion, as presiding officers did in the chamber this morning.

**The DEPUTY PRESIDENT** — Order! This has been a broad-ranging debate, and the speaker has been dealing with the east-west link project.

**Mr DALIDAKIS** — The side deal is not something many members would be proud to have signed, let alone to release by their own hand. It is without a doubt one of the grossest cases of economic vandalism I have witnessed in some 20 years of following state and federal politics. It was the most stunning own goal, because there was a resounding election victory for Daniel Andrews and his team, of which I am now a member.

**Mr Finn** — Resounding!

**Mr DALIDAKIS** — I know it is unruly to engage with interjections, but it is far more resounding than the situation the opposition found itself in, with the previous member for Frankston in the Assembly deciding on a daily basis whether or not he would prop up that disastrous government.

**Mr Ondarchie** — On a point of order, Deputy President, I remind you of the rulings of both the President and an acting president this morning. They were very specific about members in their contributions talking specifically to the motion. I am uncertain what the previous member for Frankston in the other place and his behaviour have to do with this motion.

**The DEPUTY PRESIDENT** — Order! I take the point of order, and I call on Mr Dalidakis to focus on the motion before the chamber, not to respond to the interjections from those opposite but to address the Chair and to refrain from making comments in relation to activities that took place in the other chamber in the previous Parliament.

**Mr DALIDAKIS** — In relation to the east–west contracts, it is important to note that the Victorian public could well be left with the question that I now pose to the chamber: what other sensitive cabinet documents does the member for Malvern in the other place retain since leaving office?

**Mrs Peulich** — On a point of order, Deputy President, the member is disregarding your ruling. I know he is there to earn his stripes and that he hopes to jockey to the front bench, given his undermining constantly of Mr Somyurek, but I suggest that he stick to the motion.

**The DEPUTY PRESIDENT** — Order! I will consider Mrs Peulich’s point of order in a moment, but I suggest that personal commentary is also very provocative indeed, and I ask her to desist from making those sorts of comments in future.

**Ms Shing** — On the point of order, Deputy President, Mr Dalidakis is in fact dealing comprehensively with the content of the east–west link contracts as they were entered into, which is consistent with the wording in paragraph 1 of the motion. On that basis, he is squarely within the scope and contemplation of the motion.

**Mrs Peulich** — Further on the point of order, Deputy President, my earlier point was that the member was flouting a ruling about reflecting on other members, and he is basically going back to exactly the allegation he made, which is that a member of the other chamber has breached the Crimes Act.

**Mr DALIDAKIS** — On the point of order, Deputy President, I did no such thing. I asked what other documents the member for Malvern in the other place might retain. I cast no aspersions on his conduct.

**The DEPUTY PRESIDENT** — Order! I have sympathy for what Mrs Peulich has raised. I ask Mr Dalidakis not to err when he makes commentary about the former Treasurer. If he wishes to pursue that line, he should do so through substantive motion.

**Mr DALIDAKIS** — If members look at the critique by members of the fourth estate subsequent to the release of the side deal that detailed the, in effect, disastrous poison pill that was left some four weeks out from caretaker government, they will see that the state political editor of the *Age*, Josh Gordon, said:

I’m frankly flabbergasted at the way they were playing poker with our money.

Going to Monash University’s governance research unit, a very respected past member of the Victorian Parliament, Professor Ken Coghill, said the side deal was both highly irregular and very suspicious.

I refer to commentary provided by no less than Jon Faine, who is extraordinarily tough but fair in his commentary on politics. He described some of this behaviour as ‘breathtakingly unbelievable’, and last week he asked the shadow Treasurer, ‘Who are you as a politician to commit us to paying compensation that the court says we don’t have to pay?’. That goes to the very heart of good governance. It goes to the very heart of undertaking this type of side deal in which it is expressly undertaken to pay a consortium for not just the contracts but compensation over and above those existing contracts if an independent arbiter — that being the judicial system — decides that those contracts are invalid.

This may be acceptable to some people in this chamber, but it would never be acceptable to me, nor should it be considered to be acceptable by this Parliament. The business case for the east–west project refers to a payback of only 45 cents in the dollar. Anybody who wants to run a commercial entity thinking they could get a return of 45 cents in the dollar on any asset that they were going to put money into developing would be unable to find a board of any due diligence that would agree to that going forward. I will come back to the issue of good governance in just a moment.

*Honourable members interjecting.*

**Mr DALIDAKIS** — The dodgy side letter has been dealt with. It is no wonder that those opposite do not want us to talk about it, because it will forever follow them. Every day of their political lives it will follow them as a gross dereliction of duty by the cabinet that signed off for it at the time — that is, by the parliamentary representatives who actually signed the

deal. The east–west contract will be used forevermore in case studies about bad public governance.

**Mrs Peulich** interjected.

**Mr DALIDAKIS** — On your advice, Deputy President, I will not engage with ridiculous interjections.

**Mr Ondarchie** interjected.

**The DEPUTY PRESIDENT** — Order! If Mr Ondarchie wishes to contribute to this debate, he will put his name on the speaking list.

**Mr DALIDAKIS** — Members are aware that by some reckoning we are talking about approximately \$18 billion. Speakers have talked about the contracts being entered into in what I would deem bad faith — four weeks out from being in caretaker mode — during an election campaign. We have spoken about the weight of the taxpayer purse and taxpayers money being used for blatant political gain in the attempt by then government members to try to get some deceptive advantage over Victorian taxpayers in public policy development. That public policy was never taken to the Victorian people prior to the 2010 election. In fact the east–west project became of interest to members of the then government only once they changed the Premier because they believed they were floundering and had no policy objectives going forward.

If members of the opposition now want to attempt to salvage something, they would do well to let the east–west project go the way of the dodo bird and move on. If they wish to continue to talk about the east–west project, they should do so. I am sure that the people of Victoria would like to be reminded of how those opposite were prepared to play Russian roulette with \$18 billion that was not theirs.

**Mrs Peulich** interjected.

**The DEPUTY PRESIDENT** — Order! If Mrs Peulich wishes to contribute, I invite her also to put her name on the speaking list.

**Mr DALIDAKIS** — If opposition members believe the project is of such significance and worth, I would welcome their putting their hands into their own pockets and reimbursing Victorian taxpayers any money that we are now out of pocket, because that is due to the blatant political opportunism of those opposite in signing a contract four weeks out from entering caretaker mode. It was an egregious, outrageous act of a government in its dying days, which did nothing more than saddle an incoming government

with a relic of anything other than what good governance dictates.

I said that I would come to good governance, and I wish to do so. I have been a long-term member of the Australian Institute of Company Directors (AICD). I do not think anybody in or out of this chamber would deny that the AICD, as it is affectionately referred to, is the model of both teaching and governance and that it also tries to best direct people as to what the guiding principles of good governance are. In front of me I have a list of 10 principles the Australian Institute of Company Directors issues to future company directors as to how they should behave in relation to looking after what is essentially shareholders' money, not their money.

The principles say that good governance underpins good conduct and the good judgement of those who are charged with running an organisation. I know we cannot reflect on past governments, but the former government failed that test. Under principal 1 of the AICD principles of good governance people must act in the best interests of the organisation.

**Ms Fitzherbert** — On a point of order, Deputy President, how is the Australian Institute of Company Directors relevant to the issue of whether the government should release the contract?

**Mr DALIDAKIS** — On the point of order, Deputy President, the motion is clearly about the east–west link contract and the documents. As I have been talking about thus far, the issue of governance in the signing of those contracts goes to the very heart of what good governance is in relation to dealing with the mess this government is now faced with cleaning up.

**Mrs Peulich** — On the point of order, Deputy President, the motion is about the release of documents, not the underlying principles of the contract, which may be the subject of debate later in the day. In fact the member's broadening of the topic is anticipating debate.

**Mr Melhem** — On the point of order, Deputy President, the point that is being made by the member is very simple: he is trying to explain the duties of directors. As an executive government and MPs we have a similar responsibility as directors have. We have a responsibility to —

**Mrs Peulich** — Next debate.

**Mr Melhem** — It is this debate. The member is trying to address whether the whole contract can be rescinded or part of it. He is trying to explain some of

the duties we may be bound by. He is trying to paint a picture in relation to that point, and he is within the scope of the motion. We have already established today that speakers on the other side have gone way outside the scope of the motion anyway.

**The DEPUTY PRESIDENT** — Order! After hearing all of those points of order it is my view that the 10 principles of governance that have been raised by the speaker fall within the scope of the motion before the house. There has been a debate throughout the course of this motion in relation to its scope, and that has been part of the substance of this debate. I rule that this is within the scope of the motion in terms of those points about the principles, but I also encourage the speaker to focus more directly on the motion before the house and to keep in mind that a number of these key concepts of governance may be addressed in a further debate in the house later today.

**Mr DALIDAKIS** — I thank the Deputy President for her guidance, and I will shortly move on from the principles, as I am about to finalise them. Principle 1 says that you must act in the best interests of the organisation. For want of a better term, the ‘organisation’ in state Parliament is the people. They are the ones we are responsible to. They are the ones we represent, and they are the ones we undertake to provide services, capital infrastructure and facilities to so as to best serve their needs.

Principle 5 says an appropriate system of risk oversight and internal controls should be put in place. I suggest that in this organisation we have no greater internal system of risk oversight, no greater internal control, than a general election. We were eight weeks away from a general election which might have given the now opposition a mandate. Instead it gave us a mandate to withdraw from this contract the then government entered into. Regardless, eight weeks out from a general election and four weeks out from caretaker mode the internal systems of risk oversight — the internal controls — should have said that this was a level of expenditure that was so great that at no time then or in the future should Victorian taxpayers money ever be wagered in this type of endeavour.

Principle 9 says the board should ensure that the organisation communicates with members and other stakeholders in a regular and timely manner to the extent that the board thinks is in the best interests of the organisation so that they have sufficient information to make appropriately informed decisions regarding the organisation. This is critical because at the time the contract was signed, four weeks out from caretaker mode, the then government hid all the details of the

contract. It refused to release all 48 versions of the business case. It refused to release the tolls people would have to pay. It refused to release almost everything other than a glossy brochure and a DVD of what things may look like if the coalition government were re-elected. It is not good enough to spend \$18 billion of Victorian taxpayers money in such a manner four weeks out from caretaker mode.

The final principle — I promised you that I would move on, Deputy President — is principle 10, which says that the board’s performance needs to be regularly assessed. Eight weeks after this contract was signed the people of Victoria assessed the performance of the coalition government as being poor. They did not want to re-elect that government and allow it to govern for a further four years. The people of Victoria assessed the responsibility of that government in signing those contracts so close to the election, at 3 minutes to midnight just before going into caretaker mode. When the Andrews opposition said, without a shadow of a doubt, that it would not build the east–west link and would pull back from the contract that was signed at 3 minutes to midnight, guess what? We won the election.

The more the opposition continues discussing the east–west link, the more I will ask that my name be put on the speakers list in order to remind opposition members that they are in opposition in large part because they were so grossly irresponsible with Victorian taxpayers money. It was not just my money, not just your money, Deputy President, not just the attendants’ money, or even their own money; it was the money of over 4 million people who live in Victoria. If they wish to continue asking for documents that the member for Malvern in the Assembly keeps releasing, then they only need to speak to him in their party room; otherwise we will go through an orderly process.

The Premier has committed the Victorian Labor Party, which is now in government, to unscramble the eggs in the frypan in an attempt to work through very complicated commercial agreements. At an appropriate time we will continue to release documents, because that is what we committed to do. The Victorian people should be able to have confidence in their elected officials not only to do what they say but to say what they do. Just days ago the federal government said ‘good government starts today’, because it has been sleeping for the last 17 months. I remind the opposition that it is the first time since 1955 that a one-term government has lost office. This government will not go the same way. We will go to the heart of what good governance is, which is meeting and implementing our

commitments in the fullness of time. That is exactly what we will do.

We need to remind the now opposition of the 10 principles of governance, because it played Russian roulette with our money as well as the money of future generations of Victorians. We will try to fix this mess, but we make no apologies for doing it in a way that protects the Victorian taxpayer going forward. We will release the documents in accordance with our commitments, but at an appropriate time when it is in the best interests of the Victorian taxpayers to do so, because at that point the Victorian taxpayers will have confidence that what we are doing is minimising the risk to them. I will finish my contribution on that note, because the minimisation of risk to the Victorian taxpayer is why the coalition is now in opposition and not in government.

**Mr MULINO** (Eastern Victoria) — This is clearly an extremely important issue, which exposed our state to billions of dollars of unnecessary economic risk. It is an issue that was important enough that some commentators have said the last election was in large part a referendum on this project. The last election became a referendum on this project because the approval of the project flies in the face of good process. The approval of the project flies in the face of sensible project development, good governance and risk minimisation.

This motion is all about whether we release documents and when, and I am going to speak about two dimensions of this issue and how they are interrelated. Firstly, we need to extricate ourselves from the extremely messy situation that we find ourselves in and give reasons as to why we need to extricate ourselves from it. Secondly, I am going to explain how we need to extricate ourselves from it. These are two interrelated questions, so I going to deal with them in turn. The latter question directly bears on the release of the documents.

Why is it that we need to extricate ourselves from the awful state of this project? The main driver to dedicating scarce state resources to multibillion-dollar projects which tie the hands of governments for decades is that they will hopefully generate policy benefits. One of the key metrics of assessing policy benefits is the benefit-cost ratio (BCR). It is not the only one, but it is a key metric. What are some of the kinds of benefits that one might ascribe to transport projects more generally? One might imagine saved travel time and in some projects positive externalities such as greenhouse gas reductions — not the case with this project where it is a negative. In the case of large

transport projects one might imagine wider economic benefits such as agglomeration benefits, particularly where there is improved access to a central business district.

One would use a benefit-cost ratio, particularly for a very large project such as this, firstly, to evaluate the project. If the project cannot get above 1, then one would have very serious doubts as to whether scarce resources should be devoted to it. If a project is generating less benefit than the state is devoting to it, then one has to ask serious questions as to why it is being included in the budget. This project has a benefit-cost ratio of less than 1, so right from that first most simple hurdle this project does not meet the test.

A second reason why one might look at benefit-cost ratios is to compare different projects. If there is a range of different projects that one is looking at choosing between, clearly a higher benefit-cost ratio for one project would lead one to be more inclined to prioritise it over other projects.

A third and related consideration is the ordering of major projects. In a complicated city such as Melbourne and in a complicated state such as Victoria it is not just the benefit-cost ratio of individual projects that matters, it is also thinking through the correct ordering of major projects.

I raise these points because the state election was not just a referendum on that particular project in a vacuum; it was a referendum on the east–west link project in the context of alternative choices — namely, improved investment in public transport and in particular improved investment in level crossings and investment in the Melbourne Metro project. I raise the Melbourne Metro project because a number of BCRs have been done on that. It depends on when they were done, but they are routinely above 1 without even taking into account the wider economic benefits, which would be substantial and would include, for example, significantly improved access to the CBD. In the lead-up to the election we had at least two major projects to choose between, one which had a BCR significantly higher than 1 and which generated positive externalities when it came to carbon abatement, and one of which had a BCR wallowing under 0.5. Although we did not know that at the time, we suspected it.

The Melbourne Metro rail tunnel is clearly a relevant consideration. The previous government should have entered the election unencumbered, allowed the people to make a choice and then allowed that choice to be enacted in the term following the election. Instead we find that the people of Victoria voted clearly for

improved investment in public transport and for the Melbourne Metro project, yet their clear choice is more difficult to implement than it need be because the incoming government is encumbered with the ridiculous set of circumstances that we find ourselves in. That is the first piece of context.

One of the clear rationales behind investing in major transport projects is the policy benefits they generate. We find ourselves in a situation where we have a mandate to go down a particular path and invest in projects which generate higher benefit-cost ratios than the project with which we have been lumbered, along with its residual contractual elements. We are trying to sort out this situation for the benefit of Victorian taxpayers.

Some other speakers have touched on the second major element, which is risk management. Clearly risk management is a key issue in any major project, whether it be transport or otherwise. A guiding principle when it comes to risk management is that where possible we ought to minimise risks in the interests of taxpayers. It is also relevant in other non-government contexts, but clearly for the sake of taxpayers we should minimise risk where possible. In addition, we should allocate risks to those who are best placed to bear them. This means that for certain projects public-private partnerships — I use the term in its broader sense — would make sense because on occasions it makes sense to allocate some risk to the private sector. On other occasions it might make sense for the government to bear all of the risk.

It depends on the circumstances but clearly the broad principle should be about minimising risk where possible and allocating risk more efficiently. However, just because we allocate the risk to another party — generally the private sector — does not mean that it disappears. When you allocate a risk to another party, you generally have to pay for it, albeit through a different mechanism. It is not as though allocating risks in different ways removes them, but we need to be very careful about the way we manage risks and the way we allocate them.

What are some of the broader risks that might arise in relation to a project of this sort? One might imagine that there are some broader economic risks — as I might term them — such as demand or traffic forecasting risks, for example, which are inherent in large transport projects. We live in a world where these risks are heightened, a post-global financial crisis world where risks of a financial nature are more difficult to assess than they were previously. It is a world in which certain major road projects in other jurisdictions have struggled

to meet traffic forecasts and where in all economies around the world it is extremely difficult to undertake traffic modelling with accuracy. In this environment the project was always going to bear a significant amount of risk in relation to future traffic demand.

This risk is referred to in the government's documents. One of those documents relates to market soundings that were undertaken with around 40 private sector agencies. It states that:

There are significant concerns around full exposure to demand risk on a new greenfield toll road, and hence very little appetite for taking on all demand risk ...

There is a huge amount of concern about that aspect of risk. In the same document it was noted that debt providers in particular want to be 'isolated from any exposure to demand risk'. The reason I raise that and why that is very much interrelated with some of the first issues is that the public policy benefits arising from a project are very closely tied to issues like traffic management risk. If a project is poorly designed, it is less likely to generate the kinds of traffic flows that funders are going to want to see. This project was very poorly designed. It was rushed. It was entered into without appropriate transparency, and we did not see the kind of consideration by Infrastructure Australia, for example, that we would have hoped for. Those core economic risks were heightened by the poor process used to develop this project.

Again, I contrast this project with the other project that I referred to, which is the Melbourne Metro project. As at 13 December Melbourne Metro was included in the second highest category by Infrastructure Australia. It is explicitly included in the second highest category of the priority list with a BCR of 1.2. We can compare that with a project which I can assure you is not listed in any priority list with a BCR of greater than 1 put out by Infrastructure Australia.

**Ms Shing** interjected.

**Mr MULINO** — Exactly. As Ms Shing just interjected, it is a significant order of magnitude difference. This is of critical importance. Infrastructure Australia is a body that has bipartisan support at the federal level and also at the state level. Infrastructure Australia is a body that I think everybody in this place would want to see become more effective over time in acting as a filter for large projects. Yet the previous government, despite trends in better governance in this space, flew in the face of all that that body is doing. It flew in the face of all attempts to develop a national pipeline and pushed through a project which one can only imagine was justified on a number of grounds

other than pure public policy. That is one key element of the risks associated with a major project such as this. Those risks have been heightened by the poor process in the design and weaknesses in project evaluation.

Another key element of risk in any major project is what one might broadly term transaction risk. The way this project was entered into — and this relates directly to the contract and how and when it should have been released — meant that the transaction risk around the project was unnecessarily increased. Governments should be striving wherever possible to decrease risk. The previous government seemed to be going out of its way to increase risk.

Firstly, there is significant doubt as to the enforceability of the contract itself. What a ridiculous situation to have with a project that involved a capital contribution and an up-front construction cost of the order of \$6.8 billion and many billions more to be paid out over decades. It was a sizeable project, and yet there is significant uncertainty as to the enforceability of the contract.

The opposition at the time secured advice from leading Queen's Counsel, who provided strong advice that there were serious doubts as to enforceability. One can only imagine that the previous government thought this was at least somewhat of an issue, given that it ended up entering into what one can only describe as an unorthodox side letter. It was quite an ad hoc and strange process that the previous government entered into in relation to the contract, and I repeat that it can only be evidence of the fact that it harboured some of those doubts.

The second element of transaction risk that the previous government heightened unnecessarily, and which the previous speaker talked about at some length, was to approve this project in the lead-up to an election when the opposition had made a clear policy commitment not to proceed with it if it was elected. A government that had decided to do nothing in this space for three and a half years suddenly woke up with a Montblanc pen in its hand every morning and started to sign any document that was thrown in front of it. That was an absolutely ridiculous thing to do just before the caretaker period began.

Even though in a very technical legal sense the then government had the capacity to sign that piece of paper, its actions flew in the face of what the caretaker period is all about. It flew in the face of the fact that the government had sat on its hands for three and a half years and then decided to commit not only the next government for one term but also generations of

Victorian taxpayers for many decades to obligations relating to a project which had been so poorly designed.

We find significant transaction risk arising from the fact that this project was approved at the last minute — at the 11th hour and 59-minute mark. This occurred at a time when — and I hope both sides of the house will acknowledge this — we live in an environment where the electorate rightly has an expectation that governments will keep their promises. We have seen a number of instances in recent years at state and federal level where broken promises have been rightly punished by the electorate, and this applies to both sides of politics.

Yet the members of the previous government seemed to want to contrive a ridiculous set of contractual arrangements and side letters to somehow try to pressure an incoming government not to meet one of its main election commitments. It is a remarkable situation. And then we were faced with the federal government engaging in behaviour that bordered on financial blackmail to try to force an incoming government not to keep one of its major promises. All of this is occurring at a point in time when the now opposition at the state level and the federal government have been mouthing platitudes about keeping promises. I would argue that it is highly inappropriate and unethical from a political perspective to try to pressure an incoming government, which has a clear mandate, not to keep such a central campaign promise.

But looking at it just from the point of view of risk management, it is an appalling situation. As the previous speaker mentioned, we are now faced with a well and truly scrambled and fried egg, which taxpayers rightly expect us to try to get back into the shell because we are here to protect their interests. But it was scrambled, it was fried and it was thrown all around the kitchen by those on the other side of the house. For them to come in here pontificating and moralising with this motion is just extraordinary.

They are two elements that relate to the way that one ought to appropriately decide upon and develop projects and then implement them. We should conduct those elements of the process in a way that maximises policy benefits, but we should also do that in such a way that we minimise, manage and allocate risks appropriately. The process that was undertaken could not have been further from that.

I will conclude my contribution to the debate by just quickly running through the previous government's process in the immediate lead-up to the election and then outlining why the release of these documents must

be undertaken in a way which is consistent with protecting the interests of taxpayers. Those two broad principles — policy benefits and risk management — were not satisfied or complied with by doing nothing for three and a half years and then fast-tracking a process and also including a poison pill.

We find ourselves now having to extricate — that much is clear — on policy grounds and also on the grounds of the message that the electorate clearly sent at the last election. We have to extricate, but the question is how. Clearly it is in taxpayers interests for this to be negotiated in a way which protects them. After the appalling process that opposition members undertook when they were in government, in no way will this government comply with false deadlines or any process that they try to dictate. We will undertake this process in such a way that protects state taxpayers interests. We have to negotiate with the consortium in a way that recognises the inherent uncertainty in the situation and the unorthodox arrangements that were entered into.

These kinds of negotiations are very much par for the course in the commercial world. What we are doing will not be a surprise to the parties that we are negotiating with. What we are doing will not be foreign to them. They will have their advisers and we will have our advisers. This kind of process is what is commonly undertaken in the commercial world when people find themselves in a mess. Messes sometimes occur in the commercial world. They ought to occur less in the world of public policy, but we find ourselves in one. Just as with other messes, we will have to negotiate our way out of this one, and that is the only way that we will be able to protect taxpayers interests.

Clearly this motion should not be voted for, because it is in the taxpayers interests for a process to be undertaken along the lines that we are seeing the government working through methodically. It is only by working through that process at a pace that is dictated by the merits and the content of the documents and by the interests of the various stakeholders and by letting those negotiations take their course that we will properly protect taxpayers interests. We must undertake that process, not the process outlined in the motion.

**Ms SHING** (Eastern Victoria) — Along with my colleagues Mr Dalidakis and Mr Mulino, it is with a sense of regret that I rise to give my first substantive contribution in relation to a series of contractual debacles, fracas, messes and unfortunate incidents which it is now the remit of the Andrews Labor government to step in and fix.

I would like to pick up on a number of issues relevant to the east–west link contracts and divide them into two overarching components. Firstly, on the substance of the contracts I note that we are yet to conclusively determine, at least to the best of my knowledge, that we have in fact all of the information relevant to any agreement, condition or contract that the former government may have entered into.

I am yet to work out what the collective noun for ‘side deal’ is, but I suspect I may well have cause to draw upon it in the event that we are not able to conclusively establish that there was nothing more than the former Treasurer’s letter. It effectively contributed to the mess we are now facing by committing an enormous amount of taxpayer funds to a contract which people had not voted for, a contract for which there was no sound economic basis to enter into and a contract which gave a negative return in terms of public benefit, amenity, forecast and good public policy initiatives.

We have heard a number of contributions today about the agenda of the former government and the way it set out the great question: to tunnel or not to tunnel? I note with some interest that it set the agenda late in the piece. Save for the Flinders Street railway station design competition, we had not seen any major contribution to changing the face of Victoria’s policy landscape in a way that would create the enduring legacy that the former government no doubt wanted to engineer.

It was in fact at almost the last minute — I do not want to call it the death knell because that would be uncharitable — that the former government decided that it was all too necessary to enter into a period of very hasty negotiation of contracts, which were developed and signed in a flurry of activity. I am not sure if the contracts were signed with Montblanc pens or BIC pens. But the question arises not in relation to the substance of the contracts but rather the way they were executed.

Unfortunately for Victorians the contracts were entered into, were signed off in piles and were photographed. There was much dining out in the public domain and much of a meal was made — I suppose politically — of the entering into of these contracts by the former government. We saw crowing, we saw self-congratulation and we saw grand statements about the way the east–west tunnel, as proposed in glossy, three-word slogans, would deliver benefit to Victorians.

Yet there had been no mandate. This is an important point. There had been no mandate delivered to the former government to enter into contracts which we

are, as I indicated earlier, now in the process of trying to unscramble. We saw a government which decided to head to the negotiating table with a consortium and to effectively negotiate something simply to get it out of the way and have a set of pre-election promises for a tunnel which was later revealed to be not so much a white elephant as a dead horse. You cannot ride a dead horse anywhere, let alone through a tunnel which delivers a negative cost benefit.

**Mr Herbert** — I've lost money on a few of them though, I think!

**Ms SHING** — It is interesting that Mr Herbert has indicated he has lost money on a few dead horses. To pick him up on that point, Victorians stand to lose an enormous amount of money — taxpayer money — simply because the former Treasurer decided, in an act of breathtaking hubris, that it was acceptable to sign a covert, sneaky side letter which committed funds irrespective of the outcome of a legal process. He sought to undermine challenges which were being mounted to the substance, validity and enforceability of the contract as a whole and simply went ahead and decided that he would give the consortium taxpayer money without consulting the world at large. That is breathtaking; that is hubristic.

Then we go to the substance of the contracts themselves. I have not seen the contracts, to pick up on any interjection that might otherwise be made to interrupt this flow of mine, but what I do know is that the business case, which has been published by the Andrews Labor government, indicates that there would be a benefit-cost ratio of 45 cents for every \$1 to be spent. This is hardly sound economic management of public money. This is hardly any sort of reasonable basis upon which to invest in a large-scale infrastructure project.

To add insult to injury and to rub some extremely expensive salt into the wound, the former government's business case also foreshadows that increased tolls were likely to have been required on existing roads across the city, such as CityLink, EastLink, the West Gate Bridge — let us not forget that, a toll-free bridge — and the Tullamarine Freeway, and that those tolls on existing roads would have been required to help plug what would have turned into a \$2.1 billion project black hole. That is significantly more expensive than a colouring-in competition to design a potential, hypothetical, speculative replacement for Flinders Street station.

Back to the topic at hand. Traffic modelling also predicted that the tunnel would in fact have been used

by a minority of inbound motorists on the Eastern Freeway in the morning peak and by just 13 per cent of vehicles bound for Melbourne Airport or the western suburbs. Putting aside the detail and the facts, Victorians could have been forgiven for thinking the east-west tunnel was going to deliver every solution to every traffic and congestion problem that had ever been devised or might ever arise on major arterial roads around Melbourne. Listening to the way the former government spruiked and sold and spun its grand, last-minute plan Victorians could have been forgiven for thinking the contract may have been a worthwhile thing to enter into. But as we all know, and as the Prime Minister indicated, the state election turned into a referendum on the east-west link.

There was no more resounding conclusion to the point of the referendum than the result of the election itself. The east-west link was substantively, and in relation to process, a dud. It was a dead horse.

**Mr Dalidakis** — A dead horse.

**Ms SHING** — It was a sad, dead horse that was going to cost an awful lot of money. Because of the ridiculous side deal we find that there is not only a dead horse but also an enormous stink for us to clean up. There is a legal mess. There is a web upon which the former government has tripped, and the current government is now responsible for a prudent and considered negotiation to unravel this, to find itself in a better position than it was left in, to put Victorian taxpayers into a better position than the one in which they were left.

To the point of the east-west contracts themselves, I also note that the business case that has been published reveals that the Napthine government opted to not submit any initial version of the business case to Infrastructure Australia.

**Mr Dalidakis** — Not one.

**Ms SHING** — Not one, because it feared that a lower range benefit-cost ratio could be used to dismiss the project. By lower range, I am talking about 45 cents for every \$1 spent. That is not investment, that is taking a vast bucket of public money and pouring it down the drain and then having to come back and pay somebody else to fix the mess.

Freedom of information documentation also revealed that the most senior transport planners under the former government detailed the superior economic return that a rail tunnel under the city would bring to Melbourne compared with the east-west link. In terms of substance, we are talking about the comparison and the

contrast between a tunnel, the scope of which was unclear and the basis for which was financially unsound, and other major investment in infrastructure such as rail and the projects that were ranked second highest on Infrastructure Australia's list of priorities which would deliver a better substantive set of policy outcomes, better amenity and better services for Victorian travellers and commuters.

They are solutions which made sense then in terms of what Labor proposed, and they are solutions that make sense now. It is the height of hubris, the height of arrogance, for the opposition to now propose that this motion is founded on a broken promise when in fact we are cleaning up the mess that it left us with. Not only were the substantive terms of the contracts, as set out in the business case, a black hole into which we were all about to fall but the side deal signed by the former Treasurer would commit further taxpayers funds, would add insult to injury and would constitute something far more embarrassing and far more humiliating for the former government than failing to deliver on proper and sound economic management.

The \$18 billion east–west link in the form in which it was proposed to the public at large and in the form that it is referred to in the business case was a financial disaster. Its contracts are founded on a pipe dream that was developed at the last minute. Its contracts were founded on and negotiated in relation to a consortium which effectively had the former government over a barrel. 'We'll sign; you'll deliver. But where you do not need to deliver because the matters are considered by a court, we will pay you anyway.' That was the reasoning and the logic behind this set of twin disasters — the contracts and the side deal.

On this basis it would not be prudent and there is no reason to do anything other than reject the motion to produce the documents. It would be nothing short of irresponsible to fail to go through the documentation and to find it all — if anybody knows the collective noun for 'side deal', they should let me know — and to find all the bases upon which the former government contracted or represented that it would provide benefit at the expense of taxpayer funds to a consortium, to a private provider or to any other entity associated with the negotiation of the contracts.

It is important to get it right. It is important to fix this properly, and it is important to be responsible. Since its election this government has begun the difficult process of getting it right and of being responsible. This is no easy task for the reasons that have already been set out by speakers who have preceded me this afternoon. This is no easy task because government is required to act in

good faith. The hands of subsequent governments can be tied but must be tied properly and appropriately if they are to be enforceable. This is no easy task because matters of this nature are often the subject of court challenges by private parties, and that is what is happening. This is no easy task because we do not yet have a full picture of the way in which the consortium and its representatives may be mollified as a consequence of the contracts not proceeding.

Members should be under no illusion whatsoever that the Labor government has been anything but completely honest with Victorians. Before the election in November last year, the Premier did nothing but be up front in relation to the east–west tunnel — —

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! I heard the comment made by Mrs Peulich.

**Mrs Peulich** — About what, Deputy President?

**The DEPUTY PRESIDENT** — Order! The comment 'nothing but a bunch of crooks'.

**Mrs Peulich** — Deputy President, it was not directed at a specific MP or a member of this or another chamber. It was a collective noun for a political party. I suggest it is not covered by standing orders.

**The DEPUTY PRESIDENT** — Order! I suggest that Mrs Peulich would be better served by being more mindful of the comments she makes.

**Mrs Peulich** — Deputy President, find me the standing order and I will be.

**Ms SHING** — In keeping with the convention of what I hope from this side constitutes respect and relevance to the points at hand, I do not wish to go on much longer because these issues have been well ventilated. What I wish to say and to leave beyond doubt before I close my contribution to the debate on this motion is that the Premier has fairly and squarely confirmed in any number of public and private forums that the east–west tunnel will not be built. He has publicly and privately confirmed in a number of different forums that there are other priorities which are more deserving of the expenditure of public money. He has publicly and privately confirmed — —

**Mr Finn** interjected.

**The DEPUTY PRESIDENT** — Order! I again invite Mr Finn to join the list of speakers if he wishes to participate in the debate.

**Ms SHING** — He has publicly and privately confirmed in a number of different forums that prioritising spending on the elimination of level crossings, on regional and suburban roads or on large-scale infrastructure, constitutes for the purposes of Labor policy and good government a better expenditure of taxpayers money. That is what is beginning to happen. We have not been in government for terribly long in the scheme of things, but we have done a lot already. In my view we are further along now than the colouring competition that took nearly three years to conclude, and hopefully we are further along in terms of unscrambling the egg that the former government found all over its collective face when the side deal letter was published by the former Treasurer recently.

In my view, this motion has no proper basis in effecting good policy outcomes. It is important to get it right, it is important to be responsible and it is important to be prudent. Taxpayers deserve this now even if they did not receive it under the former government.

**Mr HERBERT** (Minister for Training and Skills) — I am pleased to speak on this motion regarding the disclosure of the east–west link contracts. We recently had some debate about a bunch of crooks, I think it was. To my mind people who sign a letter to give away huge amounts of taxpayers money illegitimately are a bunch of crooks, because to say — —

**Mrs Peulich** — On a point of order, Deputy President, that is a reflection on a member. I suggest the minister be asked to withdraw.

**Mr HERBERT** — On the point of order, Deputy President, that was not a reflection on the member. It is a general view of a political party.

**The DEPUTY PRESIDENT** — Order! I encourage the minister to withdraw. We have had this discussion in the house before.

**Mr HERBERT** — I am happy to withdraw. I will not question your view, Deputy President.

This whole notion, like the whole project, is about an \$18 billion black hole based on a thought bubble — \$18 billion of taxpayers funds expended on a poorly thought out scheme, a scheme cooked up because the senior leadership of the Liberal Party realised that they had been asleep for three years, had not done a thing and had lost the faith of the Victorian taxpayer.

They sat back and thought, ‘We have got to get something happening’. After three long years of inactivity, indecision and ineptitude, they said, ‘We’ve

got to think of something here. We need a project.’. It did not matter what the project was; it did not matter whether there was a good business case; it did not matter whether the economics stacked up; it did not matter whether the transportation stacked up. They needed a project because they needed to say they had done something. It was 12 months before the election, and they knew they needed something big.

It could have been anything. It could have been a statue of the Premier or a huge, iconic bridge. But, no, they decided they would build a tunnel. They decided to build the east–west link. They decided to build a massive piece of infrastructure. They decided they were going to spend \$18 billion of taxpayer funds so they could create the perception that they were doing something.

**Mr Finn** interjected.

**The DEPUTY PRESIDENT** — Order! Again I tell Mr Finn that if he wants to make a contribution to this debate, then he should put his name on the speakers list.

**Mr HERBERT** — It was all about a hole they dug for themselves during three years of inactivity, indecision and ineptitude. After a change of leadership, government members knew they needed something so they could say they had done something as they headed towards the election. They started digging another big hole for themselves. They had gone from one big hole, based on their own inability to run the state, to another big hole that they wanted to make Victorian taxpayers pay for. And it did not stack up. It did not stack up on day one, and it does not stack up now.

*Honourable members interjecting.*

**Mr HERBERT** — I hear those opposite, and I remember what it was like when I was a member of the other house. We could see the blind panic of government members. They thought that the east–west was their one saviour. It was their one knight that could come riding through and save all their seats. It would save their bacon. But of course it was not their white knight, because white knights take a bit of time to arrive. White knights are about decency, about goodness and what they can do for their fellow man. This white knight was cooked up in the depths of the night.

It was an \$18 billion project. Every single person you spoke to knew you could not get a project done properly — in terms of the business case, the public-private partnership and the risk factors between public and private — in the time frame. Everyone knew it. But, nevertheless, to save their bacon — their own

political hides — government members put aside probity, good governance and the interests of the Victorian people, and they rushed this project through. And then they cried foul. They saw that the Labor Party would not abide this abomination. It would not agree with the poor process and poor delivery.

We did the right thing. We said that it did not stack up. It was not in the best interests of Victoria, it had been rushed and there had been a lack of risk allocation. In terms of transportation it was not what this city needed. It was not what this state needed. It was not what our communities needed.

Those on the other side talk about transparency. There was not much transparency in any dealings of the former government. I want to put the east–west tunnel project into context by comparing it with decisions the former government made about transportation, because you cannot just look at a growing city the size of Melbourne, with the complexities of our suburbs, movement around industry and our population, unless you look at the lot. When it came to the east–west project, a very simple proposition was posed at the last election: spend the money on a dud tunnel, which was poorly thought out, overly costly and which not many people would use, or spend it on an improved public transport system that would be the backbone of this state for decades to come.

**Mr Ramsay** interjected.

**The DEPUTY PRESIDENT** — Order! If Mr Ramsay wants to contribute to this debate, he may as well join Mr Finn and put his name on the speakers list.

**Mr HERBERT** — There was a clear referendum, but some members opposite still do not seem to get it. There has been a change of government, and people made up their minds.

Let us talk about transparency. What did we see of transparency when the former government scrapped Melbourne Metro to fund this dud tunnel? What did we see then? The previous Labor government had undertaken a major public process around Melbourne’s transportation needs, which led to the development of a scheme to double the city loop and to provide the backbone infrastructure for all of Melbourne, growing Melbourne’s public transport and train network. What did the coalition government do? It scrapped it. Why? Not because it did not stack up, but because money was needed for the east–west tunnel.

What did they put in its place? A half-baked, ill-conceived public transport tunnel initiative that took

stations from key parts of Melbourne — from the hospital, the research areas, the University of Melbourne precinct, which tens of thousands of people use every day. They stuck a station in an abandoned part of Melbourne where nobody lives, and where no-one is going to live for a long time because it is so contaminated. They stuck it there and said, ‘This is the best place for a station’.

That might have been bad enough, except they did not even know where the station was! Remember that, when two ministers could not identify where the actual station was going to be? There seemed to be one location on a map and a differing description of where it was going to be. That was how half-baked the transport policy was.

I could mention the port of Melbourne and the port of Hastings — —

**Mr Finn** — On a point of order, Deputy President, there has been considerable discussion today about relevance. The minister has well and truly crossed the line of relevance. If we are talking about the contractual arrangements of the east–west link, to discuss a railway station somewhere in South Melbourne is stretching things beyond the realms of relevance to the point of being totally ridiculous, as indeed is the minister’s wont.

**The ACTING PRESIDENT** (Mr Elasmarr) — Order! I uphold Mr Finn’s point of order and ask the minister to come back to the motion.

**Mr HERBERT** — I was in fact talking about the motion, because the whole issue of the east–west link and the contractual arrangements put in place are part of a shambolic process across the entire gamut of transportation needs. Whether that be a need for freight, people, public transport or roads, it was simply not integrated; it was not thought out, and it was rushed. The government of the day, the coalition government, had a political imperative to get something happening, so it threw poorly thought out thought bubbles all over the place and literally risked billions of taxpayer dollars on those poorly conceived transport projects.

Back then I was the member for Eltham in the Assembly. One would have thought that Eltham, with the Eastern Freeway — —

**Mr Dalidakis** — A very good member for Eltham.

**Mr HERBERT** — I thank the member and take up the interjection that I was a very good member. I am very proud of my time there and what we achieved in government. Particularly in the early years of the

Bracks and Brumby governments there were some terrific achievements.

**Mr Dalidakis** interjected.

**Mr HERBERT** — I will not pick up on that interjection, although I could.

People in Eltham, like people in Doncaster, in the former electorate of the Leader of the Opposition, use the Eastern Freeway to access the city if they have a car. We know there was an issue with the promise of a train line to Doncaster, which never happened because obviously all of the money was going to the east–west link, so you would think this matter would be a hot topic in those communities using that freeway. You would think the opposition would have won the seat of Eltham based on that issue.

I used to use the Eastern Freeway. For 12 years I used it to go into the city, so I know it intimately, and virtually weekly I had conversations with people, often instigated by me, about the proposed east–west tunnel. Let me tell you there was very little support for that project, even in communities that use the Eastern Freeway. One of the problems with the east–west link is that most of the huge amount of Melbourne traffic that comes in on the Eastern Freeway and CityLink goes along Hoddle Street. Very few people travel through. What people were concerned about was that the east–west link would make it even harder to get to work in the city because, undoubtedly due to the contract, the shoddy arrangements and the rushed, botched process, there would be restrictions on traffic continuing along Alexandra Parade and turning left into Wellington or Smith streets. This would have caused more congestion on Hoddle Street and been a disaster for people travelling along it.

Members do not have to take my word on this; they can go and speak to the people of Eltham. But they should speak to the Liberal candidate for Eltham, who never once raised the issue of the east–west link. If it was such a great project, why in the heat of the election were marginal seat candidates and a candidate in a seat that Labor held by 300 votes not spruiking the east–west link? It was because they knew it was a dud. They did not mention it; they kept away from it. Their own candidates ran away from that project at a million miles an hour. Even then they lost because the issue virtually became a referendum for the Victorian public, and in Eltham they rejected it, just as they did right across Victoria.

It then comes down to the contractual arrangements. Everyone knew it was a dud project; they knew it

would not have delivered; they knew it was not in the best interests of Victoria; they knew it was not the best transport option; they knew it was overpriced; they knew there were risks associated with it; and they knew it was a rush to save the bacon of the last government. But what they did not know and what is the most shocking aspect is what we discovered just recently, and that is that the government in such haste, such terror and such panic wrote a treacherous side letter guaranteeing compensation to the consortium. It was not a contract; it was a side letter — a Benedict Arnold letter that betrayed all Victorians.

What the members of the then government did was put their political survival ahead of the financial interests of Victoria. They put their own political interests above the financial interests of ordinary Victorians who were working hard to save some money to get on in life. They did not care about that. They put billions of dollars on the line with this dodgy, disgraceful side letter. At that time Labor was clear and explicit. We were not going to continue with the project. We did not believe the contract was valid. We had other priorities. The former government signed a disgraceful letter trying to weigh down the hopes and aspirations of ordinary Victorians to save its own bacon.

Those opposite have learnt nothing — zero, zilch — from the results of the election. After four years of inactivity and focusing on themselves and not on the people they were supposed to represent, they come in here and preach the same stuff. It is amazing. You would think they would hide in shame because of that letter that tried to tie a future Victorian government to wasting taxpayers money on compensation instead of spending it on good public purposes.

We will not have a bar of that; we will not have any part of it. We are not going to fall for that trap because on this side of the house we put the interests of Victorians at no. 1. We put their financial interests at no. 1, and we put their transport interests at no. 1. So when it comes to the crux of this motion with which the opposition wants to further hinder the capacity of this government to save the Victorian taxpayers millions — possibly billions — of dollars, and because of the previous activity of the former government, we say no.

We are not going to do it. We are going to do everything we can to protect the interests of the Victorian public. We are negotiating with the consortium about payment. There are cases in the courts. We will not do one thing, no matter how much opposition members would like it. No matter how much they try to make the case, for their own political interests and at the expense of Victorians, that we have

to pay billions of dollars, we will not have a bar of it. That is why we are opposing this motion. We will not have one iota of it, because it is wrong.

There are few things in political life that are black and white. This is black and white. Either you try to save the Victorian taxpayer a huge amount of compensation, or you do not. Either you say, ‘We’ll take up the interests of Victoria, we’ll not release the contract and we’ll act in a proper and responsible manner’, or you say, ‘Let’s do a dodgy side deal so it’s easy for us when we lose government to kick up a stink about compensation’. It is as clear as anything. This is an example of where in political life there is a right thing and there is a wrong thing to do, and it is shameful that only a couple of months after a major defeat the opposition has taken the wrong course and chosen a path that is not in the interests of the Victorian public.

At the end of the day this is good for us politically — we understand that — but we will not be doing things because they are good for us politically. Rather, we will do things that are good for the Victorian public, and we will be opposing this motion. I condemn it and hope it will be defeated.

**Debate adjourned on motion of Mr FINN (Western Metropolitan).**

**Debate adjourned until later this day.**

## PRODUCTION OF DOCUMENTS

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

That in accordance with standing order 11.01 there be tabled in the Council by 12 noon on Monday, 16 March 2015, a copy of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014.

This motion requests that the government provide a document, being the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014. According to a press release of the previous government, this document was the basis for its proceeding towards privatisation of the port of Melbourne. This government also plans the privatisation, or at least the sale on a 99-year lease, of the port of Melbourne. There is no doubt this issue will be debated in this place. It is quite likely that legislation will come before this Parliament, so it is appropriate that we as MPs start to develop an understanding of the risks and benefits associated with the port privatisation.

It is not just the Greens who think this is the case. Members can look at a recent submission by the Australian Logistics Council (ALC), which includes a number of major port users, to the Senate Economics

References Committee inquiry into the privatisation of state and territory assets and new infrastructure. The ALC raises a number of concerns about the proposed privatisation of the port of Melbourne. The submission says:

... ALC believes the sale or long-term lease of an asset should not simply convert a public monopoly to a private monopoly with no improvement to the market.

It follows that any analysis conducted to support either the sale or long-term lease of an infrastructure asset should consider:

whether the proposed sale will promote competition and efficiency; and

the need as to whether the subsequent operation of the asset should be the subject of economic regulation (and how much), so as to permit the efficient use of the asset to the benefit of the Australian community as a whole.

It goes on in some detail about that. The ALC also has something to say about the necessity for transparency in major proposals such as this. Under the subheading ‘Publication of rigorous cost-benefit analysis’, it says:

ALC believes that any proposal to either sell or offer a long-term lease for any piece of infrastructure must possess a net positive benefit —

which I know is something that Mr Mulino was very interested in in his contribution to an earlier motion. The ALC says:

This benefit should be illustrated in a published cost-benefit analysis that is freely available to the public so the community can be certain that value for money has been achieved.

It says, making a further point that members who contributed to the earlier motion will be interested in:

For example, ALC supported in principle the development of the east–west link in Victoria.

Providing an efficient linkage to the port of Melbourne, Australia’s busiest container port, is critical to coping with the rising freight growth and growing population in Melbourne’s west.

It then goes on to say:

However, it can be argued that the east–west link did not win public favour in Victoria as the public benefits of the proposal were not immediately available to the Victorian electorate.

I have been sitting here for about 5 hours hearing government members say exactly that in relation to the east–west road tunnel, and the Australian Logistics Council is making the same point in relation to the privatisation of the port of Melbourne. It is saying, ‘We backed you, but you didn’t release the sort of information the public would need to make a decision. It went bad on you, and we don’t want to see the same

thing happen here'. A warning is being put forward by the Australian Logistics Council and all of its many major port user members calling for more transparency and a rigorous cost-benefit analysis.

It is for that reason that I am initially seeking the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014. One would hope that in that document will be a detailed discussion of the costs, the benefits, the risks and the different options that would be looked at before commencing any privatisation. As we move down the road towards the government's proposal, it is appropriate that we start to have a public debate about it that is based on some kind of information.

**Ms SYMES** (Northern Victoria) — It is a pleasure to come into the house to speak on Mr Barber's motion. I indicate that there is no opposition to the motion from the government. It was more than a year before the state election that the Labor opposition announced it would sell the port of Melbourne by leasehold and use the proceeds to replace 50 of the most congested and dangerous level crossings with underpasses or overpasses. We were the first party to commit to the lease, which we did in our *Project 10 000* policy. At the time, the now Premier said the decision was not an easy one for the Labor Party but that it was based on factors including jobs, productivity, congestion issues and better safety measures. It was not a case of selling an asset based on ideology; it was based on outcomes.

In March of last year the coalition government announced a scoping study to assess the potential privatisation of the port of Melbourne. At that time the then Treasurer, Michael O'Brien, the member for Malvern in the Assembly, said the intention of the study was to investigate the strategic and commercial options for the state-owned ports. Such options would include ownership and privatisation, efficiency studies on the state's economy, the future development of the eastern port of Hastings, trade growth projections, road and rail networks, and environmental and safety regulation. It is that scoping study that is the subject of the motion before the house.

On this side of the house we value openness, transparency and accountability. 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 and to become more accountable. We have released previously withheld information that is in the public interest, including ambulance response times and the

botched east–west link business case, and promises such as follow-the-dollar powers for the Auditor-General will be implemented soon.

It is important to remember, however, that neither the government nor the Parliament has unfettered powers to disclose information. It is the responsibility of a good government to be open and transparent but the Andrews government will not be reckless, and my wish is that the Legislative Council adopt the same approach. It is clear to everyone who has looked at the composition of the upper house in the 58th Parliament that there may be on occasion a collection of non-government members who find themselves with majority support for particular positions, motions or demands. What must be understood is that a majority, just by virtue of its numbers, does not have free range to call on the government or the Parliament to act on its every whim. The Legislative Council must observe the state laws, the relevant common law and the conventions applicable to this place.

I have on occasion had cause to review sections of the Constitution Act 1975 and *May's Parliamentary Practice*, and I am thinking of purchasing my own copies for this Parliament, and I think my parliamentary colleague —

*Honourable members interjecting.*

**Ms SYMES** — I am pretty sure my parliamentary colleague Ms Shing has hers on order. In the context of this debate on the motion, which seeks the production of the scoping study, I would like to draw the attention of the house to section 19(1) of the Constitution Act as it outlines the powers, privileges and immunities of the Victorian Parliament. It reads:

The Council and the Assembly respectively and the committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as at the 21st day of July, 1855 were held enjoyed and exercised by the House of Commons of Great Britain and Ireland and by the committees and members thereof, so far as the same are not inconsistent with any Act of the Parliament of Victoria, whether such privileges immunities or powers were so held possessed or enjoyed by custom statute or otherwise.

Effectively what that means is that yes, the Legislative Council has the power to require the tabling of documents: this section of the constitution allows us to make those requests. Of course there is an entire chapter in our standing orders — chapter 11, if I recall correctly — that provides for the production of documents.

I have a strong sensation that what I am currently experiencing has been experienced in the past. That sensation probably has something to do with the fact that I was a legal adviser in the office of the Attorney-General during the 56th Parliament. I note that the Labor government gave thousands of documents to the upper house over the period from 2006 to 2010 in response to production of documents motions. However, it is important for the house to recognise that each request for documents must go through a process, and it is vital that we accept that in certain circumstances it would be completely inappropriate, and sometimes dangerous, to table documents which in turn become public.

Parliament's power to order the production of government documents, regardless of the numbers, is not unlimited. It is an accepted principle that a government may withhold disclosure of documents when responding to an order for documents when disclosure would be contrary to the public interest. It is therefore important that all requests for documents be subjected to a process which will determine whether the documents should be released or the information withheld on the basis that the disclosure of confidential communications would adversely affect the operations or procedures of the government.

The basis for withholding disclosure is called executive privilege. This is of course not a default position, but executive privilege and the associated privileges and conventions are nonetheless an important feature of our system. Executive privilege is a necessary component of effective government; it recognises the importance of political leaders being able to receive candid advice. Executive privilege consideration may look at commercial in confidence — effectively, will the release of a document be detrimental to a business, and will it lead to the inability of that business to work with other governments in Australia or abroad? Do the documents reveal sensitive, personal information that may lead to the identification of people and in turn cause them or others harm? The release of information about police informants, for example, may either directly or indirectly lead to injury or death or impact on matters of national security.

It is important that the longstanding privilege protecting professional legal advice be given due consideration. The purpose of legal professional privilege is to enable a client to provide full and frank disclosure to his or her lawyer without fear that this information will be used against them. This in turn enables lawyers to provide competent and independent legal advice. It is also an important check in the balance of power between individuals and the state.

'Cabinet in confidence' is a term that is bandied around like a thing that gets in the way. It is a nuisance; why do we not just live stream cabinet? I believe the confidentiality of cabinet proceedings supports the principle of collective responsibility by promoting open and free discussion, including the airing of dissenting views and compromise, and in turn leads to better decisions. In addition, there may be occasions where the disclosure of certain information may not be in the public interest.

As I have indicated, and as I would like to indicate again to Mr Barber, I am certainly not advocating for the non-production of documents, but I am a stickler for proper process and for respect for the laws and conventions that are applicable to our house. I do not contend that it is not an important role for the Parliament to scrutinise the executive government, but the government has a responsibility to make decisions, and it needs to do so with frank discussions and comprehensive consideration of all the available information so the best decisions can be made to serve the people of Victoria.

Another act that I have had cause to review on occasion is the Freedom of Information Act 1982, and this act is certainly relevant to requests for documents made through the Legislative Council. The Freedom of Information Act contains provisions for the production of certain limited categories of documents. These same provisions should be applied consistently to documents sought by the Legislative Council.

Not unlike executive privilege, the provisions of this act aim to ensure the protection of documents that would reveal, directly or indirectly, the deliberative processes of cabinet; reveal high-level, confidential deliberative processes of the executive government, or otherwise jeopardise the necessary relationship of confidence between a minister and the public service; reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions; reveal confidential legal advice to the executive government; or otherwise jeopardise the public interest, in particular where disclosure would prejudice national security or public safety, prejudice law enforcement investigations, materially damage the state's financial or commercial interests, prejudice intergovernmental and diplomatic relations or prejudice legal proceedings.

It is not for me to determine what documents should or should not be released, but it is vital that a principled approach is taken when considering the release of documents requested by the Legislative Council. We

have a duty to ensure that the release of information through the processes of the Parliament is consistent with the principles governing the release of documents under executive privilege and the Freedom of Information Act. I welcome motions to release documents, and, as I have said, the Andrews Labor government will be an open and transparent government. But I do urge opposition members to consider the merit and consequences of each motion they put. As I have outlined, there is a process that must apply to each request, and that process, depending on the scope of the request, may take time. It may take public servants off the front line to search, review, redact and ensure that the release is in the public interest and will not cause harm.

I urge diligence in the drafting of motions — for example, members should consider what they are asking for. If the request is too broad, and a member puts in a request that asks for all documents related or connected to a topic — for example ‘these documents, but not limited to these’ — that would not be a valid request under the FOI act. Even if it were progressed, it would be virtually impossible to respond to an unlimited request for documents. It would take public servants away from the valuable services that they perform for the Victorian public.

**Mr O’DONOHUE** (Eastern Victoria) — The opposition will support the motion put by Mr Barber, and I will come back to that motion in one second. I want to touch briefly on the contribution of Ms Symes. I appreciate her previous role as a legal adviser to former Attorney-General Rob Hulls. But for the record, I do not accept many of the assertions that she has made today, or many of the conditions that she has placed on the Council in terms of making resolutions. I refer her to the High Court case of *Egan v. Willis*, to the advice that this place received from Bret Walker, SC, and to the ultimate power of this place to make decisions based on the will of the Parliament.

There may be a time in the future of this Parliament when these matters will by necessity be debated in a much more fulsome manner, but the Parliament is not the Freedom of Information Act 1982, as Ms Symes seemed to indicate in her contribution. The view of the former Attorney-General was not accepted by the majority of members in this place in the 56th Parliament. We may have cause to debate that in a more fulsome manner at some future point. But given that the government is not opposing the motion moved by Mr Barber, it is perhaps a moot point for the moment, save and except to make the point that the opposition does not accept the assertions and the caveats on the power of this place to make its own

decisions. There is High Court precedent and the advice of a leading senior counsel to validate that. But that is for another day.

Mr Barber’s motion is quite straightforward. It calls for the production of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014. I will say very briefly that the former coalition government had a very clear policy agenda when it came to the management of our ports and the development of the future infrastructure needs of our ports. In the context that Melbourne is the freight and logistics capital of Australia, with significant competition in this space from ports in Sydney, Brisbane and elsewhere in our region, it is very important that we continue to maintain the capacity of our port network and the ability for larger ships to access Melbourne and Victoria.

In that context the then Minister for Ports, Denis Napthine, commenced the expansion project at the port of Melbourne, which will buy sufficient time to enable the future port needs of Victoria to be developed. The former government also provided \$110 million to undertake the appropriate scoping studies and planning for the port of Hastings. We 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 to add additional capacity at the port of Melbourne for the medium term. All those things are underway thanks to the work of former ministers for ports David Hodgett and Denis Napthine.

By contrast, Labor had a former Minister for Ports in Tim Pallas who believed in the port of Hastings. He said that it was the only realistic alternative. Labor then had its Bay West proposal, which would be an environmental disaster for Port Phillip Bay — a dredging proposition many times larger than channel deepening. We had conflicting views from the then ports spokesperson in the Assembly, Natalie Hutchins, about Bay West and the port of Hastings. Now we are in something of a policy vacuum, from what I understand. But at its core this is a very simple motion which the opposition will support.

**Motion agreed to.**

**PRODUCTION OF DOCUMENTS**

**Debate resumed from earlier this day; motion of Mr RICH-PHILLIPS (South Eastern Metropolitan):**

That this house —

- (1) notes —
  - (a) the Premier’s broken promise to release the east–west link contracts in the first week of a Labor government;
  - (b) that Labor has breached Partnerships Victoria guidelines by failing to release the east–west link contracts within 90 days of financial close; and
- (2) requires the Leader of the Government to table in the Legislative Council by 12 noon on Thursday, 12 February 2015, all contract documents entered into by or on behalf of the state of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.

**Mr FINN** (Western Metropolitan) — I will speak particularly briefly on this motion.

**An honourable member** interjected.

**Mr FINN** — I would love to speak at much greater length, I have to say, but given the importance of this motion and the desire of those of us on this side of the house to have the debate on the motion come to a conclusion at some stage this century, I will keep my comments to the bare minimum.

Needless to say, this is a particularly important motion. We need to see what the government is apparently hiding from us at the moment. It is particularly important that we get hold of the documents as soon as we possibly can. I urge the house to strongly support this particular motion and hope that members will do so.

**Mr JENNINGS** (Special Minister of State) — I would like to respond to some of the elements embedded in this motion that has been brought to the house by Mr Rich-Phillips and which many of the members who have made lengthy contributions today have not commented on. I have heard many of the contributions but at no stage have I heard people talking about the words ‘in accordance with Partnerships Victoria guidelines’, which much of both parts of this motion are based upon. In that context, if I had the opportunity, I would ask the question: is the side letter attached to the east–west contracts in accordance with the Partnerships Victoria guidelines? I would have thought that this was a fundamental threshold question about the validity of the self-serving argument that has

been run by opposition members time and again today about what constitutes, in their terms, a broken promise of the incoming Andrews government.

Members opposite have conveniently ignored one very significant matter which provides the people of Victoria with huge financial exposure — that is, the side letter that not only breaches Partnerships Victoria guidelines but is immoral. There is no ethical or financial framework of responsibility in accordance with Partnerships Victoria guidelines that underpins the creation of the side letter. As has been said, it is the government’s clear intention to share information with the people and to release the contracts. If any one thing has driven the response of the Andrews government since assuming office to release the contractual arrangements and in what time frame, it is the circumstances of the signing of the side letter and the huge exposure it creates for the state of Victoria in terms of the financial settlement that may be attached to that immoral act.

Mr Rich-Phillips is the first member of the former government who has been able to make eye contact with me across the chamber in relation to this issue of the side letter.

**Ms Wooldridge** interjected.

**Mr JENNINGS** — I do not think so.

*Honourable members interjecting.*

**Mr JENNINGS** — Okay. Eyes up, members of that government! Good work! Under normal circumstances a walk of shame is associated with any member of the outgoing Napthine government, certainly the outgoing Treasurer of Victoria, in relation to the nature of the side letter that has created a huge financial exposure for the state of Victoria as it is attached to the contracts.

Those items as one do not comply with Partnerships Victoria guidelines. Has there been any contribution today by any member of the opposition, the Greens or anybody else who has contributed to this debate in which it has been indicated that in fact there is a connection between the side letter and those contracts that complies with Partnerships Victoria guidelines? If any such argument has been raised, I have not heard it. I have not heard one contributor today give due recognition to the fact of that huge, irresponsible act that not only breaches financial probity considerations, is unethical and totally inconsistent with Partnerships Victoria guidelines but was structured as a political contrivance to the commercial benefit of people who entered into contracts in circumstances where those contracts should not have been entered into.

For a year in the lead-up to the election time and again Labor members said, ‘If we are elected, we will not proceed with this project’. Time and again we urged the government to refrain from signing the contracts, to refrain from entering into commercial relationships with the proponents for the east–west tunnel. Time and again Labor members said, ‘Take it to the people of Victoria. Allow them to decide whether this project should proceed’. Indeed, when it suited the Napthine and Abbott governments, their members said time and again that the election would be a referendum on the east–west proposal. That was their argument for the best part of a year in the lead-up to the election.

That is not in accord with their actions. Their actions deny that referendum taking place. Their actions were designed to be a total affront to their obligation to the people and their rhetoric on the referendum. They acted in a completely duplicitous fashion in my view and that of many commentators, not only from the Labor Party but financial and legal analysts, in relation to the unethical behaviour of signing the side letter given its totally inappropriate nature.

Because of the coincidence of those items that members of the incoming Andrews government were not privy to, it would be negligent to release prematurely those contracts which may jeopardise the ability of the state of Victoria to limit its financial exposure. I would have thought that at this time the Parliament of Victoria would have been interested in reducing the financial exposure of the state of Victoria to the inappropriate financial circumstances of this unethical side letter and the contracts to which it is attached. It is inconsistent with Partnerships Victoria guidelines.

A person who may question the morality, integrity and intent of the mover of this motion could mount an argument that the mover’s intent, through what he is seeking the Parliament to do today, is in fact to guarantee that negotiations are unsuccessful, to guarantee that the state of Victoria cannot reduce its financial exposure and to guarantee that the maximum payout and compensation attached to that side letter would be paid. How can we as a Parliament have confidence that in moving this motion Mr Rich-Phillips, as a member of the outgoing government who was privy to those contracts and the side letter, is not driving an agenda purely with the motive of creating a huge financial exposure for the state of Victoria? What evidence has he brought to bear that his interest is in fact to minimise the financial exposure of the state? Absolutely none. No argument has been mounted by the proponents of this motion to indicate that intention.

What those opposite are saying is that government members promised not to build the east–west tunnel. We did make that significant promise, and it is a promise that we will keep. We will meet that contract.

**Mr Rich-Phillips** interjected.

**Mr JENNINGS** — Regardless of Mr Rich-Phillips interjecting, we will not break that commitment. We will not build the east–west tunnel. As a matter of a commitment, we did say we would release the contracts but we did so in absence of knowledge of this outrageous and totally irresponsible side letter. That side letter makes a world of difference to the financial exposure of the state. We are not going to fall into the trap of the previous government’s stupid motion which builds on the back of the unethical behaviour of the former Treasurer.

It is all well and good for people in perfect isolation of those commercial realities today to say that this is a matter of the rights and privileges of the Legislative Council — for goodness sake! — in glorious, absolute denial of the financial exposure that could be created for the state if the government complied with this motion today. This is not an argument in abstract. It is not a matter of an argument in theory. It is not an argument that relates to the Crimean War. It is an argument that relates to the financial exposure of the state. The government of Victoria is taking responsibility to limit the financial exposure of the state, and it is not going to be suckered into supporting any motion premised on false assumptions that there is any compliance with Partnerships Victoria guidelines, because there is none.

There is nothing in the side letter attached to those contracts which complies with Partnerships Victoria guidelines. On the basis of fact there is nothing those opposite are seeking from us that complies with those guidelines, so they should just get real in relation to the real dynamic which is in place in the state of Victoria at the moment. The responsible action for the government of Victoria would be to reduce the financial exposure and limit the effect of the immoral side letter that was attached to the contracts.

Any pretence that there was compliance with Partnerships Victoria guidelines is a contrivance. It is a sign of living in denial of the reality of the circumstances by which this motion comes to the chamber today and blissful denial of the responsibility of this chamber. It is asking us to act as if we have perfect immunity from the financial consequences for the state of Victoria, the structure of our budget and the

ability of the state of Victoria to get on with building its infrastructure program.

We are not acting in isolation of the economic responsibility and financial management of the state. We are not luxuriously sitting in an ivory tower, discussing what is appropriate or discussing academic and theoretical constructs of the rights of the chamber back in 1855 and wanting to rise from it. We are acting in an environment which has real and demonstrable consequences for the people of Victoria.

Today we are not arguing about the right of the Legislative Council to seek documents, to seek persons or to seek things to examine in terms of scrutiny of government. We are not denying the opportunity of the Council or the Parliament of Victoria to do that. We accept that in fact it is appropriate in many circumstances for the Legislative Council or indeed the Parliament to scrutinise government decisions, to make sure that we are better informed about the nature of decision-making and the contractual arrangements entered into, the validity of government policy decisions, the appropriateness of government programs, the behaviour of ministers and the behaviour of departments. We are open to that scrutiny. We welcome that scrutiny. We will participate in that scrutiny.

However, we will not participate in actions that fundamentally, in terms of accountability and of governance, may turn out to have a direct and immediate adverse effect on the wellbeing of the state. Our opposition to this motion today is based on those principles, not denial of scrutiny or denial of the fact that the incoming Labor government had made promises in relation to the release of the contracts. We will comply with those things, but we will comply at such a time when the government makes the assessment that it is in the best interests of the state to do so, not on the basis of the fancy or whim of people who move motions and choose to act in denial of their responsibilities as outgoing ministers associated with a government that flagrantly ignored the interests of the people and acted in denial of what they said themselves. The east-west tunnel — —

**Ms Shing** — They flouted it.

**Mr JENNINGS** — Indeed they flouted it. Thanks very much. That may have interrupted the flow of the sentence, but they flouted it. What was established by the then Napthine government and the Abbott federal government, which supported the tunnel, was that there should be a referendum. ‘Let the people decide’, they said. Funnily enough, the people said something else.

The people said, ‘We don’t want the project’. If you saw the 2014 election as a referendum on that project, the result is that the people said no. What happened in the weeks leading up to the 2014 election? Former Treasurer O’Brien, the member for Malvern in the Assembly, said, ‘Yes, we’re going to have it, and even if we don’t have it, we’re going to pay through the neck for it’. That was an outrageous act by an outgoing Treasurer.

Mr Rich-Phillips lifted his eyes for a while. Government members lifted their eyes for a while whilst I challenged them, but they have lowered them again. They may raise them again now.

In terms of the scrutiny of the Victorian community in years to come, there might be some short-term political advantage in relation to confusion about sovereign risk. There may be some short-term advantage in relation to whether this is a monumentally wasteful project if it does not proceed because of the outrageous financial settlements that are embedded in the side letter attached to the contracts. There may be some side benefit at the moment to try to make political mileage out of an election those opposite lost. Those opposite may be able to extract some degree of political flak and momentum in terms of the agenda that tries to keep this project alive or else embeds an outrageous financial settlement on the people of Victoria, but we will not accept that it is legitimate.

We will not accept that the request for documents to be tabled tomorrow is legitimate. We will not accept that in light of the circumstances. The first-order issue of an incoming government is to protect the interests of people, and we have every intention of complying with our promises by not building the road, by limiting the financial exposure of the state of Victoria and indeed by releasing the contracts, just as we released the business case. Within a matter of days we had released the business case, in accordance with our promise. We have every intention that the people of Victoria will be fully aware of the circumstances surrounding this outrageous deal that was perpetrated by an outgoing Treasurer in the dying days of a government which said it wanted a referendum but acted in complete opposition to that.

We will resist the imposition of this motion and its call for compliance within a time frame that suits Mr Rich-Phillips, who was a member of the former government that perpetrated this outrage on the people of Victoria. In collaboration with his counterpart, former Treasurer O’Brien, the member for Malvern in the Assembly, he exposed the people of Victoria to a huge financial commitment. Now he wants to create the circumstance

where any negotiations, settlements or financial resolutions that minimise the exposure of the state can be guaranteed by appropriate actions undertaken by the Victorian government. He wants us to tread in no-man's land in relation to the uncertainty that would be created by the premature and inappropriate release of this material. The Victorian government is working assiduously to extricate the people of Victoria from the noose that has been put around their necks. That is why we oppose this motion.

When it comes to issues in relation to documents generally and the application of appropriate scrutiny that does not jettison the interests of Victoria or fall foul of good government decision-making or good commercial relations established within the state of Victoria, then it is the intention of the government to comply as much as it can with those intentions. But this motion is not drafted in that way. This motion is drafted on the premise of a lie, which purports that there is a compliance with Partnerships Victoria guidelines, and that is absolutely and unswervingly untrue. Because that is a lie — —

**Mr Rich-Phillips** interjected.

**Mr JENNINGS** — No. Mr Rich-Phillip's colleague, the former Treasurer, released the document which demonstrates that his supposition is not true. There is no way that side letter and the contract it was attached to complied with Partnerships Victoria guidelines — no way. Mr Rich-Phillips knows that is not the case because he has not mounted an argument that subparagraph (1)(a) or paragraph (2) of his motion comply with Partnerships Victoria guidelines. There has not been one contribution from former government members that the side letter complied with any guideline apart from a politically expedient piece of evidence it obtained in the dying days of its government to maximise the damage to the people of Victoria if that contract was not complied with and did not proceed.

It was an outrageous impost put on the people of Victoria, a dying act of a government that did not act in accordance with the interests of the Victorian people. The former government did not comply with the preferred outcome of the people as expressed at the 2014 election and therefore it is not something the current Victorian government will contemplate at this time. It is our assessment that it would be inappropriate to comply with the motion at this time because it would be based upon a lie, which we find unacceptable.

We accept that undertakings were made in relation to the release of the contract and we do not run away from that commitment. We will release the contract at a time

when the Victorian government believes it is appropriate to do so, and we will adopt that approach to any document request that comes before the Parliament. If we believe that we are unencumbered in relation to our obligation to the people of Victoria, we will release the documents. But we will not do so in a way which jeopardises the interests of the people of Victoria and we will not do so in a way where we would fundamentally break our promise, which was to not build the road. We were elected to govern and a significant part of our mandate was to not build the road and to not pay compensation.

The actions of the outgoing government created circumstances whereby it will be hard for the state of Victoria to extricate itself from financial exposure which was created in a malicious way. The former government flagrantly denied the interests of the people of Victoria and the opportunity to have a true referendum on this subject. Now the government of Victoria is doing its best to remedy that situation and limit our exposure in order to create certainty so that in the future proper due diligence, proper compliance and proper consideration of these matters is determined before contractual arrangements are entered into, and that proper undertakings are made about how transparently these should be undertaken.

If I were part of a government responsible for such a side letter, I would be sorely tempted to resign. I think that would be the honourable thing to do. Rather than seeing that response as a standard of public administration, there are proponents of the side letter to this very day. Even though the people have spoken and even though the Labor opposition's intent was clear, there are coalition members who still try to pretend that it was an appropriate thing to do and who try to extract political mileage from it.

We are not going to be party to the motion, and we think any member of this chamber who is party to it is doing a disservice to the interests of the people of Victoria. Opposition members may choose to mount the argument that the motion is in the interest of the Legislative Council, but is that ultimately their responsibility? Is their responsibility to the Legislative Council or is their responsibility to the people? If they use the benchmark of what is in the interests of the people, members should oppose this motion today, and they should oppose it for all the reasons I outlined. For those reasons the government will oppose the motion.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — Mr Jennings is certainly animated and articulate, but if we look at the arguments he advanced

as to why the house should not support this motion this afternoon, they do not stand up.

Mr Jennings spoke about irresponsibility. He referred to the letter of comfort in respect of the east–west link contracts that was provided by the previous Treasurer as being irresponsible. What was irresponsible in all of the proceedings throughout the period when the east–west link arrangements were being put in place were the comments of the then Leader of the Opposition in the Assembly, the now Premier, in saying, without having seen the contracts, that they were not worth the paper they were written on. It was irresponsible of the then Leader of the Opposition, again without having seen the contracts, to say that if his party formed government, it would not pay any compensation. It was irresponsible of the then Leader of the Opposition to say he would rip up the contracts. That is where the irresponsibility in this issue arose from. The irresponsibility of Mr Andrews as Leader of the Opposition led to the need to provide a letter of comfort for the valid contracts which were entered into by the previous government to build the east–west link.

Mr Jennings spoke about the need to reduce the state’s financial exposure from the east–west link project. I say to the house that the way to do that is to build the project. Honour the contract! There will be no compensation payable if the government honours the contract, validly entered into by the previous government of Victoria. I am conscious of the limited time, Acting President.

The other element raised by Mr Jennings was the issue of not releasing the documents because the government wants to reduce the financial exposure of the state. Mr Melhem said in his contribution that we cannot release the documents because it would compromise the government’s negotiations in trying to execute its policy of not building a project and paying \$1 billion instead.

I say to the house: let us look at who the government is negotiating with. It is negotiating with the counterparties to the contracts. The people it is negotiating with, the people it is seeking to reach a settlement with, already have the contracts. It would not be a case of the counterparties suddenly having access to information they do not currently have if the contracts were released by order of the house. They are party to the contract. They currently have access to the contract. The parties the government is negotiating with already have the information that is in these contracts, and it is a complete furphy on the part of Mr Jennings to say that releasing the contracts will somehow

prejudice the negotiating position when the parties to the contract obviously have access to that information already.

Releasing these contracts will throw light on the position taken by the government, the untruths told by the government with respect to the validity of this project and the validity of the contracts. It will expose to the light the fact that the contracts entered into by the previous government are legitimate for the project, appropriate for the project, appropriate for a public-private partnership of the nature that was contemplated with the east–west link and were entered into correctly and legitimately by the government of the day.

I urge the members of the house to put aside the rhetoric from Mr Jennings and his colleagues about this project. This is a simple matter. The parties which are subject to current negotiations already have the contracts. They will not be advantaged by receiving information they do not already have. Supporting this motion will enable the people of Victoria to understand and have access to the nature of the contracts that were entered into for the east–west link and to understand the truth of the circumstances behind the project — not the irresponsible statements which were made by the previous Leader of the Opposition and which are now being sought to be covered up by this government.

**House divided on motion:**

*Ayes, 24*

Atkinson, Mr	Lovell, Ms
Barber, Mr	Morris, Mr
Bourman, Mr	O’Brien, Mr
Carling-Jenkins, Dr	O’Donohue, Mr ( <i>Teller</i> )
Crozier, Ms	Pennicuik, Ms ( <i>Teller</i> )
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Purcell, Mr
Drum, Mr	Ramsay, Mr
Dunn, Ms	Rich-Phillips, Mr
Finn, Mr	Springle, Ms
Fitzherbert, Ms	Wooldridge, Ms
Hartland, Ms	Young, Mr

*Noes, 14*

Eideh, Mr	Mulino, Mr
Elasmar, Mr ( <i>Teller</i> )	Patten, Ms
Herbert, Mr	Pulford, Ms
Jennings, Mr	Shing, Ms
Leane, Mr ( <i>Teller</i> )	Somyurek, Mr
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

*Pairs*

Ondarchie, Mr	Dalidakis, Mr
---------------	---------------

**Motion agreed to.**

**PRODUCTION OF DOCUMENTS**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I move:

That this house requires the Leader of the Government in the Legislative Council to table in the Legislative Council, by 12 noon on 16 March 2015, a copy of all documents in relation to the West Gate distributor including, but not limited to —

- (1) the business case;
- (2) interim or final traffic and traffic management studies, reports or briefings;
- (3) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;
- (4) Aboriginal cultural heritage studies, reports or briefings;
- (5) advice on compliance with the Hobsons Bay planning scheme and Maribymong planning scheme and proposed consultation on required planning approvals;
- (6) departmental advice and briefing documents; and
- (7) evidence of consultation on the above.

I am pleased to move this motion seeking the production of documents in relation to the West Gate distributor by the Leader of the Government by 12 noon on Monday, 16 March 2015. I will make a brief contribution on this important motion in the hope that the house can consider it in the remaining time we have available for general business this evening. It is important that the house and the community have a further understanding of the significant investment the government is proposing in this significant project.

The Premier and those in the government have consistently said that the West Gate distributor is a shovel-ready project. There has been very little evidence of or information about that. No business case or detailed information has been provided as evidence that this is actually a shovel-ready project. Given the statements made by the government, which have not been backed up by research or evidence, and given the very significant investment that is proposed for the West Gate distributor, there is no doubt that this motion is important. The Premier has staked a lot of credibility on this project being shovel ready, on adhering to the community concerns and delivering on the project. So far the data has not been strong in support of his staking that credibility on the project.

There has been a call for expressions of interest for the first stage of the project and short-listed contractors are taking part in a request for tender process. But only \$40 million of the \$680 million is part of that request

for tender process. That is a very small proportion — 5.8 per cent — and it does not relate to the West Gate distributor itself but to some of the surrounding issues.

Claims have been made that this project will remove 5000 trucks from the West Gate Bridge, but once again no evidence has been provided to support this claim. In fact other groups like the RACV have said they fear the West Gate distributor might not lessen congestion on the West Gate Freeway and might even worsen it. Local councils have said the road will not fix the city's traffic woes and could create a bottleneck in the inner west.

There is a lot of concern. That is clearly in contrast to the claims that have been made. There are also some issues in relation to the costs. It seems there has already been a very significant cost blowout. The Premier said in an election document:

Victorian Labor will also increase capacity on the West Gate Freeway by adding an extra lane in each direction between the Western Ring Road and Williamstown Road using overhead lane management technology currently in use on the M1.

The estimated cost of this is \$400 million to \$500 million. But what we have seen is a request to the federal government for significantly more money — \$680 million — which leads one to believe there could already be a potential cost blowout on this project even in delivering what was promised.

The West Gate distributor will cross, excavate and build on land that has the potential to be toxic and contaminated by substances such as car batteries and asbestos. It will encroach on the Exxon Mobil site next to the freeway, land that may be contaminated. Environmental experts believe the area has significant soil and groundwater contamination. We need information about what work has been done for this so-called shovel-ready project.

Also, large sections of the area have been classified as having cultural heritage sensitivity. The creek served as a source of food and water for the Boonwurrung people, yet no Aboriginal overlay or study has been produced, which is why the opposition is calling for it as part of this motion.

There is significant lack of transparency from a government which promised to be accountable. There is no business case, there have been no traffic studies, and in fact the Special Minister of State has admitted that the establishment of Infrastructure Victoria has been delayed and it is not yet ready to plan for infrastructure projects. There has been no consultation with residents on the section of Hyde Street south of

Francis Street in Yarraville, and no consultation with the Hobsons Bay or Maribyrnong councils. No information has been provided. That is why these documents are required.

The Premier and this Labor government need to be very clear about this project, where it stands, if it meets the claims that have been made about it being shovel ready, its cost and its impact on local communities. I call on the house to support this important motion.

**Mr MELHEM** (Western Metropolitan) — Acting President, I congratulate you on your elevation to that position. I wish you good luck. I am sure you will do well.

**The ACTING PRESIDENT (Mr Morris)** — I will need it, Mr Melhem. Thank you.

**Mr MELHEM** — In rising to speak on the motion moved by Ms Wooldridge, perhaps by way of background I might make a few points about the opposition's attempt to make the case that the West Gate distributor project was basically just plucked out of the air and suddenly appeared on the radar. The opposition has forgotten that this project has been on the drawing board for a number of years. In fact the first work was undertaken by VicRoads in 2009–10 for the truck action plan, and a lot of consultation was undertaken and a lot of work was done by the local council and the local community to develop it. That is when the campaign started, and it was considered in the 2010 election.

What we say in relation to that plan is that it is a good and valuable starting point for the development and delivery of the West Gate distributor.

However, we acknowledge that significant investigations are required to fully scope and cost this project. Unlike the former government, this government will do the job properly and it will do it right. VicRoads has already undertaken some strengthening work on Shepherd Bridge as a separate part of the project, and that has formed part of the main project. That work has already been undertaken, but further strengthening is required to meet anticipated future heavy vehicle movements from the port. So work on that part of the project has already commenced. Tenders are out for the first part, and we anticipate that contracts may be awarded sometime in June or July.

The northern section lends itself to an early stage, which I was talking about, as it has limited planning and land requirements and will deliver early benefits. So the plan the government is looking at is to stage the project — do the easy part first — and then do the more

complex part, which might require further engineering work, further cost analysis and further consultation with council and with the local residents et cetera. That might take a bit of time, but that is a process the government is planning to go through.

The central and southern sections are more complex due to their planning, environmental and land requirements. The connection of new ramps to the operating West Gate Freeway also adds that degree of complexity to the construction phase that I have talked about and requires careful planning. That process is already underway. It might take a bit of time, but when that process is completed we should be able to go to the market and put it out to tender, and hopefully construction can start soon after that.

The greatest project benefits derive from the southern section, while the central and northern sections provide localised benefits to traffic flow and queuing if delivered individually. All three sections coming together will provide the greatest benefit. That is what the whole project is all about — linking the three sections together to comprehensively address the traffic in that part of Melbourne. The government is not looking at a quick fix.

To ensure that the northern section is not delayed while the various planning and environmental approvals are sought for the central and southern sections, it is proposed to proceed with the northern section as an early works package. As I said, procurement for the northern section can then proceed immediately and ensure that benefits are delivered as soon as possible.

Further works are required to determine and resolve the impact of any changes that have occurred within the project area since investigations ceased in 2010. That needs to be looked at and reviewed. The process to make whatever changes are necessary will obviously include consultation with the local community, the council and various specialised organisations to make sure the government gets it right.

Talking about cost, the investigation undertaken in 2009 and 2010 indicated a cost of \$427 million — that is in 2010 dollars — and that did not include the adoption of overhead lane management technology on the West Gate Freeway or freeway widening. The government's commitment to the West Gate distributor indicates a cost range of somewhere between \$400 million and \$500 million. That has not changed. Later I will come back to the \$180 million figure the opposition has been floating around in the last few weeks. A business case is being developed and the total

cost, including works on the West Gate Freeway, is being worked on as I speak.

I have briefly touched on the various sections, but I will go through in a bit more detail the project itself. I just make the point that the fact is that after four years of inaction by the Liberal-Nationals coalition government, the Andrews government is determined to get Victoria moving again. It is not going to talk about things; it is going to actually do things. I heard today that the Leader of the Opposition criticised the government for trying to get the project delivered efficiently and trying to get things done and indicated that it wanted to stop everything — whoa, stop!

That did not work for the last four years. Those opposite are not in government now because that is exactly what they did when they came to government. For the first two years they just reviewed everything, and in the last two years they started talking about what they were going to do should they be elected for the next four years. This government is not going to make the same mistake, because its members owe it to the people of Victoria. They have elected us to govern to make sure we build the infrastructure so that we are able to provide the services for the people of Victoria — whether it is for families to be able to take their kids to school on time, or for people to be able to conduct their businesses et cetera.

**Mrs Peulich** — We'll see.

**Mr MELHEM** — You will see all right.

**Mrs Peulich** interjected.

**Mr MELHEM** — We have done a hell of a lot in 11 years, far more than you would do in 40 years! That is why the Andrews government, as part of Project 10 000, has committed to the construction of the West Gate distributor to remove trucks from the West Gate Bridge and the streets of the inner western suburbs, as well as extend the life of the West Gate Bridge. We actually announced that 12 months before the election. It was not a case of us deciding four weeks or eight weeks out from the election that we would come up with something. We announced that in October 2013, more than 12 months before the election.

**Mr Finn** — You would reckon you would have got it right by now, wouldn't you? Clearly you haven't.

**Mr MELHEM** — Mr Finn — —

*Honourable members interjecting.*

**Mr MELHEM** — You have not learnt a thing, have you? You do not go and design projects and implement them while you are in opposition. You need to be in government so you can go to VicRoads to design them, do the business cases and do them. You do not do this from opposition; that would be irresponsible. You have to get into government first. But let me tell you: we have been in government for over 60 days, and guess what? We have just put the first package out. It is actually out for tender. That is not a bad effort, let me tell you. On anyone's standard, that is a good effort.

For the northern section, Shepherd Bridge will be strengthened and Footscray Road will be upgraded. For the central section, there will be an upgrade and duplication of Whitehall Street between Francis Street and Somerville Road. For the southern section, we are talking about the West Gate Freeway on and off ramps — —

**Mr Finn** — How many houses are you taking out there?

**Mr MELHEM** — I will just ignore that. You are sounding like a parrot. It is the West Gate Freeway on and off ramps and an extra lane in each direction between Williamstown Road and the Western Ring Road, using overhead lane management technology, and an elevated road along Hyde Street, Yarraville.

**Mr Finn** interjected.

**Mr MELHEM** — Mr Finn should not be opposing a project in the western suburbs. He has been banging on about doing things for the western suburbs, but this is a project for the western suburbs he is opposing.

**Mr Finn** — The people who live down there want to know what is going on.

**Mr MELHEM** — The east-west thing was a dud and you know it. You should be supporting this project.

**Mr MELHEM** — The next step — —

**Mrs Peulich** interjected.

**Mr MELHEM** — We are actually doing it. The next step is the business case for the West Gate distributor, as I said. It is being developed as we speak.

**Ms Wooldridge** — It is shovel ready.

**Mr MELHEM** — The first part is shovel ready, yes.

**Mr Finn** — I know what you are shovelling; I have a very good idea of what you are shovelling!

**Mr MELHEM** — It is better than your shovels, because you have not had anything shovel ready. You have not touched a shovel in four years. The only thing you have been doing for the past four years is cut ribbons for projects that were commissioned by the Labor Party. Name one project where you had to pick up a shovel and say, 'We're commissioning this project under our watch, under our government'. You can't name one.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS AND PAPERS

### Budget update: report 2014–15

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I desire to make a statement on the Budget Update 2014–15 incorporating Quarterly Financial Report No. 1. The budget update for the 2014–15 year marks the change of government. It is a neat point between the administration of the previous coalition government and the incoming Andrews government.

It is worth putting on the record some of the history of the work that the previous government needed to do to rebuild and stabilise the financial position of the Victorian government over the four years in which it was in office. When we came to government at the end of 2010 we inherited a budget which was unsustainable. We inherited a budget in which revenue had been growing more slowly than spending by about 1 percentage point. We had seen over the life of the Bracks and Brumby governments a rapid increase in expenditure and a lower increase in revenue. As a consequence, the budget surpluses which had been bequeathed by the Kennett government had been whittled away to just \$100 million out of a spend of around \$45 billion, and we were at a tipping point.

If the previous coalition government had not intervened, the budget would have gone into deficit. We would have seen massive budget deficits by our second year of government and a blow-out in state debt, so we had to take action to reduce the growth in expenditure, and we achieved that successfully in our first budget. That allowed us to build some capacity into the budget.

If members look at the pre-election budget update, which records the state of the books as reported by the Treasury rather than the government at the point of the election, they will see that the coalition government built budget surpluses of \$1.1 billion for the 2014–15 year, increasing to \$3 billion over the forward

estimates — by 2017–18. This allowed us to build capacity into the budget, which then allowed us to fund our infrastructure program while at the same time reducing net debt. It can be seen that over that forward estimates period under the coalition government net debt was to fall from \$21.8 billion to \$19.6 billion and would also decline as a share of gross state product.

In its four years the coalition government did the heavy lifting to ensure that our AAA credit rating was sustainable — and it was deemed so by both Moody's Investors Service and Standard & Poor's, both agencies giving a stable outlook — and that we could build capacity for future infrastructure as well as absorb shocks in the budget as they came along. And under our government they did come along from time to time, with write-downs of things like GST and stamp duty.

We have already seen from the budget update — the first document brought in by the new Treasurer of Victoria — that there is a deterioration in the state's finances. In the first report, building in the initial decisions of the new government, we have already seen a deterioration. We see that over the next four years budget surpluses have been cut. In the case of 2017–18 they have been cut by \$600 million; in the case of 2016–17 by \$300 million; and next year by \$100 million. We have already seen hundreds of millions of dollars taken off our budget surpluses, and we have seen an increase in net debt of more than \$800 million over the forward estimates. This is as a consequence of just the initial decisions of this new government.

Worryingly, we have also seen a revision of economic growth forecasts. We have seen the forecast for gross state product in the next financial year, the first full financial year of the Andrews government, cut by 25 basis points. With the change of government it is the Treasury's estimate that the economy will grow more slowly than it estimated it would under the coalition government. We have also seen the unemployment forecast increase by 25 basis points. Under the coalition government for the next financial year, Treasury forecasts unemployment will be at 6.25 per cent. Under the new government, Treasury now estimates unemployment will be at 6.5 per cent.

We have seen in a very short period of time, with the initial decisions of this government, a deterioration in the state's financial position, a deterioration in our forward estimates for budget surpluses, a deterioration in the state's debt position, a deterioration in the forecast economic growth and an increase in unemployment. In the space of a couple of months this is the path that Labor has put us on, and this is a path

that no doubt will be accentuated over the next four years.

**Auditor-General: *Additional School Costs for Families***

**Ms TIERNEY** (Western Victoria) — This afternoon I would like to make a contribution on the Victorian Auditor-General's report on additional school costs for families. In short this report examines whether funding adequately supports the delivery of free education in this state, whether schools appropriately manage parent payments to support free instruction and whether the Department of Education and Training has oversight of school approaches to parent payments.

This is a welcome report because it adds some clarity around the issue of a lack of transparency in the system. Today the Minister for Education, James Merlino, in his response to the report said that there needs to be a proper examination of the cost shifting that has occurred — costs going back onto parents as opposed to the state government over a period of time. He has also called for greater transparency with respect to community and parent contributions to the education system.

As we know, education is one of the most important elements of a child's upbringing, and therefore access to and the opportunity for a first-class education, whether it be at the early childhood stage or in primary or secondary school or post-school, is absolutely paramount. In the state's primary and secondary schools the Victorian government provides free instruction in the standard curriculum program.

However, if we were to talk to any parent in our respective electorates, particularly at the beginning of a school year, those conversations would be about the exorbitant costs that parents pick up as a result of sending their children to school. It has certainly been a conversation I have been part of over the last four or five weeks. Whether it be purchasing a new or second-hand school uniform, a sports uniform, a school bag, textbooks, exercise books, stationery or paying for camps, excursions and swimming programs, the cost can run into the thousands of dollars. It is becoming more common for students to have their own devices. I know this from one of my electorate officers who has recently bought an iPad and laptop for her daughter, who attends a state school and has just started her secondary school journey.

If we look to the findings in the report, and in particular to the Auditor-General's comments on page vii, we see that each year parents are being asked to pay more for

their child's education. In 2013 they paid a massive \$310 million in additional school costs, a rise of 29 per cent since 2009. This figure does not include school uniforms or stationery. This can cause many families to experience severe financial stress, particularly if they have more than one child at home.

In the past, the Victorian government made school maintenance allowances available, which provided more than 200 000 Victorian students from low-income families with up to \$300 a year to help cover the cost of sending a child to school. However, under the previous government the Victorian education maintenance allowance was cut, leaving low-income families and their children to fend for themselves. In fact in some families children were kept at home simply because they did not have the right school uniform or the right textbooks. They simply could not afford them. Of course they did miss out on excursions and camps because their families simply could not afford it. Yet unfortunately, as I said, the previous government cut the education maintenance allowance completely.

The Auditor-General goes on to state that the principals have pointed to the inadequacy of school funding as the main reason for increasing parent payments. Over the last four years more than \$1 billion was cut from Victoria's education system by the previous government. That does not include the \$1.2 billion that was cut from the TAFE system.

This has left our education system dramatically under-resourced, with students suffering as a result. In fact schools went into deficit to cover the cuts they suffered as a result of the previous government's policies. One of those schools is very close to me — Bellarine Secondary College. It had to slash its Victorian certificate of applied learning funding.

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

**Budget update: report 2014–15**

**Mr O'DONOHUE** (Eastern Victoria) — Like my colleague, Mr Rich-Phillips, I make some comments on the 2014–15 budget update. Briefly I will echo some of the comments made by Mr Rich-Phillips. In summary, I wish to comment on the good set of books that the coalition government left to the incoming government. That is the advice of Treasury, which it provided independently.

The Andrews government inherits a set of books in good order, reflected by the AAA credit rating, with a stable outlook from both major ratings agencies. As

Mr Rich-Phillips said, there has already been some deterioration in that position since Labor came to power — lower growth, higher debt and smaller budget surpluses.

What I really wish to touch on about this document is the lack of focus on community safety. The coalition government, when in power, made community safety a very strong focus. That was evidenced by the more than 1900 additional police that augmented Victoria Police and the deployment of protective services officers (PSOs) on our railway stations. The now Deputy Premier referred to them as ‘plastic police’ during debate during the last Parliament, when the legislation to expand the powers of the PSOs to enable them to patrol our railway stations was before the house. This policy was derided by most and welcomed by few at the time. It has turned out to be a great policy in the interests of community safety.

The coalition added more than 1900 police to Victoria Police during its four years in government. That is the single largest recruitment of police in the history of Victoria. The fact is that Victoria is growing rapidly. With the population growth approaching 2 per cent, it is critical that additional police continue to be recruited and deployed to the force, particularly in the growing parts of Victoria, including on Melbourne’s urban fringe and in many of our regional cities.

We had from the new police minister confirmation that there will be no new police added. He was not clear in his comments that were reported in the *Age*; presumably vacancies from natural attrition will be filled, but there will be no new additional police. There may be other news in the budget in May, but as we stand today all that additional infrastructure that was implemented at the police academy, as part of the additional police that were added by the coalition government, will be under-utilised. Labor has returned to a position of adding no additional police to the force.

When Victoria is growing by up to 2000 people a week, there is a need to continue to grow the force. We know this from crime spates we have recently seen in places such as Geelong and other parts of rural and regional Victoria, as well as in the south-east, Melbourne’s north and some other parts of the city that are growing rapidly. There is a need for additional police, so I would urge the government to reconsider its priorities. Community safety must be at the top of the list of priorities of any government.

So far the comments we have heard from the new minister and the government in general do not engender confidence in this area. I urge the Premier to reconsider

the government’s decision not to grow Victoria Police at this time and to continue the work and build on the legacy of the coalition government.

### **Budget update: report 2014–15**

**Mr MULINO** (Eastern Victoria) — I rise to speak on the Victorian budget update for 2014–15. Of course this is a very important document. It refreshes the budget each year, and it is particularly important in a year when there has — fortunately — been a change in government. The document sets a fiscal envelope, it defines the regulatory reform agenda of the government and it lays out the government’s priorities.

It is critical to note that this document affirms the incoming government’s commitment to a stable macro-economic environment. I note some of the somewhat mischievous comments from the previous two speakers on this topic about the changing forecasts in parts of the fiscal update, in particular changes to the employment and growth forecast. I quote two sentences from the document itself:

This reflects relatively flat business investment, and modest growth in household consumption ...

The falling iron ore price has an impact on Victoria’s fiscal outlook.

What we see are some forecasts changing because of medium-term macro-economic trends, not because of the change of government. It is critical to note that, because one of the failings of the previous government was that it did not act in relation to those very economic trends it has implicitly alluded to. One of the failings of the previous government was that it did not have, for example, a jobs plan. It is interesting to note that, because one of the key regulatory changes we see in this budget update is funding in a sustainable way for an employment plan — \$100 million for a Back to Work initiative that involves a payroll tax subsidy for youth, for retrenched workers and for the long-term unemployed. It is in response to those very macro-economic trends that we are seeing that key program in this budget update.

Youth and long-term unemployed are particularly important because of their risk of a lack of connection to the workforce. It is critical to get youth connected to the workforce as early as possible because if that does not occur, there can be long-term consequences. It is well known that the longer somebody is unemployed, the worse the consequences, so it is critical that we invest in those two categories of people.

It is also critical that we invest in strategies for retrenched workers. Many people are retrenched for

reasons beyond their control, because of economic dynamism and transition in the economy. We want to have an economy that is flexible and in transition but we need to help people who suffer through no fault of their own because of that. This Back to Work initiative is critical to that, as is our investment in the TAFE sector. Not only is the initiative itself important but it is also important that it was the first thing this government did. It is the signal we are sending to our economy, to the people in our economy and to the markets. Just as Reserve Bank of Australia statements, for example, are poured over for every little nuance, it is critical to look at what a government's first act is, to look at what its first bill is. This Back to Work initiative is something this government is extremely proud of.

Another initiative that we have already funded in the budget is Infrastructure Victoria. We are way behind when it comes to critical evaluation and thorough planning of major infrastructure projects. We have spent many hours today pouring over what a farce the east–west link process was. Infrastructure Australia has been in place at the federal level for years now, and Infrastructure New South Wales is already onto its second long-term plan. Victoria needs to catch up in this space. We have the farce of east–west link highlighting the lack of an overarching framework, so it is really important that within the first couple of months we put in place funding arrangements that will allow for the establishment of an institution that will undertake rigorous analysis of individual projects and the creation of a pipeline that reflects the interdependence of projects and allows for the proper ordering of major projects.

The budget is one of the most important documents a government creates during the course of the year. It allows for the sustainable funding of projects across all portfolios. This budget update reflects the fact that this government is committed to sustainable surpluses and to maintaining a AAA credit rating while at the same time reprioritising the government into areas that matter and which will create jobs and growth.

### **Budget update: report 2014–15**

**Mr DAVIS** (Southern Metropolitan) — I congratulate the Acting President on his elevation and his new role in the chair. I want to begin with the 2014–15 Victorian budget update. I want to pick up where Mr Rich-Phillips left off by making the point that in this first budget update of the new government it is clear that we are going to see more debt in Victoria, greater taxation and a clear deterioration in the economic outlook because of the policy settings of this government and decisions it has made.

It is clear that its intention to tear up the contract for the east–west link will have profound impacts on confidence in Victoria. It is also clear that this act, which brings sovereign risk to the fore, is something that will frighten the business community. The business community will be very concerned indeed. In that circumstance there is very significant concern about how this government will manage. It has come to power with a set of promises that it will find very difficult to keep. We have already seen significant issues come to the fore and, as Mr Rich-Phillips correctly pointed out, the 2014–15 Victorian budget update directly points to these areas.

Government needs to partner with the community, with local government, with the third sector in our community and with the business sector. In my new roles as shadow Minister for Planning and shadow Minister for Local Government I have been meeting with many parts of the local government community in this state, and they perform a very important role. I pay tribute to the work of our councillors and our mayors. I also pay tribute to the work of the very professional bureaucracies that exist at the local government level, and in that context I want to make some very clear points about what is going on at the City of Greater Geelong at the moment.

I want to put on the record that Geelong is our second city in Victoria and it plays a critical role not only as an economic driver but increasingly as a centre of significant growth and activity. The city council has been right to target its role in pushing for proper economic growth. I note the new mayor of the City of Greater Geelong and I think his focus on economic outcomes has been very important. Prior to the election he was in communication with both parties and was determined to advocate strongly for the City of Greater Geelong and the surrounding region. I pay tribute to the work of G21 and a number of the other organisations that advocate for Geelong's significant role.

A set of issues has come to the fore in Geelong in recent days, and I pay tribute to the work and the important role of the *Geelong Advertiser* in this regard. It is clear that there has been a long-term, entrenched culture of bullying and disagreement between some councillors and council officers, and that is a matter of significant concern. In some cases I think it is linked to Labor factionalism. Governance issues in local government are nothing new of course, and they occur across the state, but that does not mean that we do not need to have a strong and clear position on this.

I note the recent comments of the Minister for Local Government, as reported in the *Geelong Advertiser*, that

she does have confidence that a review at Geelong can be conducted with independence and integrity. I was surprised to read today commentary by Christine Couzens, the new Labor member for Geelong in the Assembly, which appears to be directly at odds with what the minister has said. It appears that Christine Couzens has said that the process that has been put in place by the new CEO of the City of Greater Geelong, Dr Miles, is not satisfactory. I have confidence in Dr Miles. I believe she will engage in a process that has integrity and that will see an open report brought forward.

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

### **Budget update: report 2014–15**

**Mr LEANE** (Eastern Metropolitan) — I rise to make a statement on the 2014–15 Victorian budget update, and I welcome the opportunity, unlike in earlier debates today, to talk about some positive news and good initiatives for this state that are being implemented through this budget update. I congratulate the government for releasing money for the TAFE Rescue Fund. We would all accept that TAFE has been and, as far as this government is concerned, will be an important part of Victoria's education system.

This budget update delivers a rescue fund that will provide support for TAFEs to deliver courses relevant to the communities they serve and to improve their financial positions. We have heard that a majority of TAFEs, given the pressure they have been under in recent years, are in a position of financial loss. This fund is particularly important because part of it is allocated to reopening closed TAFEs. We do not want any closed TAFEs from this point on, and the good news is that part of this fund is being allocated to opening closed TAFEs and to upgrading buildings and worksites to provide training where it has been removed. Previously training may have been available, particularly in regional communities, and it will be reinstated. The fund will increase availability for young people who want to access TAFE training.

I am particularly pleased that this initiative will assist in reopening the TAFE facility in Lilydale. It is a shame that Swinburne University of Technology got to a position where it felt it could not continue with that campus because of funding cuts by the previous government, but the good news, as I understand it, is that Box Hill Institute is in discussions with the new Minister for Training and Skills, Mr Herbert, and the new Premier, Mr Andrews, to reopen the facility as soon as possible. There is no end to the importance of

that facility, particularly for young people. Young people who were studying at Lilydale TAFE and who live in the Lilydale area, all the way out to Warburton and other places, now have to attend courses in Docklands. Some courses are available at Box Hill, and many are available at Holmesglen. A young person without their own car may now face a round trip of 3 hours, using a number of buses and trains, to do their TAFE course.

I and the people who live in that region welcome the reinstatement of the Lilydale TAFE campus. It is a good news story; it is a good thing. I am proud to be part of a government that sees it as a good and important thing, and I look forward to that campus being reopened to students in the region.

### **Budget update: report 2014–15**

**Mr DRUM** (Northern Victoria) — I rise to comment on the 2014–15 Victorian budget update. In doing so I cast my mind back to when the coalition came to government in 2010, when the four-year projected debt level was about \$55 billion. The out years projections were that the state's debt would be at about that figure by 2014. As we hand over to the Labor Party, once again we have reduced debt remarkably, and the out years debt will be somewhere in the vicinity of \$25 billion. An enormous amount of work was done to achieve that.

The coalition was able to hang on to the state's AAA credit rating, and sometimes people do not know what that means. Over the last four years the coalition was able to maintain between \$230 million and \$300 million a year in savings in this state. Effectively we were building a large hospital or about 10 extra schools every year with the money we were saving for everyday Victorians by maintaining a AAA credit rating.

It is a stark contrast because the calls coming from the Labor Party over the last four years were to forget about the state's AAA credit rating and about trying to save money. 'Pay the teachers, pay the nurses and pay the ambos whatever they want; do not bring in a sustainable public service system and keep the extra 4200 people employed in the public service' was what we kept hearing from the Labor Party. It was comfortable to let the AAA credit rating float out the window, like it has in Queensland and New South Wales.

However, we took a different line. In the middle of all this we put on the 1700 additional police the Labor Party said were not necessary. Then it said we would

not fill the positions. Then we put 930 protective services officers (PSOs) across all railway stations at night. The Labor Party called these PSOs 'plastic police', said the scheme would never work and said we would never fill 930 positions. We got 930, and we got some extra ones as well. All the Labor Party has to worry about with regard to PSOs is where it stands: does it support them or does it not? That is all it has to worry about. We put them on, and we funded them.

We also gave enormous additional resources to regional Victoria. With the sale of the Rural Finance Corporation some \$460 million was going to regional Victoria, but now the Labor Party is making all of that money available to the Treasurer to see where he wants to spend it. We now have no guarantee, which we previously had with The Nationals in regional Victoria, that would make sure that that \$400 million from the sale will go to projects such as the Murray Basin rail project.

Likewise in relation to the Echuca-Moama bridge, which has been on the drawing board for the last 30 years — I think three members in the other house spoke in their maiden speeches about how necessary that bridge is — we finally made the announcement last year, identifying where the money was going to come from, but the Labor Party is going to take that money out of regional Victoria and take it back to Melbourne.

There is a significant sporting infrastructure project — again this is in last year's state budget — with money allocated for sporting projects involving major upgrades in Bendigo and Moorabbin. That money has been simply taken away. It was in the budget and it had been allocated, and the Labor Party has redirected those funds. I do not know how it is going to do that, because all these contracts have been drawn up with councils around the state that the projects are in and funding agreements have been locked in. Mystically, however, Tim Pallas, the Treasurer, is somehow or other going to take this money out of those projects and, again, redirect it to other projects. I have no idea, as I say, how the government is going to do that.

Speakers from the other side get up and talk about a regulatory reform agenda. That is just a load of rubbish. Their reform agenda is actually to take money out of regional Victoria and put it in metropolitan Melbourne.

Those opposite talk about how we never had a jobs plan. We have been hearing that for the last four years too. What we had was a whole series of super trade missions which were literally worth hundreds of millions of dollars for everyday Victorians. We would take them with us to China, to India, to Korea, to Japan

and to the United Arab Emirates, and every time they came back they would brag about how many contracts they had signed that were worth real dollars on their bottom line and in their businesses. What do we have from the Labor Party? We have not heard Labor members say diddly squat about what they want to do in relation to overseas trade missions that would take our businesses — —

**The PRESIDENT** — Order! Thank you, Mr Drum. Mr Melhem.

### **Budget update: report 2014–15**

**Mr MELHEM** (Western Metropolitan) — I rise also to make a statement on the Victorian budget update presented by the Treasurer, Tim Pallas. The report obviously outlines the state of the budget. I will make just a few points. I remind the house, particularly members of the opposition, that Labor retained the AAA credit rating when it was in government for 11 years, and thankfully — —

**Mr Davis** — You inherited that from Jeffrey Kennett.

**Mr MELHEM** — Well, we kept it for 11 years. That is a good effort. You kept it, and we are grateful you kept it for four years. This government is committed to keeping the AAA credit rating, and our 2014–15 budget update shows surpluses every year of the forward estimates and net debt declining. Labor is committed to budgets being neutral and will fund all our promises from existing funding sources.

Can I talk about some of the challenges we are facing as a government today? There are always challenges in any budget, but these could have been prevented if the Liberal Party and its partner The Nationals had cared about sound financial management instead of just appearing to do that. Victoria's books, as we can see if we look into the health or status of the budget, have been cooked up to a crisp.

The former government's members kept talking about being fiscally responsible, but they were being loose with the truth. There was their winter package, which is what they called their policy for funding hospitals if there was an election looming. They made a big show of building prison beds, but this was without providing any money to operate them. They allowed our TAFE system to slowly suffocate, with TAFE institutes on track for a \$71.8 million combined operating deficit this year. We are working on fixing that mess. We have established the TAFE emergency fund, with \$20 million in the current financial year to immediately

start fixing the mess — and the Minister for Training and Skills, Mr Herbert, is doing a fantastic job on that.

We have plugged the hole in the corrections budget left by the former government — the relevant minister is not in the chamber — providing \$40 million per year, while the former government's members simply buried their heads in the sand. We have funded the Back to Work initiative; we are rising to meet a challenge the Liberals refused to even acknowledge existed. We have cancelled the east–west link, the most expensive and worst-value road in Victorian history.

I will go on to talk about delivering on our election commitments whilst being responsible about how we run our budget. I referred to the Back to Work scheme. There is also the establishment of the new independent body, Infrastructure Victoria, to provide a long-term approach to assess and advise on major capital projects across the state, and there is the Royal Commission into Family Violence. In addition ongoing funding has been provided to redress shortfalls in funding relating to decisions taken by the previous government such as the operation of men's prison beds in various correctional facilities across Victoria, which I touched on earlier, and the operation of the additional facilities at the youth justice centre in Malmsbury in order to address capacity concerns and improve client safety.

This budget update also provides funding to advance key asset-related election commitments, including the 50-level-crossings removal program, the Melbourne Metro rail project and the West Gate distributor project. Discussions are underway with commonwealth to reallocate funding provided for the east–west link to the government's new infrastructure priorities. The government's new infrastructure program will be fully reflected in the 2015–16 budget. Net debt is forecast to fall over the budget and forward estimates from a peak of 6 per cent of gross state product (GSP) at June 2015 to 4.8 per cent of GSP by June 2018. The increase in net debt as a proportion of GSP, compared to the 2014 pre-election budget update, is largely due to the impact of additional funding for previously unfunded prison and youth justice beds, lower GST revenue and a fall in the projections for nominal GSP.

I will finish off by saying we had a great 11 years — a record 11 years. We had a AAA credit rating and surplus budgets, and we were delivering for Victorians, unlike the former government.

## GOVERNOR'S SPEECH

### Address-in-reply

#### Debate resumed from earlier this day; motion of Ms SYMES (Northern Victoria) for adoption of address-in-reply.

Ms PATTEN (Northern Metropolitan) — President, I congratulate you on your re-election. It is a role I know you will continue to discharge with the fairness and professionalism you have shown in the past.

I acknowledge the traditional owners of the land we stand on today, the Kulin nation. I pay my respects to their elders, both past and present.

From Brunswick to Broadmeadows and Carlton to Craigieburn, I cannot believe how lucky I am to be representing the Northern Metropolitan Region of Victoria. It is as diverse a region as you will find anywhere in Australia and a melting pot for everything that is great about Victoria and its people. Since living and campaigning in this region I have met people from the most diverse ethnic backgrounds — Indian, Tongan, Turkish, Greek, Vietnamese, Sudanese, Chinese, Afghan, Lebanese and so many more. Getting to know this large and exciting mix of cultures has only served to strengthen my conviction that multiculturalism is one of the key drivers of social and economic growth in Victorian society.

I thank the voters of Northern Metropolitan Region for putting me in this place. I know there are many issues that we are struggling with. We are a rapidly growing population that is screaming out for better services and infrastructure. As an Independent I see my role as to champion the region and push government for these improvements. I am not sure how many of these problems I can solve, but I promise that my door will always be open to discuss these issues.

I wish to record my heartfelt thanks to the many and varied volunteers, candidates and organising committee members who have taken the Australian Sex Party from a misunderstood name to a serious political entity. I pay special thanks to my campaign manager, Nevena Spirovska; my running mate and colleague, Joel Murray; our Victorian party secretary, Douglas Leitch; and my ardent supporter and friend, Ken Hill. Whilst I am unable to name them all, they know who they are. They have endured long nights, public heckling, party trolls and way too many phone requests for the date of the next sex party. One person deserves a special mention, however, and that is the late Rob Bishop. He

will always be remembered as the spiritual heart of the Australian Sex Party. I thank him for everything.

I also wish to thank those other minor parties whose preferences helped elect me. The Sex Party worked with, rather than against, other like-minded parties, including the Voluntary Euthanasia Party, the Basics Rock and Roll Party and the Australian Cyclists Party. We campaigned and advertised alongside each other, and I have already met with some of them to see how I can now help them achieve the goals they were hoping to kick at the election.

I would like to remember my parents, Ann and Rick Patten. My mother was British — some would say very British — and my father was a very Australian naval officer. My father gave me the quality of not suffering fools lightly, while my mother gave me the grace to be nice to them. I suspect these traits will help me here. I have only one regret about being elected, and that is that neither Mum nor Dad is here to share the experience with me. My father died not long before the election. He had been working hard on mastering the art of being a grumpy old man, and whenever discussion turned to politics and politicians he transcended grumpy and became an absolute curmudgeon. This saw him feature regularly in the letters column of the *Canberra Times* complaining about local and federal politicians. I am told by my family that he would have been very proud to see me here amongst the red velvet today, but I have no doubt he would also have had grave concerns about the company I am keeping.

I come to this place by a road less travelled. I started my career as a young independent fashion designer with my own company, which I called Body Politics. It was during the recession we had to have, and I soon noticed that many of my best clients turned out to be sex workers. This led me to become an advocate for them, and also led to the successful decriminalisation of the industry. For a short time I even jumped the counter, as they say in the industry. Indeed I may be the first former sex worker to be elected to a parliament anywhere in this country, although no doubt the clients of sex workers have been elected in much greater numbers before me.

It was at this time that I really became interested in politics. I ran one of the first needle exchange programs in Canberra, saw the devastating effect of HIV and AIDS on my friends and realised the terrible discrimination that one's sexuality can heap upon you. So it was 22 years ago that the failure of drug prohibition, the need for open discussion about sexual

health and the fact that government intervention does not always make things better became obvious to me.

During this time I sat on the board of a number of sexual health organisations, including the Australian Federation of AIDS Organisations, before accepting an invitation to become the CEO of a new industry group, the Eros Association, a position in which I continued for over two decades. Through my work I affirmed my belief that small business is the backbone of Australia's economy. I owe a lot to the people of this industry. They showed me how groups of decent and average people can become marginalised and then demonised just because they dare to be different and stand outside the square. The adult industry is subject to the most appalling forms of discrimination from all sorts of people, including politicians, business and union leaders, church clergy, certain feminists and social conservatives — pretty much half of its client base, really.

It was this official hypocrisy that both fascinated and outraged me at the same time. When Labor Senator Stephen Conroy announced that we would have an internet filter in Australia I decided that enough was enough. With help from the Eros Association and a few thousand voters who also thought this latest act of government censorship was a bridge too far we decided to form a new party that would protect people's civil liberties, and so the Sex Party was born.

In preparing this speech, I looked back at the letters I have written to members of both houses in Victoria over the past 20 years. I received not quite as many letters in reply, but many of them were thoughtful and considered with regard to the issues I had raised. Many of them thanked me for the hundreds of X-rated films I had delivered to them in this place.

Our agenda is said to be progressive, as if it is something new, but in fact our issues are as old as the European invasion of this continent. In Robert Hughes's sprawling epic about the way Australia was colonised, *The Fatal Shore*, he records the fact that on the very first day that the men and women of the First Fleet spent together on Australian soil they indulged in a spectacular mass drunken orgy. On the second day Governor Phillip read the first political statement on Australian soil by reading out an official proclamation which contained, among other things, a threat to punish anyone who dared to behave as they had the night before. Thus the prohibition around sex and drugs was written into the very fabric of Australian society, and it has been hanging around our necks like a dead albatross ever since.

My interest in sex, politics and feminism has strong roots through the family of my mother, Ann Street. Mum's great aunt was the celebrated Australian suffragette and feminist of the 1930s, Jessie Street. As a young woman in 1914, Jessie worked in a London reception centre assisting other young women who had been arrested as prostitutes, and in 1916 she started the Social Hygiene Association in Sydney to promote sex education. In 1930 she was elected president of one of the most influential feminist groups in Australia, the United Associations of Women.

The United Associations of Women ran influential campaigns in support of divorce law reform, the appointment of women to public office and to jury service, and the election of women to Parliament. In 1933 she was involved in setting up the first contraceptive clinic in Sydney. She ran for public office three times but never quite got there. I think Jessie would have been very proud of the fact that a third of the members in this chamber are women. She would have been a lot happier if it were 50 per cent. Jessie's life and her work have been an inspiration to me, and I would like to think that my election to public office goes some way to acknowledging her efforts in early feminism and maybe completing a chapter in that Street family story.

On the topic of political influences and mentors, I would like to acknowledge the late Don Chipp, founder of the Australian Democrats, for his friendship and advice, especially in the naming of the Sex Party. 'Call it something they'll never forget', he told me not long before he passed away. And so I did. I would also like to acknowledge Malcolm Fraser's old press secretary, David Barnett, as the first person to encourage me to set up a political party. It was in an attempt to stop his friend and colleague, John Howard, from banning adult films. I do love people who break that mould.

My sister, Kirsty, and my brother, Ian, have been somewhat willing partners on this journey. It is not always easy having a sister who links your surname to a sex party, but they have been loyal siblings, and fortunately they agree with me most of the time.

Kirsty and her partner, Linda, have a beautiful daughter, Bonnie, and they have given me wonderful insights into the subtle nature of discrimination. I am very happy to report that it is actually a pretty rare thing for them to encounter, but there are still laws that do not treat their relationship equally with others. This I would like to change in Victoria in whatever way I can. I find it repugnant that gay couples cannot adopt children and that they cannot marry or even have overseas marriages recognised when they come home. I am heartened that

the Andrews government has committed to making changes in this area.

My brother, Ian, and his daughter, Saskia, are here today. Some of the loudest family arguments at our dinner table were between Ian and myself. Neither of us has the ability to back down. I was of course right, but it was hard to convince him. These battles have stood me well in preparing for this place. I am pleased to note that this is an attribute that my niece Saskia has inherited.

I would not be standing in this place today without my partner, Robbie Swan. We met 23 years ago and have campaigned together for the whole of that time. We always joked that instead of having children we had industry associations and political parties. Even though we have lived in separate states at times over the last 20 years, we have been inseparable. His love, loyalty and cooking have greatly helped me to get here. The safety of this relationship has often allowed me to go out on a limb both personally and professionally — and that has often been necessary. I am looking forward to sharing this next chapter with him and his wonderful daughters, Angie and Georgie Swan, who have also influenced me enormously over the past two decades. I learnt early that Swans do stay together, and this flock of Swans is no different. I really lucked in when the Swan clan allowed me to join. I am thrilled that the matriarch, June Swan, is here in the chamber today.

The Sex Party exists because, despite those thousands of letters written to MPs in Victoria and other states and territories, legislation on important social issues does not align with public opinion. Polls consistently show that a large majority of the population want to see voluntary euthanasia legalised, and yet neither of the major parties will move on it. I suspect the reason they will not do so is to placate the religious lobby, and I hope to change that in my first term. I made a promise to a man many of you will know, Peter Short, a tireless campaigner on this issue, who died only a few weeks ago. I will uphold that promise and continue to press the need for laws that allow an individual to die with dignity.

I am also here to officially declare that the war on drugs has been lost in Victoria, and I intend to write a peace plan over the next year and submit it to Parliament. Hundreds of thousands of Victorian adults occasionally use marijuana as a social tonic in the same way that some of us in this chamber use beer and wine. Marijuana is no more dangerous than alcohol, so why are we, as a Parliament, still sending people to jail for using it? It is hypocritical, and it is out of touch. Banning drugs has not reduced their use. It has not

reduced the harm caused by drug abuse. It has made a lot of criminals very, very rich. We must take a new approach.

We urgently need to regulate the use of and make available medical cannabis. Whether it turns out to be the new penicillin or not, there is so much evidence of its therapeutic application that waiting around for committees and testing regimes will be counterproductive. Thousands of Victorians are already sourcing it, driven by parents who have seen how effectively it works on children with seizures and adults who experience how it helps with chronic pain and alleviates the side effects of chemotherapy. The marketplace will not wait for politicians to drag their feet on this.

I commend the government and Premier Andrews on their early commitment to improving this situation. I believe that Victoria can and should supply this product under strict controls and regulations. In fact there is a world shortage of medical cannabis, and Victoria is perfectly situated to meet this need in much the same way as we do with poppies. We should create an industry that grows, manufactures and supplies this much-needed product to assist in worldwide demand. But let us do it before the grey market establishes its own protocols and we lose the ability to put in place world's best practice.

I was raised as a nice young Anglican girl who attended church regularly, and for a while I dreamt of being a nun. That clearly did not work. I am now an avowed atheist who works towards separation of church and state. In my view, the church punches well above its weight in most Australian parliaments.

In 2000 I published a book called *Hypocrites*, which listed all the church clergy in Australia who had been charged with a child sexual offence. The fallout included death threats and recriminations from MPs around the country. In 2009 the Sex Party became the first party in Australia to officially call for a royal commission into child sex abuse in religious institutions, a policy I am still immensely proud of, and I applaud the Napthine government for its work on the inquiry into the handling of child abuse by religious and other non-government organisations.

I would also like to congratulate the Andrews government for establishing a royal commission into family violence. I look forward to its recommendations being implemented — and quickly. I intend to work in this Parliament to ensure that no organisation, regardless of religious belief, should be exempt from the laws of discrimination the rest of us are bound by. I

also believe that religious organisations should pay the same taxes the rest of us do and that the exhortation to promote religion no longer confers on religious orders a government-sanctioned right to avoid paying tax.

I am committed to working with the fashion and textile industry in Victoria, especially in Northern Metropolitan Region, to ensure that this industry and the economic opportunities it brings are adequately fostered. Melbourne is Australia's fashion capital, and I believe it should be recognised as a global one in the same way our sister city of Milan is. More people visit Victoria to shop than for any other reason, even sport. The industry currently employs tens of thousands of Victorians, and the vast majority of them are in small to medium size businesses. Having made this call, I just hope I am not judged too harshly for any fashion choices I may make in this place.

I stand before you today not after a month-long election campaign but after decades of fighting for what I believe in. I am the first Australian Sex Party representative elected to any parliament in this country. Our party has come of age after years of developing a progressive policy platform that is as diverse as our membership. It is not my intention to sit on the crossbenches looking for ways to destabilise the government. I believe in stable government. The price payable by chronic instability becomes more obvious all the time. I am here to pursue my party's agenda.

I will fight for every woman's right to choose what they do with their own body. I will fight tooth and nail to protect the current abortion laws in Victoria. I will work with government on providing safe buffer zones around centres that provide terminations. I will ensure that freedom of speech is protected. I firmly believe that our arts sector should be better nurtured. I will stand for a sensible approach to the environment, one that balances the needs of business with the needs of humans. I will work hard to further improve our public transport system.

I will stand together with the lesbian, gay, bisexual, transgender, intersex and questioning community to rid our system of inequality. I will fight for better outcomes in the areas of mental and sexual health, and I believe we owe it to our children to take a different approach to sex education and relationship education in our schools. I will continue at every step I can to ensure that everyone, no matter their sexual orientation, gender, race, colour or religion, is able to live the life they choose to live without interference and in freedom.

I look forward to working with my colleagues in this place to bring about a better, fairer, prosperous and ultimately more progressive Victoria. Thank you.

**Debate adjourned on motion of  
Dr CARLING-JENKINS (Western Metropolitan).**

**Debate adjourned until next day.**

**STATUTE LAW REVISION BILL 2014**

*Statement of compatibility*

**Mr JENNINGS (Special Minister of State) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the ‘charter’), I make this statement of compatibility with respect to the Statute Law Revision Bill 2014.

In my opinion, the Statute Law Revision Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The bill corrects a number of ambiguities, minor omissions and errors in acts to ensure the meaning of the acts is clear and reflects the intention of Parliament.

The bill also repeals amending provisions of acts that are spent and have no further operation.

**Human rights issues**

*Human rights protected by the charter that are relevant to the bill*

No human rights protected by the charter are relevant to the bill.

*Consideration of reasonable and justified limitations under section 7(2)*

As no rights protected under the charter are relevant to the bill, it is not necessary to consider section 7(2) of the charter.

The Hon. Gavin Jennings, MLC  
Leader of the Government in the Legislative Council

*Second reading*

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

That the bill be now read a second time.

The bill before the house, the Statute Law Revision Bill 2014, is a regular mechanism for updating and maintaining the accuracy of statute law in Victoria. The bill ensures that the state’s laws remain clear, relevant and accurate.

The bill corrects a number of ambiguities, minor omissions and errors found in statutes, to ensure the meaning of acts is clear and reflects the intention of Parliament.

The bill also repeals amending provisions of acts that are spent and have no further operation.

By correcting references and fixing errors, the bill will help to ensure that Victorian statutes are updated and clear, and maintained in a regular and orderly manner so that they remain relevant and accessible to the Victorian community.

I commend the bill to the house.

**Debate adjourned on motion of  
Mr RICH-PHILLIPS (South Eastern Metropolitan).**

**Debate adjourned until Wednesday, 25 February.**

*Referral to committee*

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

That the Statute Law Revision Bill 2014 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

**Motion agreed to.**

**Mr Rich-Phillips —** On a point of order, President, I draw to your attention a tweet sent earlier today by the member for Frankston in the other place which reported on a debate but included a photograph of Ms Shing speaking in that debate. The photograph appears to have been taken in the chamber, potentially by another member. I draw that matter to your attention as a breach of standing orders with respect to photography in the chamber.

**The PRESIDENT —** Order! I take this opportunity to indicate to members that taking photographs of members in the chamber is out of order. From time to time I have requests from the media to take photographs in the chamber, which I usually approve. I generally advise the chamber when those photographs are to be taken or when media photographers are in attendance. We certainly do not allow members of the public to take photographs while the chamber is in session, and we have the same expectation for members of Parliament.

**Ms Mikakos interjected.**

**The PRESIDENT** — Order! I hear Ms Mikakos indicating by way of interjection that this photo may well have been taken off a computer screen, and that is a possibility. I hope that is the case in this situation rather than a member of this place having taken the photograph directly. On the point of order, I also take this opportunity to indicate that we need to be very careful with the sort of material that is tweeted, particularly where it concerns members in the house, because one of the problems with social media is that things can be taken out of context. Whilst I understand from the wording of the tweet provided to me by Mr Rich-Phillips that the nature of this tweet was positive and supported the member's position on a particular issue, there are times when this very same photograph could be used to denigrate the same member or another member in similar circumstances.

Clearly we uphold a policy of trying to ensure that when members are going about their business in this place they are not subjected to photographs and therefore to the conveyance of that imagery in social media. Ms Mikakos may well be right that the image was taken off a computer, but even there there is a courtesy to members that ought to prevail. We simply do not take photographs of members in this place going about their work.

**Mrs Peulich** — On the point of order, President, I raise a similar matter so that you may be able to consider this issue and perhaps come back to us with your ruling another time. Some time ago — again in my naiveté — one of my staff members captured a debate through the live stream and that was uploaded to my website. The President at the time, Robert Smith, phoned me up on Christmas Eve and demanded that the imagery be taken down forthwith and cautioned that I may be in contempt of Parliament and could be punished — flogged, I think. I am not sure whether the capturing of voice is any different to capturing images from the live stream. I ask that you give those matters some consideration and perhaps give us a more hard and fast rule in relation to those matters.

**The PRESIDENT** — Order! I am prepared to, but certainly the rule of thumb that members ought to be guided by at this point is that it is not permissible to upload material from the Parliament's broadcast site. However, on previous occasions I have given an exemption, and that has been by way of application from the leaders of political parties, including Mr Barber in this place, in respect of responses to the budget speech. It is possible that for certain speeches I may well be prepared to give an exemption, but I certainly need to know wherever a member is intending to use broadcast material from proceedings, and in most

cases it will not be possible. Certainly it is unlikely to be possible if you are trying to incorporate material from another member. Again the problem is context and how that might be used and portrayed. We do not want the proceedings of Parliament to be warped by a partisan interpretation of what people have said.

**Ms Shing** — On a point of order, President, to clarify the matter that Mr Rich-Phillips has raised, I wish to place on the record that I have seen the image and I am not offended by its use in this particular circumstance. I am not quibbling with the application of the decision but rather just wanted to make that clear for the purposes of the house's understanding of the issue.

**The PRESIDENT** — Order! I thank the member for that clarification. Can I indicate that there are times when I know members are not upset about things. For instance, I know that in the last Parliament there were times when Mr Davis was champing at the bit to answer questions that were put to him, but I did not want him to answer the questions. The opposition probably did not want him to either. In the same context of what Ms Shing has raised, whilst she was not offended and whilst I think it was a positive grab, if you like, on this occasion, in my role I have to consider precedence. We have the problem that if I agree to some things, they can open the floodgates to things that are not quite so positive going forward. That is my position.

## ADJOURNMENT

**Ms PULFORD** (Minister for Agriculture) — I move:

That the house do now adjourn.

### Port Fairy adverse possession claim

**Mr PURCELL** (Western Victoria) — My adjournment matter is for the attention of the Premier. This issue is extremely important to my community of Port Fairy. In December 2012 the Victorian titles office accepted an adverse possession claim for 107 Gipps Street, Port Fairy, from a Melbourne-based individual, despite the opposition of Moyne Shire Council. This land is used by community members daily and has always been regarded as common open space. It has been regularly used by the fishing community and the general public for many decades.

Without the knowledge of my community the titles office made the incomprehensible decision to award this land to an opportunistic blow-in. I believe the titles office has erred in its apparent rush to accept this claim

and has not undertaken due diligence in its review of this claim for adverse possession. I request the Premier investigate how this adverse possession claim can be overturned.

### **Shepparton bypass**

**Ms LOVELL** (Northern Victoria) — The matter I raise today is for the Minister for Roads and Road Safety, and it concerns funding for a planning and feasibility study for the Goulburn Valley Highway Shepparton bypass. The action I seek from the minister is that he, as a first step, commit to funding planning for a staged approach to the bypass and that in the longer term he commit funding for each of those stages.

The Make Shepparton Greater campaign has highlighted the Shepparton bypass as one of the top five priorities for this area, as the current Goulburn Valley Highway presents a real risk to the community. The current route of the highway is outdated and dangerous. It funnels heavy vehicles, which make up one-fifth of the traffic that passes through Shepparton's urban area, through the centre of this major regional city. It poses a significant safety risk to road users, business owners and customers. These concerns also apply to the Shepparton truck route, which is a single-lane road with a high accident history.

The Committee for Shepparton has identified the need for a staged approach to the construction of the bypass. The coalition government listened to this sensible proposal and promised \$1 million towards a planning and feasibility study which would identify the cost of constructing the first stage of the project, estimated at \$20 million, and fund the development of a business case.

This is a longstanding issue for the wider community of Shepparton. It has been a concern since before I was elected. In fact a planning study for the bypass began 20 years ago, with the boundaries finalised and included in the Greater Shepparton planning scheme in 2006. It has been ignored by numerous Labor governments, and it appears that the Andrews government will follow suit. This is despite the projected positive outcomes of the project, which include improved service for commercial traffic and the provision for long-term traffic growth; improved safety and accessibility for traffic, and accident reduction, particularly for heavy vehicles; providing certainty for future land use development; and improved capacity for freight transport from the Goulburn Valley to domestic and export markets.

The coalition government recognised the importance of the bypass project and committed to providing \$1 million to support a planning and feasibility study. This funding was costed by the coalition and submitted to Treasury for inclusion in the forward estimates. If Labor does not commit this amount or more to the bypass study, the Andrews government will be effectively ripping this money out of the Goulburn Valley to put into other districts that it considers more important. In contrast to Labor, the coalition wants to see the continued growth and development of our regional areas, such as Shepparton and the Goulburn Valley. The action I seek from the minister is that he commit to funding planning for a staged approach to the bypass as a first step and then commit funding for each of those stages in the longer term.

### **Kindergarten funding**

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Families and Children, Ms Mikakos. It relates to an agreement under the National Partnership Agreement on Universal Access to Early Childhood Education which was rushed through at the end of last year.

**Ms Lovell** interjected.

**Mr LEANE** — I hear the interjection that it was not rushed, but if it was not rushed, I do not understand why it was only extended for 12 months. Under the agreement the state government agreed to fund 10 hours of kindergarten, with the federal government funding the additional 5 hours. I understand that kindergarten communities are concerned that there has only been one year of funding guaranteed, which means they cannot budget for the future. I understand the Premier has written to the Prime Minister about the importance of continuing this national partnership, but I also understand that as yet there has been no response.

The action I seek, so that I can inform Eastern Metropolitan Region kindergartens, is that the minister keep me abreast of her advocacy in this area and the responses she and the Premier receive from the federal government on this particularly important issue.

### **Korumburra Secondary College**

**Mr O'BRIEN** (Eastern Victoria) — My adjournment matter this evening is for the Minister for Education. I ask that he provide additional funding in this year's budget, if not sooner, for Korumburra Secondary College. The college received \$5.6 million from the coalition government in the 2014–15 budget for an urgently needed upgrade. However, that was

only stage 1 of the project. During the election campaign the coalition committed a further \$9 million to fund a complete rebuild of the college, which is located in one of South Gippsland's largest towns.

Last week when I visited to launch a petition I was told by the school council president that most of the other secondary schools around South Gippsland have received funding and upgrades but that Korumburra has been left behind. I mention in passing that Leongatha is awaiting additional funding of \$1.5 million, which the coalition also committed prior to the last election, and that would also be welcome.

But Korumburra is certainly in need of funding. Most of the school buildings were built in the 1950s and they are not up to scratch when compared with modern educational standards. The additional funding is needed now to enable the school to undertake a full master plan redevelopment. In addition to the buildings, another issue relates to access to the car park and the student drop-off and pick-up areas for buses and parents. If the school were to receive the additional \$9 million on top of the \$5.6 million allocated last year, it would be able to complete that full master plan redevelopment and better plan the future layout of the school as well as the new buildings.

I invite the minister to come to Korumburra and visit the school. I am very pleased to note that last night when responding to an adjournment matter in the other place he agreed to visit Sale Specialist School. Perhaps when he is doing that he can also come to Korumburra to see the need for the upgrade. As I mentioned, the upgrade has begun. There is money there, so it would be common sense to provide the additional \$9 million that is needed to completely rebuild the college.

### **Child protection**

**Ms SPRINGLE** (South Eastern Metropolitan) — My adjournment matter is for the Minister for Families and Children, Ms Mikakos. Just over a week ago the Productivity Commission *Report on Government Services 2015* was released. It showed that per child the real recurrent expenditure on child protection and out-of-home care services in Victoria is lower than in any other state, at \$464 per child. That is \$165 less than the Australian average of \$629 per child. In New South Wales, which is a similar state to Victoria in many respects, the expenditure is \$707 per child.

This low spending per child is not because we have a low cost of living in Victoria. We know housing and other costs, particularly in Melbourne, are quite high relative to other states. It is not because we have an

incredibly efficient system or because Victoria is in budget crisis. We all know the Victorian budget is in quite a healthy state. No, this low expenditure is symptomatic of the Liberal government's unfair, low reimbursements to out-of-home carers, which has seen foster carers leave the system in droves. It is also a symptom of underfunding of the system relative to the number of placements required, a shortage of therapeutic placements, and a lack of commitment to a quality child protection system.

But I cannot blame just the Liberal government for the underfunding that has plagued the child protection system. The Bracks and Brumby Labor governments failed to fix the issue after the crisis in child protection was revealed under the Kennett government in the 1990s.

This has truly been an outstanding issue for successive governments. For decades Victorian governments have preferred to use this issue as a political punching bag rather than put the necessary funding into the system to ensure that vulnerable children get quality care and are kept safe from abuse both at home and in the child protection system. This must end now.

Labor failed to make any major election commitments on child protection. However, I was pleased to see a small improvement regarding residential care announced late last week. The government needs to build on this very quickly to fill the policy vacuum.

I believe the minister has genuine concern for children, so in my first adjournment matter in this house I urgently call on her to outline the new government's intentions for child protection and to commit to making the required investment to bring Victoria's spending on child protection into line with that of other states such as New South Wales. I call on the Andrews government to increase out-of-home carer reimbursements and to provide more funding for placements and for therapeutic placements.

### **City of Greater Geelong mayor**

**Mr RAMSAY** (Western Victoria) — My adjournment matter tonight is for the Minister for Local Government, Ms Natalie Hutchins. It relates to the current governance of the City of Greater Geelong Council and the current legislation, the City of Greater Geelong Amendment Act 2012, which was introduced into this chamber on 8 December 2011 and which facilitated a directly elected mayor for Geelong.

This bill was introduced on the back of an election commitment by the Liberal Party in the lead-up to the

2006 election and again in 2010, after significant consultation with the Geelong community, and I congratulate the current shadow Minister for Finance, the member for Mornington in the Assembly, David Morris, on his work in this area. The legislation was structured in line with the community's expectations of a directly elected mayor and the election of 12 ward councillors. The legislation was tabled and passed in Parliament prior to the 2012 municipal elections.

It has been two years now and the structure has been tested. The advice given to me is that the current structure has been found to be wanting. The two mayors who were elected under the new structure have called for significant reforms and modifications to the current legislation to improve the governance and management of the council and the authority of the mayor.

The legislation requires that an electoral representation review be undertaken by the Victorian Electoral Commission prior to the general election in 2016, but when in government, the coalition promised a review of the model in early 2014, given the criticisms of the current system and the concerns raised by both directly elected mayors, Keith Fagg and Darryn Lyons, that modifications were needed to provide more autonomy and support to carry out the mayor's and council's agenda.

It is pleasing to note that the opposition's local government spokesperson at the time, now the Minister for Planning, Richard Wynne, said Labor supported a model of a directly elected mayor for Geelong and that the model needed improving. I now seek a commitment from the Minister for Local Government that in fact the government will conduct a review and that it will further consult the Geelong community about improving the model so as to allow the mayor to carry his or her agenda, as he or she was elected to do. This review would be separate from the internal review being conducted by the CEO, Gillian Miles, into accusations of bullying, which is appropriate for her to do as the new CEO.

### Road safety

**Ms SYMES** (Northern Victoria) — I wish to raise a matter for the Minister for Roads and Road Safety, Mr Luke Donnellan.

I place on the record that I am so proud that the Labor government has appointed the first minister to the dedicated portfolio of road safety. The action that I seek is for the minister to ask VicRoads about what can be learnt from the tragic accident that occurred on the

Northern Highway, south of Pyalong, in Northern Victoria Region on 28 January in terms of the safe system approach to road safety.

It was a horrific accident, a quadruple fatality, taking the lives of young country men. But policing and assistant commissioner Robert Hill said it was one of the worst accidents that he had encountered in his years in the field. He explained that for one reason or another the vehicle had careened to the right-hand side of the road, travelled off the road, struck the commencement of the wire rope barrier, became airborne, travelled some distance and then crashed into a tree after rolling.

The Northern Highway had been previously assessed by VicRoads and the safe system principles were applied to the road, and that led to the installation of wire rope barriers, which have been shown to save lives.

The safe system approach to road safety aims to address all elements of the road transport system in an integrated way, with the aim of ensuring that crash energy levels are below those which would cause fatal or serious injury. Accordingly, there is a need to address the safety of each element of the transport system, including the road and roadside, the vehicle and road user behaviour, as well as reviewing the way in which safety is managed and coordinated across agencies and groups.

Central to this approach is the idea that no death or serious injury occurring on our roads is ever acceptable. We must therefore strive to use resources that we have had at our disposal in the most effective ways to reduce death and life-disabling injuries. It would be appropriate for the minister to discuss with VicRoads how we can learn from this tragedy in the hope we may be able to prevent future tragedies. My condolences to the families of Corey, Chris, Nick and Joshua.

### Level crossings

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. I note that a media release issued on Friday, 12 December 2014, by the Premier and the member for Bentleigh, Nick Staikos, who was with the Premier at the time, states:

The Victorian government has written to the East West Connect partnership, instructing them to immediately suspend works on the east-west link and delivering on Labor's election commitment to prioritise removing level crossings.

I think we all know where that is going. It seems to be a shambles, and the Premier has a complete inability to manage the situation. The media release goes on to state that Labor will, 'get to work on our priorities, removing the following 50 level crossings'. It names the level crossings.

On the list are a number of crossings that affect the constituents of Southern Metropolitan Region, which I represent along with Mr Davis, who is in the chamber, and Ms Fitzherbert. They are, in priority order: 8, Burke Road, Glen Iris; 10, Centre Road, Bentleigh; 24, Grange Road, Carnegie; 29, Koornang Road, Carnegie; 35, McKinnon Road, McKinnon; 39, Murrumbeena Road, Murrumbeena; 40, North Road, Ormond; 41, Poath Road, Hughesdale; and 49, Toorak Road, Kooyong.

On the VicRoads website today I noticed there are a number of Melbourne road projects. At Bayswater the removal of a level crossing is planned; at Blackburn a level crossing removal is planned; at Glen Iris the removal of a level crossing is planned; at Mitcham the removal of a level crossing is complete; at Ormond the removal of a level crossing is planned; at Springvale the removal of a level crossing is complete; and at St Albans a level crossing is planned to be removed — all conducted under the former government. I note that the North Road, Ormond, and Glen Iris level crossings are planned.

In other media releases the minister has referred to the upgrade of the crossing on Centre Road, Bentleigh, along the Frankston line. The action I seek from the minister is to indicate when the upgrades of the level crossings I have mentioned in tonight's adjournment debate will actually commence.

### **St Albans level crossing**

**Mr EIDEH** (Western Metropolitan) — My adjournment matter today is for the Minister for Public Transport, the Honourable Jacinta Allan, and concerns the St Albans level road crossing, an issue I have raised many times in this house.

Finally, under the Andrews Labor government, a commitment has been made to community safety and to alleviate traffic concerns by replacing the crossing with a much-needed overpass. This deadly level crossing has taken 16 innocent lives and changed their families lives forever, which is why the replacement of this level crossing is so very important. Too often I see people rushing over the tracks to cross, or cars queuing into the crossing, oblivious to the fact that in an instant a serious accident could occur. But safety issues are not only a

problem facing St Albans. Traffic congestion around this level crossing has been causing frustration to the drivers of 20 000 cars that cross the level crossing every day. I have heard on many occasions that people can be left waiting to pass the crossing for over 20 minutes during peak hour, and since the Sunbury line electrification the increase in services has caused this waiting time to further increase.

The commitment to replace this level crossing indicates to the people in Melbourne's west that their concerns and needs are being taken very seriously, something which I feel my constituents missed over the past four years under the previous government. My office has been inundated with inquiries. Constituents have thanked the government for its commitment to this level crossing, a commitment I am very proud to support and represent. I ask the Minister for Public Transport when the works on replacing the St Albans level crossing with the planned overpass will begin.

### **St Albans level crossing**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport. It is an issue that I have raised in this house a number of times. Purely by coincidence it just happens to be the same matter that Mr Eideh raised in the previous contribution. It involves possibly the longest saga in the history of public transport in Victoria — that is, the Main Road, St Albans, level crossing.

It is interesting to note that on three occasions Labor has been elected on a promise of a grade separation at this particular level crossing. The Cain opposition promised it before the 1982 election, the Bracks opposition promised it before the 1999 election and the Andrews opposition promised it before the 2014 election, even though the then Premier and then Minister for Public Transport had been out in St Albans earlier last year announcing that \$220 million was going to a grade separation, a new premium station and a new bus interchange at St Albans.

Let us not beat around the bush here. It was the previous government that found the \$220 million for this particular level crossing, after decades of neglect by the Labor Party. There were a number of rumours circulating during the campaign. When the then shadow Minister for Public Transport made some comments casting doubt over whether the project would go ahead, there were some definite concerns among a lot of people in the St Albans area that the project might not go ahead if the Labor Party came to power.

As it turned out, as we know, there was a change of government in November. What we are now keen to know from the minister is that this project will indeed go ahead. I am talking about not just the grade separation; I am talking about the new premium station at St Albans, and I am talking about the new bus interchange. I am talking about the whole project, as planned by the previous government. The whole \$220 million that would be spent on this project by the new government must be spent and needs to be spent on this project. I ask the minister to reassure us or perhaps assure us, as she has not assured us to begin with, that this project will go ahead — that the new premium station, the grade separation and the new bus interchange will go ahead — as planned and paid for by the previous Liberal government.

### **East Gippsland timber industry**

**Ms SHING** (Eastern Victoria) — The matter I raise tonight is for the attention of the Minister for Agriculture, Ms Pulford, and relates to the timber industry in my electorate. The minister, and I am sure everyone else in this place, would be aware that the timber industry, particularly in East Gippsland, is facing a range of challenges in the short, medium and longer term. This is due in part to a decline in sawlogs and progressive reductions in pulpwood sales to South East Fibre Exports.

Like elsewhere in Victoria, the timber industry provides a significant number of jobs in Eastern Victoria. The Australian Paper mill at Maryvale, which I have visited, employs more than 1000 people in the Latrobe Valley, an area where the maintenance and establishment of jobs is of crucial concern employment is of crucial concern. I know it is the policy of the government to support the establishment of an industry task force to consider any changes that might affect the future of the timber industry and that would have knock-on effects for people working at Australian Paper in Maryvale.

The action I seek is that the minister ensure that the views of those in the timber and timber products industry, environmental groups, scientists and local communities are all taken into consideration, given the importance of this industry in supporting jobs in small towns and regional centres right across Victoria.

### **Police numbers**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. An article published in the *Berwick Leader* of 2 February says:

Police say crime in Casey will surge in the next five years unless the new state government addresses its shortage of frontline officers.

...

Police Association secretary Senior Sergeant Ron Iddles said an extra 155 officers were still needed over five years to keep up with Casey's growing population.

The city of Casey is one of the fastest growing regions in Australia, with approximately 281 000 residents as at 30 June 2014. The population is expected to grow by 14 per cent, or nearly 40 000 people, to 320 000 residents by 2019. What is clear is that in areas such as Casey, where there is ongoing, sustained population growth, there is a need for this government to provide a commensurate increase in services, including additional frontline police, to maintain the level of services and keep up with that population growth.

The minister and the chamber are aware that the coalition government added over 1900 frontline police, the largest ever single recruitment exercise in Victoria's history. But as Victoria continues to grow strongly, the Andrews government will need to continue to recruit, train and deploy additional police over and above natural attrition just to keep pace with that population growth. That will be most acutely felt in places such as Casey where there is such sustained population growth.

I appreciate and respect that the deployment of police to particular areas is a matter for the Chief Commissioner of Police, but I am concerned that the government has already said, via an article in the *Age*, that there will be no additional police until announcements are made in the May budget. I am also concerned that Labor's policy to deploy custody officers will not release any current police officers for frontline duties until 2016. We are in a void — a vacuum. The action I seek from the minister is for him to commit to delivering more police for deployment by the chief commissioner to growth areas such as Casey.

### **Beaumaris secondary college**

**Ms FITZHERBERT** (Southern Metropolitan) — The matter I raise this evening is directed to the Minister for Education, and I am seeking clarification of his actions in relation to the Beaumaris campus of Sandringham Secondary College. In opposition the now government made a number of promises regarding the Beaumaris campus, but before I get to those I will give members some detail of the ALP's history with this school.

Beaumaris High School, as it was then, was forced into a merger with other local schools by the Cain government in 1988. That government closed Hampton High School, which locals still talk about with regret, and it forced the Hihett and Beaumaris high schools and Sandringham Technical School to become one school. Today the Beaumaris campus caters for years 7 to 10. It has declining enrolments; in particular it has very low numbers of girls enrolled at the school. What the government promised in opposition was a stand-alone campus for that location, to change the school from catering for years 7 to 10, as it currently does, to catering for a years 7 to 12 school and to fund it with \$4 million in Labor's first budget.

However, I understand that the Department of Education and Training has a requirement that a change of this nature requires a projected enrolment of 1100 students and it has ascertained that this is unlikely in the case of Beaumaris. Despite this, the now education minister would have us believe as recently as last November that it was very easy to make these changes. On 10 November he spoke to a community meeting about what he proposed to do. This is on YouTube; I discovered it because you can google it. He said there was no reason it could not happen immediately. There is a departmental process for de-merging schools, and he said he would give an instruction to the department to do that. He further said there would be a full, comprehensive offering — I take it of curriculum — at Beaumaris.

Why has the minister gone quiet on the project he suggested was so easy and could be done immediately? I ask the minister when there will be any sign of activity on this project that was to be done immediately? Will the full year 12 curriculum be offered — a full, comprehensive offering — even if numbers at the school do not grow significantly in 2016, bearing in mind that the opposition, as it was then, was suggesting that this change should be happening from next year? Further, what will it really cost? It is time the education minister explained what is really happening with the Beaumaris campus, because local parents are very eager to know.

### **Local government rates**

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Local Government, and it concerns the election commitment made by the current government with respect to the capping of council rates. I say at the outset that the previous government, now opposition, strongly supports measures that sensibly and practically ensure that service costs to families, communities and

businesses are not ones that impact unfairly or harshly and that there is some significant moderation in the costs that councils impose on the community.

I know the previous two ministers for local government under the Baillieu and Napthine governments did significant work in ensuring greater transparency for councils, and that transparency is an important part of allowing communities to monitor the democratic work of councils. The rate setting that goes on in the budget processes at local councils should involve significant and informed community consultation. Significant steps were taken to ensure that that process was made more transparent and better.

The new government made a very clear election promise that rates would be capped at the CPI — I repeat, capped at the CPI. The capping at CPI would ensure that rate rises were low and rates would impact less on family budgets. That is a laudable aim, I agree, but the implementation of this policy is the interesting point. I understand that the Minister for Local Government has given the Essential Services Commission the task of inquiring into matters around how this rate capping policy will work. I understand that the Labor Party's policy is that the Essential Services Commission would have a role with each individual rise, and that is a matter to be fleshed out. But in the first instance I am informed that the minister has asked the Essential Services Commission to work on and come back with proposals as to how that rate capping should and can be implemented.

What I am seeking tonight from the minister is a commitment that this will be a full and open public process — that communities, councils and individuals will all be able to have their say in this process. It would be wrong if this were to be done behind closed doors. It would be quite wrong if this were to be done secretly. It would be wrong if this were not something that involved full community input. Families ought to be able to have their say, communities ought to be able to have their say, and I seek that very clear commitment from the minister that there will be a full, transparent and open public process, including submissions.

### **City of Greater Dandenong elections**

**Mrs PEULICH** (South Eastern Metropolitan) — The matter I wish to raise is for the Minister for Local Government. It is an electoral matter specifically in relation to the City of Greater Dandenong. I say at the outset that I enjoy a very good relationship with the officers and all the councillors of the City of Greater

Dandenong no matter what their political persuasion, and I have done so for a number of years.

This particular matter has been raised with me, especially during the course of the election and post the election, with people being upset about perceived coercive tactics, deception, manipulation and so forth. Local people have begun to turn their minds to the upcoming council elections, which are scheduled to take place in about 20 months. The matter that has been raised with me on numerous occasions is the low turnout of voters in the elections for the City of Greater Dandenong, as well as the high informal rate. That could be in part attributed to the fact that it is a very multicultural community, with a lot of people within the community who speak English as a second language. There are also large fields of candidates, which causes confusion.

The City of Greater Dandenong is one of nine councils across the entire state that still has attendance voting. The fact that the vast majority of councils have postal voting and only a handful have attendance voting causes some confusion in the minds of voters about what their obligations may be.

Given the specific issues in relation to the City of Greater Dandenong elections, it is timely to ask the minister to ask her department to investigate whether moving to postal voting may be appropriate in this particular municipality and what other measures can be taken to improve the turnout and to reduce the informal vote. As I said, it is not a reflection on any of the participants there, it is just a way of enhancing our democracy.

The one issue that is a complication in moving to postal voting is the inclusion of how-to-vote cards in postal packs, which I think is inappropriate. Any candidate who wishes to direct voters on how to vote should be prepared to do this at their own expense. I strongly believe, and I have believed this for a long time, that how-to-vote cards should be removed from those postal packs, which would reduce the number of candidates who are not genuine.

I call on the minister to take timely action on this matter pertaining to the elections of the City of Greater Dandenong, which does some excellent work. This is no reflection on the officers or the councillors who are there presently.

### Responses

**Ms PULFORD** (Minister for Agriculture) —  
Mr Ramsay raised a matter for the attention of the

Minister for Local Government, Ms Hutchins, in relation to the Greater Geelong City Council and the model for a directly elected mayor there. I will pass Mr Ramsay's matter on to the minister.

Ms Symes raised a matter for the attention of the Minister for Roads and Road Safety, Mr Donnellan, relating to a tragic accident at Pyalong. I also wish to extend my sympathies to the family and friends of those affected by that terrible incident. I will pass on that message and ask Minister Donnellan to respond to Ms Symes.

Ms Crozier also raised a matter for the Minister for Roads and Road Safety. It concerned the Labor Party's policy to remove 50 of Melbourne's most dangerous and congested level crossings. I note that this matter was also raised by other members for the attention of Ms Allan, the Minister for Public Transport, but in the first instance I will pass the matter on to Mr Donnellan, as Ms Crozier requested.

Mr Eideh and Mr Finn both raised a matter for the attention of the Minister for Public Transport concerning the St Albans level crossing. This has, as members have indicated, been talked about by many people for a long time. We look forward to delivering on our election commitment to remove that crossing.

Mr Purcell raised a matter for the attention of the Premier in relation to an adverse possession matter in Port Fairy, the world's most livable town. I will ask the Premier to provide a response to Mr Purcell.

Ms Lovell raised a matter for the attention of the Minister for Roads and Road Safety in relation to the Goulburn Valley bypass study. I shall seek a response for her from Mr Donnellan.

Mr Leane raised a matter for the attention of Ms Mikakos, Minister for Families and Children, about a national partnership agreement relating to funding for kindergartens, and I will ask Ms Mikakos to provide a response to Mr Leane.

Mr O'Brien raised a matter for the attention of Mr Merlino, the Minister for Education, about Korumburra Secondary College, and I will pass that matter on to the Minister for Education.

Ms Springle addressed her adjournment matter tonight to Ms Mikakos, Minister for Families and Children. It related to matters of child protection. I will pass that on to the minister and ask her to respond to Ms Springle.

Mr Davis raised a matter for the attention of Ms Hutchins, the Minister for Local Government, in

relation to Labor's policy on rate capping, and I will pass that on to the minister for a response.

Mrs Peulich also raised a matter for the attention of the Minister for Local Government, in particular in relation to some matters pertaining to the City of Greater Dandenong elections. I will ask Minister Hutchins to respond.

Mr O'Donohue raised a matter for the attention of the Minister for Police, Mr Noonan, relating to the recruitment of police, particularly in the city of Casey — not exclusively, but he did make special mention of the city of Casey, I will ask Mr Noonan to provide a response to Mr O'Donohue.

Ms Fitzherbert raised an adjournment matter for the Minister for Education, and her matter related to the Beaumaris campus of Sandringham College. I will ask Mr Merlino to provide a response.

Ms Shing raised a matter for my attention in relation to the government's support for the timber industry, which provides significant employment to many people in her electorate of Eastern Victoria Region. This is an industry that we support. It in turn supports over 21 000 jobs in Victoria and generates more than \$1.5 billion of expenditure. Ms Shing indicated to me that she was unable to stay for my response, so I propose to respond to her in writing rather than in the chamber, as I might otherwise.

**The PRESIDENT** — Order! On that basis and as there are no written responses to items tonight, the house stands adjourned.

**House adjourned 6.59 p.m.**

