

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 18 March 2015

(Extract from book 4)

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

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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.

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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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

¹ Resigned 25 February 2015

PARTY ABBREVIATIONS

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

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Wednesday, 18 March 2015

Second reading

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

**ROAD SAFETY ROAD RULES 2009
(OVERTAKING BICYCLES) BILL 2015**

Introduction and first reading

Ms DUNN (Eastern Metropolitan) introduced a bill for an act to amend the Road Safety Road Rules 2009 in relation to the overtaking of bicycles and for other purposes.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms DUNN (Eastern Metropolitan) 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 (the charter), I make this statement of compatibility with respect to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015.

The main purpose of this bill is to amend the Road Safety Road Rules 2009 (the road rules) to require a driver or motorbike rider to maintain a minimum prescribed distance when overtaking a bicycle.

Under the road rules, all drivers and riders must leave a safe distance when overtaking. Clause 4 of the bill prescribes the safe distance to be 1 metre or 1.5 metres, depending on the speed limit that applies to the length of road.

Clauses 3 and 5 amend the road rules to provide exceptions to other road rules so that drivers and motorbike riders may legally move the prescribed distance to the right to overtake a bicycle, when it is safe to do so.

The prescribed safe distance applies only to drivers and motorbike riders overtaking a bicycle, but not to bicycle riders overtaking a bicycle. However, drivers and riders are not distinct groups of people, so section 8 of the charter is not engaged.

The bill protects the right to life expressed in section 9 of the charter by enhancing the safety of vulnerable road users.

I consider the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, as introduced to the Legislative Council, is compatible with the human rights protected by the charter.

Samantha Dunn, MLC

Ms DUNN (Eastern Metropolitan) — I move:

That the bill be now read a second time.

The Road Safety Road Rules 2009 (Overtaking Bicycles) Bill honours the Greens' pre-election commitment to the Metre Matters campaign.¹

Need for the new laws

The current law for motor vehicles overtaking bicycles is unclear and almost unenforceable.

It requires everyone to leave a sufficient passing distance, but it leaves drivers and police uncertain — what exactly is a sufficient distance? Is it a centimetre or a metre?

The current road rules also do not allow drivers to move out of their lane or cross different types of white lines to pass a bike safely, even when it is safe to do so. Drivers have more flexibility to move around a spilled rubbish bin on the street than a bicycle.

This bill fixes both of those problems. It defines a safe passing distance, it provides certainty for drivers and police officers and it allows drivers more flexibility to overtake.

Queensland trial research supports the passing laws

Most bike riders are also car drivers. We all want to drive safely.

So it is hardly surprising that the early results from the trial of a minimum passing distance in Queensland have been so positive. Hardly surprising, but very heartening.

The Queensland trial started in April last year.

At the six-month mark, independent research² commissioned by Amy Gillett Foundation showed that it is working.

Bike riders were reporting that drivers were leaving a bigger gap when overtaking.

Drivers and riders alike were happy with the change.

We could have guessed that already, because it was not an election issue in the recent Queensland election. If any political party thought they could gain votes by reversing the road rule changes, they would have

¹ <http://greens.org.au/initiatives/vic/metre-matters-bike-safety>

² <http://www.amygillett.org.au/qld-overtaking-distance-market-research/>

announced it. But the election passed and the government changed hands without any disagreement about the road rules trial.

Road safety education campaign

Some of that success story is due to the former Queensland government's road safety campaign Stay Wider of the Rider.³

So why not just have a road safety campaign here in Victoria and leave the road rules alone?

New road rules create the environment in which a road safety campaign succeeds.

In Queensland, the six-month research shows an enormous 75 per cent awareness of the new road rules as well as a high approval rate.

Whereas in New South Wales, where a very good road safety and awareness campaign for bicycles has been run without a change in legislation, the results are much less impressive.

We are lucky to have those two examples to guide us here in Victoria.

But we already know that road rules work. After all, when the evidence showed that people using mobile phones while driving were having collisions, we did not just run an awareness campaign. We changed the road rules.

Other states and territories

Across Australia, states and territories are adopting or trialling new road rules that are consistent with this bill.

In Queensland, a two-year trial of the new laws commenced in April 2014.

Similar trials in South Australia and the ACT are forthcoming.

Tasmania recently introduced new road rules that reflect some of the provisions in this bill — drivers may move across a continuous centre line in order to pass a bicycle, where it is safe to do so. At the same time, the Tasmanian government outlined that a safe overtaking distance is 1 metre, or 1.5 metres on faster roads, although it has not taken the step of reflecting that recommendation in the road rules.

In the Western Australian Parliament, debate is continuing on the 'metre matters' laws introduced by my Greens colleague Lynn MacLaren.⁴

Amy Gillett Foundation

It is no coincidence that across the country and across party lines, states and territories are adopting the same new road rules for a minimum passing distance.

They all spring from the same source — the Amy Gillett Foundation campaign 'A Metre Matters' and the evidence-based materials that they provide to governments.⁵

This year will be the 10th anniversary of Amy Gillett's death. She was killed by a car while she was training in Germany. The foundation set up in her name is saving lives by influencing governments and individuals to take action.

Amy Gillett Foundation is not just a campaign body. It produces the sort of high-quality research that honours Amy Gillett's own intellectual rigour — she was a PhD science candidate.

The body of evidence to support safe passing laws is growing. New research and evidence will be released this year, which will assist MPs in considering and debating this bill.

The bill

I will now briefly describe the provisions of this bill.

This bill is substantially the same as the one my Greens colleague Greg Barber introduced in the last Parliament.

It creates road rules that reflect the Victorian government's education for learner drivers⁶, which is that drivers have the responsibility to leave more than 1 metre of space when passing a bicycle.⁷

It will also bring Victoria's overtaking laws into line with Queensland and the proposed South Australian

⁴ <http://www.lynnmaclaren.org.au/safe-passing-distances-bill-metre-matters>

⁵ <http://www.amygillett.org.au/a-metre-matters>

⁶ VicRoads Road to Solo Driving Handbook <https://www.vicroads.vic.gov.au/licences/your-1s/your-learner-handbooks>

⁷ Road to Safer Driving Handbook Page 136-137 file:///C:/Users/EINGHAM/Downloads/Road_to_solo_drivin_g_Part_4_Rules_and_Responsibilities_English.pdf

³ For example <https://youtu.be/I7yYikzTBsA>

trial.⁸ This is important since Victorian roads cross the border with South Australia.⁹

The existing Victorian rule for safe overtaking of all vehicles in Victoria is rule 144, which provides that all vehicles must leave a 'sufficient distance' when overtaking. The penalty for failing to do so is 10 penalty units.

But rule 144 lacks a definition of 'sufficient distance', which is at the heart of the problem.

Clause 4 of the bill creates a definition of 'sufficient distance' in relation to a driver of a motor vehicle overtaking a person who is riding a bicycle.

If the speed limit that applies to the road is not more than 60 kilometres per hour, a sufficient distance for overtaking a bicycle rider is 1 metre. On faster roads, a sufficient distance is 1.5 metres.

In clause 4 you will also find the only difference between this bill and the one we introduced last year. The method of determining the space between the bicycle rider and the driver is now effectively the same as Queensland and the forthcoming South Australian trial.

Clauses 3 and 5 make minor consequential amendments to other existing road rules, so that drivers overtaking bicycle riders may move to the right, or move out of their marked lane, or cross a continuous line, if it is safe to do so.

This means drivers will be able to get around a bicycle in the same way that they can get around objects and obstructions on the road. This will also be consistent with Queensland and South Australia and largely consistent with Tasmania. Similar provisions are likely to be included in the ACT trial.

The legislative approach for this bill is to amend the Victorian road rules directly, rather than amend the Road Safety Act. This means the new rules created by this bill may be altered or repealed in the same way as other road rules.

So when the national road rules are finally harmonised to create certainty for drivers and protect cyclists, the

minister will be able to treat those changes like any other, without returning to Parliament.

The action taken in Queensland, South Australia, the ACT and Tasmania will help to bring about a national change, which is another reason for Victoria to act now. There is no reason to delay when change is inevitable and acting sooner will cost nothing and save lives.

Interaction with other bike safety measures

Minimum distance passing rules interact well with other bike safety measures, like public education campaigns for the new dooring laws, infrastructure upgrades and an integrated bike lane network.

In areas where roads are congested, like Melbourne, separated bike lanes are a great way to reduce congestion on roads and public transport, but they cannot be everywhere.

In most roads in regional Victoria, bicycles must share the road with other road users without the benefit of infrastructure. Regional shires have a lot of roads, a smaller rate base, enormous financial challenges which look to be becoming more critical, so on many of our regional roads there are not even painted bike lanes.

A minimum passing distance is a way to improve bike safety that regional community budgets can afford.

When we improve the safety of cycling, we encourage people to get on their bikes — this includes locals in regional Victoria as well as tourists.

Already, 380 000 tourists ride a bike as part of their trip in Victoria.¹⁰ Safer cycling on our Victorian roads will unlock greater tourism benefits and potential for our regional cities and towns, as well as metropolitan Melbourne.

The environment

Like so many natural, healthy things, riding a bike is good for the environment.

Cycling is good for your heart, good for your mental health, good for the economy and good for the environment. And it is fun.

⁸ South Australia will adopt the Queensland model – see South Australian Government fact sheet 'New Cycling Laws' accessed via www.yoursay.sa.gov.au

⁹ Details of the forthcoming ACT trial have not been released, but it is likely to be consistent with the other trials, because it will follow the recommendations of the Vulnerable Road Users Report.

¹⁰ 280 000 domestic trips in Victoria that include cycling, plus 100 000 international visitors to Australia that include cycling as part of their trip in Australian visit Victoria. Victorian Cycle Tourism Action Plan 2011–2015 <http://www.tourism.vic.gov.au/images/stories/Victoria%20s%20Cycle%20Tourism%20Action%20Plan%202011-2015%20final.pdf>

I commend the bill to the house.

Debate adjourned on motion of Mr MELHEM (Western Metropolitan).

Debate adjourned until Wednesday, 25 March.

PAPERS

Laid on table by Acting Clerk:

Auditor-General's Reports on —

Education Transitions, March 2015 (*Ordered to be published*).

Managing Regulator Performance in the Health Portfolio, March 2015 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 12 and 15.

MINISTERS STATEMENTS

Fruit fly

Ms PULFORD (Minister for Agriculture) — I rise to inform the house of a new government initiative. On 5 March I visited Tatura and, along with the member for Shepparton in the other place, Suzanna Sheed, met with Goulburn Valley fruit growers and industry representatives to hear their experiences of the Queensland fruit fly challenges they are facing.

That morning I launched Ground Up — a new community awareness campaign to respond to concerns about fruit fly in the Goulburn Valley. The campaign provides information to members of the community about how they can play their part in managing fruit fly and supporting the industry that supports their community.

It is absolutely clear that industry and growers cannot do this alone. The concerns Suzanna Sheed has raised with me on behalf of her community include the fact that backyard trees are an increasingly difficult issue to manage. That is why the Andrews Labor government has launched this campaign. I would encourage anyone with a fruit tree in their backyard in this part of the state to look out for the information or visit the website www.vic.gov.au/qff.

Labor supports industry and government cost-shared and co-managed responses to pest and disease management. The government is committed to providing industry and communities with appropriate levels of support in order to manage fruit fly. My department is currently assisting the committee of growers and industry representatives by providing

administrative support, linkages to technical experts and access to scientific and other technical information. This group is working to develop an integrated management approach based on an agreed strategy. I look forward to working with it as we progress this very important work.

Vocational education and training

Mr HERBERT (Minister for Training and Skills) — I rise to inform the house of new action the government is taking to address the issue of low-quality vocational training providers in Victoria. In opposition we listened to warnings from industry about the declining standards of qualifications and the growing concern in the community about fly-by-night training providers who put large profits over the interests of students. The previous government's light-touch approach simply has not worked, as has not the commonwealth government's, and I was pleased to have informed the federal minister that we believed we needed more concerted action.

Since Labor came to office I have learnt that the situation is even worse than I anticipated. That is why the government has announced a review of quality assurance in Victoria's vocational training system. I am pleased to advise the house that the review is up and running; Deloitte Australia has been appointed as the external reviewer.

The urgent need for this review could not be clearer. This year alone some 2500 Victorian students have had their substandard government-funded qualifications withdrawn. We have 15 training providers under case management, 7 training providers have a hold on new commencements and we are currently withholding payments of \$16.9 million as we investigate issues. We have seen examples of high-pressure marketing strategies and brokers pushing students into the wrong courses, often involving large vocational education and training FEE-HELP loans. Often there is little or no oversight of third parties delivering training.

Worryingly, we have seen qualifications being delivered in unreasonably short times. For example, I have recently been informed a certificate III in civil construction, which should take on average one to two years, was delivered in four weeks — with the maximum government funding claimed. What a disgrace. It is little wonder then that satisfaction with vocational training in Victoria is at its lowest level since at least 2005. We are behind our peers in other states. According to a National Centre for Vocational Education Research survey, we have the lowest level of

satisfaction with training quality of any state or territory.

Something needs to be done, and we are doing it. The Victorian government's review will rebuild confidence in the quality of our state's training system after years of mismanagement. We will introduce a new framework with much more rigorous arrangements for providers that are offering government-funded training.

Ice Action Plan

Mr JENNINGS (Special Minister of State) — I rise to inform the house of action taken by the government and announced between the sitting weeks of a commitment that the government made to introduce an ice action plan within the first 100 days of coming to office. Mr Ramsay may for some reason think that he and other members of the Law Reform, Drugs and Crime Prevention Committee did a very good piece of work in making recommendations in relation to ice. Mr Ramsay is nodding his head. He has drawn to my attention the fact that he did good work, and I was going to congratulate him for it. Mr Scheffer and other members of the committee led a very cogent piece of work. The government has responded within 100 days about its priorities and how it will address those issues.

I had the good fortune to be the chair of a working group within the task force that looked at the specific training and support needs of frontline workers, whether they be police, paramedics, allied health workers or nurses — people who actually take the day-to-day responsibility of providing care and support for people who are affected by the use of methamphetamines, not only in terms of their volatile and risky behaviours but also the impact of their behaviours on others.

The government has provided support and encouragement for those workers to develop training modules that might apply across all those different professional disciplines and establish a core competency to be applied in the training capacity of all those professionals and allied health workers to make sure that they are better armed in the future and supported by better clinical practice, training and support. That was an essential part of the work on the ice action plan that I was associated with.

There are many other initiatives in relation to treatment services, with an additional \$8 million for support services in the community and \$4.5 million to support families. They are beyond the scope of the initiatives that have been announced by some of my colleagues

and are a very important part of the government's *Ice Action Plan*.

The PRESIDENT — Order! Ms Pulford, on a different ministry.

Greyhound racing

Ms PULFORD (Minister for Agriculture) — I wish to take the opportunity to advise the house of new actions that the Andrews Labor government is taking in response to allegations of live baiting in the greyhound racing industry. Animal welfare is very important to the Labor government and it takes the allegations of animal cruelty in greyhound racing extremely seriously. The government acted quickly following the ABC *Four Corners* program — —

Ms Lovell — On a point of order, President, I would have thought that this would fall into the same portfolio of agriculture as did the earlier statement on fruit fly, not a different ministry, as you indicated when you asked the minister to speak.

Ms PULFORD — On the point of order, President, this is a matter that falls under the agriculture portfolio, as was the case with the statement on fruit fly. Ministers statements are a new territory. I can make the statement tomorrow, if you require. This is information I thought the house may be interested in, and the government has not used its allotted five statements for today.

The PRESIDENT — Order! I uphold Ms Lovell's point of order on this occasion because the sessional orders indicate that a minister can make only one statement on a portfolio area per day. We look forward to hearing further on that tomorrow.

MEMBERS STATEMENTS

Duck season

Mr YOUNG (Northern Victoria) — I rise today to acknowledge the government's decision based on scientific evidence to support yet another sustainable Victorian duck season. It is very important to have a body such as the Game Management Authority to provide valuable research, expertise and guidance to ensure that everyone participating is able to enjoy the duck season opening in a practical and safe way.

I went to my first duck season opening at the age of six — and absolutely loved it. Every year the anticipation grew more and more until I was 12, when I was able to get my shooters licence. I then achieved a AA in the waterfowl identification test. Of course I hardly needed to have achieved a AA to know the

difference between wildlife such as pelicans, swans and broilgas — which stand about this tall — and ducks, which are very difficult to confuse them with. I would have to wonder what someone was smoking if they did that.

I will be participating this year, and I hope the harassment I receive from protesters is at least civil. I do not have high hopes for that, based on previous experience. My first run-in with protesters at the opening of the duck season was when I was eight years old. It was a truly horrifying experience. There was a lot of language that I really do not want to repeat in this place. This year I will also make a pledge: for every duck I harvest during the opening weekend I will not only have a delicious meal but I will also make a donation of \$10 to the McGrath Foundation. I hope everyone has a safe and good weekend. Happy hunting.

International students

Mr HERBERT (Minister for Training and Skills) — In this Cultural Diversity Week I would like to highlight the multicultural diversity of students across our training and skills sectors. The Andrews Labor government celebrates the tens of thousands of students in training who are from culturally and linguistically diverse backgrounds. This is on top of the thousands of international students who join us here in Victoria and add to our culture and society while they are here studying.

I would specifically like to mention the unique role that Learn Local organisations play in providing training to people from multicultural backgrounds. Because of their unique nature, Learn Local organisations are ideal places for people who may have recently arrived, have limited English or want to improve their job prospects. They offer a range of education and training programs, delivering both pre-accredited and accredited training on many different topics, including reading, writing, maths, English, job and study skills, hospitality, retail, business and construction.

Learn Local organisations play a vital role in providing training to people from culturally and linguistically diverse backgrounds. They can help them return to study and improve their reading, writing and maths skills, and they can help them to gain a qualification, get a job or learn something new. Across the Victorian training system multicultural learners accounted for 11 per cent of enrolments in 2013 and more than a quarter of enrolments at Learn Local organisations. The Andrews Labor government is committed to promoting multiculturalism and will support students from diverse backgrounds to achieve their goals.

Gippsland South electorate by-election

Mr O'DONOHUE (Eastern Victoria) — I would like to make a statement in relation to the Gippsland South by-election that took place last weekend. First of all I would like to congratulate the Liberal Party candidate, Scott Rossetti, on a fantastic campaign. It was only a three-week campaign, but in that time he proved himself to be very professional, very capable and very well connected to the local community. That was reflected in the fact that the vote he received was the best result for the Liberal Party since 1982. I would also like to take this opportunity to congratulate Mr Danny O'Brien, who I am sure will be an outstanding member for Gippsland South in the Assembly. I wish him well in his role.

The other clear thing I noted in the by-election was the strong endorsement of the coalition parties. We achieved the best combined coalition vote since 1985. That, coupled with the woeful performance of the Greens political party, is a clear signal to the Greens and the Labor Party. The Labor Party was too gutless to run in the campaign, and in the absence of Labor the Greens received only a small swing to them. That is a strong endorsement for Danny O'Brien and The Nationals and a strong endorsement for Scott Rossetti for an excellent campaign.

Finally, I would like to thank all the volunteers who helped on booths and helped support our campaign.

Life Saving Victoria

Mr MULINO (Eastern Victoria) — I rise to acknowledge the work of Life Saving Victoria. We have just seen the end of summer, and it is timely to acknowledge the work of the many thousands of volunteers who have worked throughout the state. In 2013–14 the drowning toll in our state reached 47, which was the highest number in 10 years. That reinforces the importance of the work done by the thousands of volunteers at Life Saving Victoria.

There are a number of factors behind the fact that the drowning toll is high. One is the fact that our population is growing. Another is that participation in water recreation activities in a range of unpatrolled areas, such as unpatrolled beaches and inland rivers, is increasing. This shows that we need to support Life Saving Victoria in using ever more innovative practices. In 2013–14 Life Saving Victoria had over 30 000 volunteers, which is an increase of 7 per cent on the previous year. That is quite an incredible number.

There are a number of initiatives taking place, including the capital works program. Over the weekend I opened a \$2.1 million facility at Mount Martha, which was funded jointly by the state government and local government and through the work of the volunteers. Volunteers devoted a huge amount of time to raising funds for that project. The Nippers program supplements school swimming activities across the state, and the Mount Martha program has over 400 nippers and, as I said, 1000 volunteers. I congratulate the activities of Life Saving Victoria right across the state.

Ballarat ice forums

Mr MORRIS (Western Victoria) — I draw the attention of the house to the Good Sports ice forum, also known as the Tackle the issue — ice, alcohol and other drugs forum, that was held in Ballarat on Monday night. The Australian Drug Foundation's Good Sports program was funded by the previous coalition government with an aim to inform and address the ice issue in our community. The current Labor government had decided to cancel this forum but backflipped on its decision after significant community backlash, and the forum went ahead. The forum followed on from another forum recently held in Ballarat to address the ice issue, which was organised by the Rotary Club of Ballarat South.

Ice is a significant problem in our community. I call upon the Andrews government to stop its current talkfest in regard to the harm ice is causing in our community. Under the previous coalition government a parliamentary committee inquiry, chaired by my colleague Simon Ramsay, was held into the manufacture, use and distribution of ice. The inquiry's report contained 54 recommendations. The Andrews government needs to get its act together and implement each of those 54 recommendations.

Food producer awards

Ms TIERNEY (Western Victoria) — There is no denying the importance of food production on our ability to produce high-quality food in a competitive environment, but it is very tough. Farmers day in, day out, deal with a whole range of factors that are beyond their control, but many still have the energy to be at the forefront of innovation. It is therefore particularly important that we champion food producers and applaud their efforts. This morning I pay tribute to four people in my electorate: Brad and Bec Couch from Brucknell, and Hayden and Jasmin Findlay from Moriac.

Brad and Bec won the Farmer of the Year award and Dairy Farmer of the Year award at The Weekly Times Coles 2014 Farmer of the Year awards ceremony held at the Melbourne Museum. The couple milk 360 Friesian and Jersey cows and turn a profit despite fluctuating farm gate milk prices.

The Horticulture Farmer of the Year Award went to Hayden and Jasmin Findlay, whose organic food production at Ravens Creek Farm is raising the bar for demand of clean green food. I look forward to hearing more about their continued leadership in the western Victoria agricultural community.

Geelong defence procurement office

Ms TIERNEY — On Wednesday, 11 March, the Premier and the Minister for Industry were at Deakin University to announce the new Geelong defence procurement office. The procurement office will boost our defence industry and ensure that Victoria gets its fair share of defence work through marketing the skills and capacity of Victorian and Geelong manufacturing as well as identifying opportunities for growth in defence and non-defence businesses. It will have statewide responsibility and act on behalf of all Victorian-based defence companies.

Gippsland South electorate by-election

Ms PENNICUIK (Southern Metropolitan) — The Greens vote doubled in the Gippsland South by-election held last Saturday, and I would like to congratulate Greens candidate Andrea Millsom and her team for a fantastic effort. The doubling of the Greens vote in Gippsland South, an Assembly electorate, shows that people are sending a message regarding gas drilling. The two-party preferred vote ended up with 75 per cent for The Nationals' Danny O'Brien — and I congratulate him — and 25 per cent for the Greens' Andrea Millsom.

I spent the day in the western end of the Gippsland South electorate, while my colleague Greg Barber travelled with our candidate in the eastern end. The areas where the Greens polled particularly well in Gippsland South included Foster, Nyora, Korumburra, Fish Creek, Golden Beach, Meeniyan, Tarwin Lower and Loch, where the Greens' vote was about half in each of those booths. In the areas of Leongatha, Longford, Poowong and Sale it was about a third of the vote. I thank all the local Gippsland Greens for a fantastic effort and all the Greens from around Victoria who helped out on the day and with pre-polling activities. Congratulations again to Andrea Millsom.

Kilmore-Wallan bypass

Ms SYMES (Northern Victoria) — There was a collective sigh of relief last week when I was joined by the Minister for Roads and Road Safety, Luke Donnellan, in Kilmore to announce a long-awaited decision on the route for the Kilmore-Wallan bypass. These communities were held to ransom for four years under the previous government's complete inertia when it came to making decisions. It is an issue that divided this community, destroyed relationships and placed families whose properties had been in limbo for years with nowhere to go and nowhere to turn.

Labor is about getting on with addressing the needs of growing communities, and within its first 100 days it has made a definitive commitment to the people of Kilmore and Wallan, which their Liberal and Nationals representatives covered away from.

A bypass has been confirmed for the western route. This route preserves local heritage, reduces noise, removes heavy vehicles from the main streets of town and was the preferred recommendation of the *Kilmore Wallan Bypass Environmental EES Inquiry and Advisory Committee Report*, which was released by the Minister for Planning last week.

Finally, local families have the certainty they have so desperately sought.

Doncaster rail line

Ms DUNN (Eastern Metropolitan) — I recently met with the CEO and mayor Paul McLeish of the Manningham City Council. This municipality is located approximately 12 kilometres to the east of the CBD. Manningham is the only municipality in metropolitan Melbourne that relies solely on buses for public transport. The council is concerned that there has been no further commitment on Doncaster rail. It is so keen it has even installed a virtual station at Doncaster Hill. What needs to happen is the development of a business case and a detailed engineering study for Doncaster rail.

Rail services from Doncaster Hill to the city would only take 20 minutes and would provide a genuine alternative to car travel. Each train could remove 800 cars from the road, which is badly needed, with peak-hour traffic at gridlock along the Eastern Freeway. Doncaster rail is a far better solution to ease congestion than the east-west tunnel ever was.

The test of this government's commitment to reducing traffic congestion and providing Doncaster with mass transit alternatives will be the upcoming state budget. Disbanding the east-west link tunnel is one part of the

puzzle, but commencing Doncaster rail is the important next step. Doncaster rail proposals date back to the Railways Construction Bill, which was brought before Parliament in June 1890. We have waited long enough.

Maryclare Machen

Mr LEANE (Eastern Metropolitan) — Recently the Premier presided over the induction of a number of women onto the Victorian Honour Roll of Women. This is an annual induction that recognises the achievements and contributions of remarkable Victorian women who have demonstrated leadership and excellence in their field of expertise, interest or endeavour.

I particularly want to congratulate Maryclare Machen, who has been an active advocate for the rights of women for many a year. She has strived to ensure that the campaign to end violence against women and children is supported with a strong ideological framework. Maryclare has been the executive officer of the Eastern Domestic Violence Service for more than 20 years. She has actively advocated for the protection of women's rights.

During her time at Eastern Domestic Violence Service Maryclare has advocated for the establishment of cross-sectoral programs and innovation in service delivery, and has maintained several pioneering programs to assist vulnerable women and children. She is a very deserving person to be added onto the Victorian Honour Roll of Women.

Sunshine Hospital

Mr EIDEH (Western Metropolitan) — On Wednesday, 11 March, I had the privilege of attending the official opening of the redevelopment of the Sunshine Hospital. I was joined by my parliamentary colleagues the lower house member for Macedon and Parliamentary Secretary for Health, Mary-Anne Thomas, who did a wonderful job representing the Minister for Health, Jill Hennessy; a member for Western Metropolitan Region, Cesar Melhem; and, from the other place, the member for St Albans, Natalie Suleyman, and the member for Footscray, Marsha Thomson.

Also in attendance was a former minister in the portfolios of health and education and now board chair of Western Health, the Honourable Bronwyn Pike, as well as representatives from Western Health and Brimbank City Council.

This \$29.28 million investment means that Sunshine Hospital now features a world-class intensive care unit, a renal dialysis unit, a coronary care unit,

catheterisation laboratories and state-of-the-art medical imaging services.

The western suburbs are some of the fastest growth areas, with many people choosing this wonderful part of Melbourne to raise their family. It is no wonder that the Sunshine Hospital has the third highest number of births in Victoria, and this rate is evidence of the need for this great investment in our health system.

Newbury Child and Community Centre

Mr EIDEH — On another matter, I acknowledge the official opening of the Newbury Child and Community Centre in Craigieburn, which was opened by the Minister for Families and Children, Jenny Mikakos, on the same day last week. This \$6.91 million centre will help ensure that the demand for kindergartens, long day care and maternal child health services in and around Craigieburn is met.

Sons of the West

Mr MELHEM (Western Metropolitan) — Last week I had the privilege to attend the launch of the 2015 Sons of the West program with the Minister for Health, Jill Hennessy, and former Premier Jeff Kennett. Sons of the West is an initiative driven by the Western Bulldogs Football Club and Macedon Ranges and North Western Melbourne Medicare Local. Its purpose is to provide men aged 18 and over living or working in Melbourne's west with the tools they need to live healthy and fulfilling lives, physically and emotionally. Men living in Melbourne's west face some of the toughest health challenges in Victoria. For example, men living in Maribyrnong have the lowest life expectancy in urban Victoria, and in the city of Hobsons Bay 50 per cent of men are obese or overweight.

Sons of the West is not just about recognising these challenges, it is about overcoming them. Through tips on regular physical activity, better eating habits and encouraging social connections, Sons of the West aims to improve the health of all men living in the local government areas of Brimbank, Hobsons Bay, Maribyrnong, Wyndham and Melton. Last year 1100 men participated in the workshops and events and took advantage of the online tools available, such as recipes and workouts. I was proud to take part in the program last year, and I have registered to take part again this year. In 2015 the organisers want the program to exceed 1500 registrations, so I urge my colleagues who represent the west to join with me and get involved.

PRODUCTION OF DOCUMENTS

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

That this house —

- (1) notes the failure of the government to comply with the resolution of the Council on 11 February 2015 requiring the Leader of the Government to table in the Council by 12.00 noon on 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;
- (2) notes that the government's failure to comply with the resolution of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive;
- (3) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975 and the power to make standing orders under section 43 of that act;
- (4) affirms the right of the Council to require the production of documents;
- (5) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability by the government; and
- (6) notes that if the resolution of the Council is not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and to impose an appropriate sanction until the resolution is complied with;

and requires the Leader of the Government to table by 12.00 noon on the next day of sitting following the adoption of this resolution 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.

The motion before the house this morning is not about the east–west link. It is not about whether members support or oppose the east–west link. The motion is about the right of this house of Parliament to do its job, to discharge its responsibilities as a house of review and, as part of its duties, to hold the government to account. It is also about the government's responsibilities to this house and to the people of Victoria, given that this Parliament stands in the place of Victorian citizens between elections.

The elements of this motion are quite straightforward. The first is that on 11 February there was a resolution in the Council requiring the Leader of the Government, as the government's representative in this place, to table certain documents related to the east–west link. At that time the Council had an extensive debate around the requirement to table those documents, much of it

related to the Premier's promise that he would release those documents in the first week of his government.

Given that that promise was not honoured, the Council resolved to seek their release. In doing so the Council also noted that the guidelines for Partnerships Victoria projects require the responsible minister, in consultation with the Treasurer, to release those contract documents 90 days after contractual close. At the time this house debated that motion, that period of time had already elapsed. The government had not released the documents in accordance with the Premier's commitment or in accordance with its obligations under the Partnerships Victoria guidelines — which, I might add, were put in place by the Brumby Labor administration.

The Council, exercising its right and judgement, determined on 11 February that the Leader of the Government should be required to produce those documents by midday the next day. They were not produced. Instead we received a letter from the Attorney-General indicating that the government was unable to comply with the order at that time but would look at it in the future. It was an open-ended response, and it did not comply with the order of the Council. That is why the house is today following up that order of 11 February and the government's failure to respond.

The second element of this motion notes the commitments made by the government around accountability to the Parliament. In the lead-up to the 2014 election, and indeed subsequently, the government released a lot of statements around the accountability of this government to the Parliament. It said that this government was going to be different and raise the standard of accountability. It released a number of documents in the lead-up to the election talking about that commitment. One media release, entitled 'Labor to clean up Parliament with "honesty reforms"', reads:

An Andrews Labor government will introduce historic reforms to clean up the conduct of the Parliament — saving time, saving taxpayer dollars and making ministers more accountable and honest.

The Attorney-General is quoted as saying:

The Parliament should be home to democracy and honesty ...

Under Labor, ministers will no longer be able to hide behind stuffy rules, waste time grandstanding or sneak through changes in the dead of night.

I am not sure what that refers to. He continues:

... Labor will make our Parliament honest again.

We have seen, both in the lead-up to the election and subsequently, commitments from this government and the Premier around accountability to the Parliament. This government was going to be different. Ministers were going to be more accountable. Parliament would be honest again. The government would not be hiding behind stuffy rules or grandstanding. The Premier made it very clear he was raising the bar. Yet we find ourselves in the situation that on the first occasion in this Parliament that the Legislative Council has sought the production of documents by order of the Council, the government has not complied with that order. The government has disregarded that legitimate order made by the Council on 11 February, notwithstanding what it said about its own platform on parliamentary accountability in the lead-up to the election.

The third element covered in the motion relates to the powers of this Council under section 19 of the Constitution Act 1975 and the related power to make standing orders. I refer members to section 19 of the Constitution Act, the piece of legislation that sets down the rules by which the government operates in this state, the rules that govern the interaction between the executive government, the Parliament and the judiciary, and indeed the rules by which this Parliament fundamentally operates. Section 19, which describes the privileges powers of the Council and the Assembly, states at subsection (1):

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.

Our own constitution — the constitution of Victoria — is very clear in stating that the powers of the Legislative Council and of the Legislative Assembly are those that were enjoyed by the House of Commons in 1855, be those powers statutory or by virtue of custom. We have subsequently seen those powers clearly interpreted by Australian courts in other jurisdictions and here in Victoria. There were a number of cases in the 1990s in New South Wales, which this chamber has dealt with on a number of previous occasions, through the Supreme Court of New South Wales and later through the High Court of Australia that clearly confirmed that the Legislative Council, by virtue of having the same powers the House of Commons had in 1855, has the power to require the executive to produce documents and to hold the executive to account.

Those powers are now accepted by parliaments. Indeed the Legislative Council in previous parliaments has exercised those powers through various steps and to various extents. Those powers have been confirmed by the High Court of Australia and are supported by numerous pieces of legal advice that the Legislative Council has obtained through the course of debates in previous parliaments — in the 56th Parliament and even earlier than that — in terms of understanding the extent of those powers. Under our own constitution this Council has a very clear basis upon which it can seek documents and do a number of things to hold the government to account in order for the Parliament to discharge its responsibilities to the people of Victoria and ensure that the executive government also discharges its responsibilities to the people of Victoria.

Paragraph (3) of the motion today seeks to affirm that those privileges, immunities and powers exist and to recognise that those privileges, immunities and powers exist as laid down in the constitution and, in our case, as laid down in the standing orders. The second element of the third paragraph of this motion reflects that the constitution allows the Legislative Council to put in place standing orders and that the mechanism by which the Council is seeking the production of documents is through a standing order made under section 43 of the Constitution Act, consistent with the powers provided under section 19 of that act. The motion sets out and affirms that there is a sound constitutional basis for the resolution of 11 February and the standing orders under which that resolution was made.

The fourth element of the motion affirms the right of the Council to specifically require the production of documents. The head of power created by section 19 of the Constitution Act is such that the Council enjoys all the same privileges, immunities and powers as the House of Commons in 1855. Paragraph (4) specifically confirms that one of those powers is the production of documents. There is now extensive case law through the Supreme Court of New South Wales and the High Court of Australia in which the judiciary has confirmed that the power to require the production of documents exists.

The fifth element of the motion relates to the power held by the Council to scrutinise the activities of government and to demand accountability from government. It is accepted that in a Westminster democracy one of the key elements of responsible government, which we enjoy here in Victoria and in Australia, is the responsibility and accountability of an executive government to its Parliament between elections. There is no mechanism by which a government can be directly responsible to Victorian

citizens on a day-to-day basis between elections. That is why the Parliament stands in the place of the people of Victoria between elections, and that is why the accountability of executive government to the Parliament is so important.

This is a two-way street. There is the responsibility of the government to Parliament, but there is also the responsibility of the Parliament to hold the government to account. In doing our duty to the citizens of Victoria as parliamentarians, all members of this Parliament — all members of this chamber and all members of the Assembly — have a responsibility to ensure that the government is held to account for its actions and for its commitments. This goes back to the commitments made by the Premier and indeed the obligation imposed on the government under its own Partnerships Victoria guidelines of the mid-2000s.

The sixth element of the motion notes the power of the Council to impose sanctions, and this is a clear indication to the government. It makes it clear to all members of this chamber, particularly to new members, that where the Council seeks to exercise one of its powers — one of its privileges — under the Constitution Act and that exercise of power is not respected or is rebuffed or ignored by the executive government, the Council has the capacity to impose a sanction on the government for its wilful disregard of an order of the Council.

The mechanism by which the Council traditionally does that is through a sanction against the Leader of the Government as a representative of the government in this place. That, I hasten to add, is not done by this Council as a personal reflection on the Leader of the Government; it is done as a reflection on the Leader of the Government as the government's representative in this place, the Leader of the Government having the responsibility on behalf of the government to comply with the orders of this Council.

We saw in previous Parliaments in Victoria that where orders for the production of documents made by the Legislative Council were not complied with by the government of the day the Leader of the Government was suspended from the service of the house. That has become a normal sanction. With respect to documents motions where the government does not comply with an initial order for documents and does not comply with subsequent orders for particular documents, it has become a practice of this Council that a sanction be imposed on the government via a suspension of the Leader of the Government. This has become the practice of the Parliament of Victoria. It was the practice of the Parliament of New South Wales, and in

fact it was contested in New South Wales, which led to the now well-established case of *Egan v. Willis*, which went through the New South Wales Supreme Court and subsequently to the High Court of Australia, which is where the power of the Legislative Council to suspend a member — to suspend the Leader of the Government — for failing to comply with an order was confirmed and upheld.

We are in a situation where the capacity to impose a sanction on the Leader of the Government for failure to comply with such an order is well established, has been confirmed by the High Court of Australia and has been the previous practice of the Victorian Legislative Council for similar breaches of orders. By including the sixth element of this motion today the coalition is seeking to send a message to the government and to indicate to all members of the chamber that the continued wilful disregard of this order with respect to the east-west link documents is on a path which this Parliament has followed before where such orders have not been complied with.

The final element of the motion is to restate the order of the Council — to take the opportunity today to say to the government that this remains an area of importance to the Legislative Council. The production of these documents remains of importance to members of the Legislative Council in discharging their responsibilities as parliamentarians in holding the government to account and in restating a fresh order that the Leader of the Government comply with the production of these named documents on the next day following the passage of this motion. What we are doing with this element is providing the government with another opportunity to comply. This is again something which has become the practice of the Legislative Council, and it shows the willingness of the Legislative Council to work with the government and to act reasonably in addressing this issue with the government but also to indicate to the government that the Council always expects compliance with its orders.

The Council expects the order of 11 February to be complied with. The Council expects this order, if it is remade following this debate by the Legislative Council, to be complied with. The Council, through this motion today, is seeking to act reasonably in respect of this matter with the government. We are noting that the order of 11 February has not been complied with. We are noting that failure to comply with the order is inconsistent with the Premier's comments on this matter — it is inconsistent with the new government's commitment to a heightened level of parliamentary accountability. We note that the failure to comply with the order is inconsistent with the powers, privileges and

immunities of the Legislative Council, which are now well established. They have been confirmed through a decision of the High Court, and they are set down in statute in the constitution of Victoria. We note that the continued failure to comply with this order can lead to sanctions against the government, so the final element gives the government a further opportunity to comply with this order.

I urge members of the house to support this motion. More importantly, I urge the government to comply with the resolution of 11 February.

Mr JENNINGS (Special Minister of State) — Perhaps unsurprisingly I will not be a fulsome supporter of Mr Rich-Phillips's contribution, although I want to congratulate him on the tone and nature of his contribution today. Even though he and I may contest some of the assertions in his motion — and I will go through those — in terms of the dispassionate and considered way in which he ran through his arguments in justifying his motion I not only acknowledge the tone, the tenor and the spirit of the motion but I will agree with some of the elements of the motion even though I do not fundamentally accept some of its key elements.

For the sake of simplicity in relation to the nature of my contribution to this house, my preparedness to respond to this issue is in some shape or form a response to the legitimate demand of the Legislative Council that I account for not only my actions and my responsibilities to the Parliament but also a response on behalf of the government and its responsibilities. I draw particular attention to that response because it has not necessarily been a practice we have witnessed when similar motions have been put before this chamber in the past, or when similar expectations of accountability have been expressed or demands have been advocated for by opposition members. Certainly in the 57th Parliament that was not the approach taken by many of Mr Rich-Phillips's colleagues in relation to their ministerial responsibilities.

In the spirit of the generosity that Mr Rich-Phillips displayed towards me, I want to say that my memory is that he may not have fallen short on ministerial accountability. As a minister he may have been prepared to account for his responsibility, to face the chamber and to face debate on matters that may have put pressure on him to demonstrate some degree of accountability and respect for the chamber. However, this was certainly not a universal approach adopted by Mr Rich-Phillips's colleagues, and on many occasions I and other members of the Legislative Council were bitterly disappointed by the lack of accountability that

the then Leader of the Government in the 57th Parliament displayed to motions such as this. He was missing totally, not only by his presence but also in listening to matters raised by non-government members about his perceived failings or the perceived failings of his government. In fact quite often he was invisible in terms of making a contribution in the spirit that I am attempting in my response to this motion today.

On behalf of the government I take very seriously the fact that the Andrews government has made commitments about accountability and transparency. We take that responsibility seriously, notwithstanding that in this motion there may be some elements that divide us. To clear up once and for all whether there is any dispute between my contribution and the principles embedded in Mr Rich-Phillips's motion, I will not be mounting an argument opposing the proposition in paragraph (3) of his motion because that is consistent with the Constitution Act 1975 and the standing orders made under that act.

The standing orders that are made under that act allow for privilege to apply. Within the very reference that Mr Rich-Phillips relies upon, the Constitution Act and the standing orders, there are established provisions that deal with placing limits on documents that may be made available before the Parliament. We are not arguing the toss about that at all. In fact I accept it. The government's actions are, in my view, consistent with that.

I do not dispute the arguments and the opinion expressed in paragraph (5) of the motion. I am quite happy to concede that the Council is fully entitled to scrutinise the activity of the government and demand its accountability. I agree with that and I am happy to comply, and part of my contribution today is in recognition of that accountability.

I am not even disputing paragraph (6) of Mr Rich-Phillips's motion, which may come at my personal expense. In terms of sanctions that may be applied to me, I recognise the validity of the Council to consider these issues on their merits and make determinations. It has a right to find that I have been in contempt of the Council, although I will use my best endeavours to try to dissuade members of the Council from making such a finding because I do not come to the Parliament in a spirit of contempt. I come in the spirit of complying with my obligations to this chamber in accordance with the Constitution Act and the standing orders and the promises the government has made. It is my intention to demonstrate how my actions and the government's actions are consistent with that. If the issues dividing us in relation to the contested

elements of this motion continue to divide us, I will run through the arguments as to why they divide us. I invite the Council to then assess those on their merits.

For complete clarity, this is not an argument from the government's perspective about us being accountable. It is not about ministers avoiding their responsibility. I am here, and I would expect my ministerial colleagues, if they were in the frame, to be here, to be accountable and to be responsive to the legitimate concerns of the Council. We are not debating whether this Council has authority under the Constitution Act 1975 and the standing orders within it. We are not disputing whether the Council is entitled to scrutinise the government. We are not arguing about whether the Council has the ability, if it chooses to find me in contempt, to provide a sanction. We are not debating that. What we are debating are the other elements of the motion.

These relate to how crisply I can identify the division between us, which I would argue centres on the unfettered right of the Council, as asserted in paragraph (4). This point takes it as fact that the Council has the right to lay claim to any document, any procedure or any matter, and then it affirms that as fact. Merely affirming it in this motion does not make it fact. It does not mean it is true. For example, the motion could say, in paragraph (4), that 'we affirm the divine right of kings'. That would not make it true or something we are obliged to comply with. Therefore I reject the premise within the heart of the motion which affirms the Council's unfettered right, on its own judgement and by a default setting, to act with wisdom and judgement, taking into account all of the relevant factors at any particular time in relation to the Constitution Act, the standing orders or case law. I reject that confidence that is expressed in paragraph (4) because I do not believe it is necessarily well founded.

I will contest that confidence in a variety of ways. Firstly, Mr Rich-Phillips would remember the somewhat combative language that permeated the contributions in this place on 11 and 12 February. Those contributions were fairly inflammatory in terms of both content and style. My argument at that time related to the assertion that all of the documents in question fall within the scope of Partnerships Victoria guidelines. I argued that the government had made undertakings about the release of contractual arrangements in relation to the east-west contract — a contract that the incoming government was clearly opposed to in terms of the east-west tunnel construction and the contractual arrangements being entered into.

When Labor was in opposition we made it clear to the people of Victoria, to the government of the day, to the consortia and to the banks that we were opposed to the project. The contracts were signed in the last few weeks of the Napthine government. Its own rhetoric was that the election would be a referendum on the east–west project, but it prejudiced the outcome of that referendum by locking in not only a contract but, significantly, a side letter. That side letter was signed by the then Treasurer, and it was almost a double indemnity for the signatories to the contract in that regardless of whether the contract stacked up under law — whether it was valid — and regardless of the outcome of the election, there would be a state guarantee that the terms of the contract would be paid out.

The then opposition was not privy to the side letter or the preconditions. On coming to office we inherited the situation of having to dismantle the contract and stop the project, and we are now confronted with not only the contract but the side letter signed by a member of the Victorian executive government, compromising the ability of an incoming government to deal with these matters and acquit its obligation to the people. This issue is significant in terms of the ability of the incoming government to acquit its responsibilities. Producing the contract in a time frame that suits other people rather than suiting the interests of Victorians is a fairly small issue compared to the obligation of an incoming government to protect the financial, legal and commercial interests of Victorian citizens.

On coming to office the government formed the view that it would be unwise, in the public interest, to release the contract prior to these issues being settled satisfactorily, particularly in light of the side letter.

Mrs Peulich — Until next term? You’d lock it up for a term.

Mr JENNINGS — Do not encourage me. If you encourage me, I will launch into an extensive criticism of the probity and appropriateness of the practices of the outgoing Treasurer. I will at length talk about those matters if I am encouraged to.

Mrs Peulich interjected.

Mr JENNINGS — At great length I will talk about the inappropriate and, in my view, totally unethical and reprehensible action of the outgoing Treasurer —

Mrs Peulich — Fire me up!

Mr JENNINGS — If your motivation is to encourage me to criticise Michael O’Brien on the form that I have outlined to you, I will do so.

Mrs Peulich — Attack is the best form of defence.

Mr JENNINGS — If you want me to and if you are encouraging me to, I will, because fundamentally this is what has prejudiced the interests of not only the government but the people of Victoria. It has prejudiced the ability of the now government of the day to acquit its responsibilities and to conclude the contractual arrangements to prevent the east–west tunnel from being completed in accordance with not only what we promised but what the people of Victoria ultimately chose in the referendum, as it was defined by the former Premier and by the Prime Minister, who said the election would be a referendum on this project.

Mrs Peulich interjected.

Mr JENNINGS — I think the member may be very disappointed about the outcome of that referendum — about the election result — but it is incumbent upon the government, on coming to office, to balance the interests of the people of Victoria. The government is protecting the interests of the people of Victoria.

Mrs Peulich — Four seats versus 84 seats.

Mr JENNINGS — Four seats is a relevant number in relation to votes in favour of the Prime Minister of the day, who is hanging with a tenuous hold onto the prime ministership of this nation. We saw a *Four Corners* report in the last week identifying that the submarine intrigue in South Australia was driven — the policy about procurement of Australian submarines — on the basis of securing votes to support the Prime Minister. I say to members there is also an enthusiasm on the part of this Prime Minister to continue, on the basis of the instigation of four Liberal federal members of Parliament, to re-prosecute a case about the east–west link, when that issue had disappeared.

Mr Ramsay — On a point of order, Acting President, I was wondering if you could rule that Mr Jennings should return to the motion at hand. He seems to be straying into the federal jurisdiction and into discussing all sorts of other matters not pertaining to the documents motion at hand. I ask you to rule that he come back to the documents motion.

The ACTING PRESIDENT (Mr Eideh) — Order! I think Mr Jennings’s contribution is related to the matter. There is no point of order.

Mr JENNINGS — Thank you, Acting President, for your direction to make sure that I stay on message. I accept the spirit of — —

Mr Ramsay interjected.

Mr JENNINGS — Mr Ramsay did a good job; I was about to go off that subject, but if he wants me to stay on it, just as his colleague was encouraging me to launch into an assault, I will. I had thought the spirit of Mr Ramsay's contribution was to take me away from those matters.

Mr Ramsay — It was the spirit.

Mr JENNINGS — Okay. If that is his encouragement, then let me return to protecting the state's interests. In terms of the state's interests, on the determination of the Victorian government at this point in time, despite certain restraints in relation to commercial and executive privilege that could be claimed over documents — and what may be appropriate to release in the light of commercial and executive privilege is still a live consideration for the government — the government has not ruled out at any stage releasing the contract. It has not ruled it out, and it is not ruling it out today. It has ruled out complying with the resolution of the Council for the reasons I outlined on 12 February, which are the same arguments mounted by the government today.

The government has a view about the peculiar interests of the Legislative Council; it is not entirely clear what is the motivation behind the combined minimum of 21 votes across the chamber supporting the claim to these documents. Mr Barber, I think, is interested in having some esoteric book club appreciation of how the contract is literally constructed, the interlocking nature of its clauses or provisions or some relation it might bear to the Crimean War. In his previous contributions he said that his interest is of a particular philosophical bent, and it may or may not assist in the people of Victoria's interests being protected.

I have no idea what is the motivation of the coalition proponents of this motion, apart from maximising the potential for a very large payout being made to the consortium in accordance with the side letter. I have no idea why those opposite would be acting as they are for any other reason. In fact it has not been identified in any contribution why the now opposition has an interest in the contract being produced in the Parliament and for what benefit parliamentary scrutiny would be applied to it. As members of the outgoing government those opposite may have copies of the contract with them. In a very unusual action the existence of a letter signed by

the then Treasurer, Michael O'Brien, has subsequently been released under his own hand. Some people might think, 'Why on earth would you want to disclose such a faux pas?'. Nonetheless, that occurred.

If members of the outgoing government had wanted to breach conventions and change their practices, they could have taken this action themselves. Certainly in terms of their interest in the now government releasing the documents, this would have no potential benefit to them, since presumably members of the opposition who are seeking these documents, including Mr Rich-Phillips himself, would know what is within them. As part of the former government Mr Rich-Phillips would have been associated with signing off on the contractual arrangements. It is not, therefore, as if they are secret documents that the opposition is seeking to obtain. The contract is a document the opposition should well and truly understand. It should already know what are the matters embedded in it.

Mr Rich-Phillips — It is not the opposition; it is the Council.

Mr JENNINGS — I have already commented on the peculiar alliance that has formed, for whatever reason, across the chamber in relation to members wanting to secure the documents. I think the motivations may be very different. Prior to the election it seemed that the motivation of the people opposite who are now in coalition was a very different agenda. Certainly the Liberal-Nationals parties were committed to building the road; the Greens party, as I recall it, was opposed to building the road. Yet now they have united in an attempt to maximise the circumstance where a very large payout guaranteed by the outgoing Treasurer is made under the terms of the side letter. I do not know that that is very wise.

Mr Barber — Expand on that.

Mr JENNINGS — I have expanded on it before.

Mr Barber interjected.

Mr JENNINGS — If Mr Barber interjects from his place, I will respond.

The ACTING PRESIDENT (Mr Eideh) — Order! If Mr Barber wants to interject, he should sit in his place.

Mrs Peulich interjected.

Mr JENNINGS — I know that you are speaking as one. That is the point I have been making. Why you are

speaking as one, I do not know, but you are speaking as one. From day one it has been very clear that you are speaking as one — and that is my point.

Mr Barber interjected.

Mr JENNINGS — I do not know that we are changing. If there is changed practice, we might change. By and large there is not changed practice, but if and when there is changed practice, then the way it is referred to, this dynamic, may be changed. That is a decision for others to make.

I have outlined why the government has not released the documents. It is because we do not believe it suits the public interest to do so. In fact a number of exemptions that can be applied under existing standing orders and existing practice would warrant their being withheld. That is in relation to paragraph (1) of Mr Rich-Phillips's motion.

In relation to paragraph (2), I have already indicated why the government has taken the view it has at this time. To that extent, I acknowledge that the arguments we are mounting today are inconsistent with comments we made prior to coming to government. I will give members opposite that point, that the arguments are inconsistent. But they are certainly reconciled with what the opposition knew and was committed to doing, what the people then decided and the obligation of an incoming government to acquit its responsibility to protect the public interest. We are acting inconsistently with what we said on coming to government, which was that we would produce the documents within a few days of coming to office. The side letter was the key issue that made us change our minds in the name of protecting the public interest.

The area where we are most consistent is that prior to the election we were opposed to construction of the road and after the election we are opposed to construction of the road. We are consistent based on our knowledge and our obligations to protect the public interest. Members opposite might say, 'Ping!', having got us on inconsistency. The issue that those opposite are pinging us on as being inconsistent is swamped or overwhelmed by the enormity of the responsibility we have to protect the public interest. We will not follow what is an important but comparatively minor commitment compared to our commitment not to construct the road and our commitment to extricate the state of Victoria from the contractual arrangements and the terms of the side letter. That is what we are doing and what we will continue to do.

In relation to the timing and the decision-making process that the government adopts for the resolution of this matter to comply with its public commitments to acquit the state's responsibilities on the contract and the government's responsibilities in relation to the release of documents and its responsibilities to the Legislative Council, those time frames may not be in perfect alignment from the perspective of the Council, and I acknowledge that. I am not saying that the government is wilfully disregarding the demands made by the Council. I believe our response is reasonable and proportionate in the name of protecting the public interest.

On the release of the documents, the confidence that is underpinned by Mr Rich-Phillips's motion is not based on the Constitution Act, the standing orders or the case law on exemptions for release of documents. It goes back to the heart of paragraph (4), which will be applied on the basis of the 21-40 rule — that is, the minimum number of votes needed for a majority in this chamber.

Mr Barber — It could be 26 out of 40.

Mr JENNINGS — It could be, but the minimum you need to get the motion up is 21. It might be 26, and if it is, that will reflect the overwhelming persuasiveness of your argument. If I have not been able to persuade members opposite so that fewer than 21 of them vote for the motion, I may have failed, I may be subject to sanction and I may be seen to be in contempt. Whilst the sanction may not be terribly attractive to Mr Rich-Phillips, it may be attractive to others.

I do not know what the motivations are of people who will vote for this motion. I certainly say, in the spirit in which I started, that the government is not wilfully disregarding the rights or obligations of the Council or wilfully disrespecting the determination of the Council to consider these matters and to make findings on these matters and demands on the government. If it is the will of the Council for me to come into the chamber and be accountable for these matters, I will continue to do so until the Council determines otherwise. I will argue the merits of this case as the government sees it.

In this instance I say to the chamber very clearly that we have not recanted our undertaking to release the relevant documents. We might dispute whether in fact the documents are relevant and comply with Partnership Victoria guidelines — we certainly dispute that and do not take that as a fact. Nonetheless, as to the general scope of documents we have committed to releasing in the undertakings we made prior to coming

to government and since, we have not retreated from that. We are not recanting that.

What we are arguing about is the consideration of public interest that drives the government's timing and consideration of these matters at this point in time. The government will not necessarily be acting prematurely or, in its view, acting in a way which is inconsistent with that public interest, even though there is a legitimate expectation of the Council that documents be released in accordance with the level of agreement we have reached about the effect that the restraints of the Constitution Act 1975, the standing orders and case law may have. There may be arguments we might have now and into the future about the nature of those documents and the nature of those matters.

I am not entering into that argument at this moment because I am laying it very clearly on the floor of the Legislative Council this morning that the government is not complying with the direction of the Council at this moment because it believes, in its view, that it is inappropriate in its protection of the public interest to do so. We do not have the confidence that at the moment the Legislative Council is acting in a spirit which is designed to protect the public interest. It is more to do with intrigue, vengefulness or some other motivation. We are not sure, but we certainly do not think it is in the interests of protecting the public interest.

Mr BARBER (Northern Metropolitan) — The Leader of the Government started his presentation and built anticipation and expectation that it was going to be a moment of accountability. He led me to believe he was going to give an account to the house that was, in other terms, an explanation for what the government was doing, how it had been doing it and why it was doing it. He certainly said one thing that I agreed with wholeheartedly, and that was the total and utter lack of accountability that was exhibited in the last Parliament by the last government whereby many of the same issues, many of the same mechanisms and many of the same accountability questions were played out. In the vast majority of cases the then government completely failed to step up to the plate.

I even took the extraordinary step of taking the then government of the state of Victoria in practice to the Supreme Court to try to get a copy of the secret myki report that was put together, the government told us, to advise it how to 'fix' myki. Well it is far from fixed. That government threw more money at myki and took on further risk under the contract that in no way protected the public's interest. The point is that we have

seen the contract for myki and we have seen the contract for the desalination plant.

The reason we have seen all those contracts is that, going back many years, in 1999 former Premier Steve Bracks came to government on a platform of accountability and immediately set up an audit of all the Kennett government's contracts. Coming out of that, it placed all those contracts on the web in a way that was maintained throughout the life of the Bracks and Brumby governments and even during the previous government to this one in relation to some new Partnerships Victoria projects. However, the government then moved into not directly accounting for what every citizen of Victoria wants to know — that is, what is it doing about getting us out of this ridiculous and punitive contract with minimum cost to the taxpayer?

The Leader of the Government actually shifted to disputing the right of the Council to require the production of the documents. I fear we are going to start reprising some of the arguments that were put together by former Attorney-General Hulls, who looked around the constitutional literature for some promising looking phrases, assembled them into an 'opinion' and then used that to give the then government something to cling onto in the storm. But the powers of this and other parliaments in the Westminster family to demand any document, person or thing that is necessary for them to perform their functions are not only well established but have never ever been conceded as being limited in any way by any Parliament.

When Canadian members of Parliament were dealing with the possible involvement of their government in the movement of people from Afghanistan to another country for the purpose of being tortured, they successfully navigated their way through the necessary public interest in having some of that information exposed. It all started with a ruling from the Chair, the Speaker of the Canadian Parliament. So those types of arguments that the government might like to make in relation to paragraph (4) have been made before and been found wanting. Simply moving to a point that says the Council does not have the power to produce these documents is not accountability; it is articulating that the government believes it has a shield of accountability.

The government says part of that shield comes from the law, but part of that shield also comes from the government's own view in forming the opinion that there is another public interest. In fact it is not going to be the executive's job to balance the public interest in having this contract made public versus what the public

interest may be in keeping it secret, and I emphasise the words ‘may be’. It will be the Parliament that makes a judgement and in particular the Legislative Council.

In the same way, the Auditor-General has the power under his act to scrutinise cabinet documents and release them in the public interest if he believes it is necessary to do, and he has done so. In the same way, the Ombudsman asserted his powers when he inquired into the Windsor Hotel planning decision. As we found out after the particularly eminent 2010 election, the former Attorney-General had mounted an argument that the Ombudsman did not have the power to do so. In fact the Ombudsman continued to assert his power, and he got the information he needed. The Ombudsman released it in a report, which members were able to read, as the conclusion to a matter that had occupied a considerable amount of this Parliament’s time and that the public were very much engaged with.

The Ombudsman and the Auditor-General are two independent officers of the Parliament. They work for us. They carry out an investigatory function to better inform the Parliament, and they have the necessary powers to do that, which no Victorian Labor government has ever successfully limited or constrained. Since their powers are given to them by the Parliament, it is impossible for the government to argue that a stream can rise above its source. The Auditor-General and the Ombudsman got their powers from the Parliament and therefore the Parliament itself must have those same powers. As any constitutional scholar will tell you, those powers can be exercised separately by each house as per necessity.

The second point of Mr Rich-Phillips’s motion notes that the Andrews government made a commitment to accountability. That is true, but even if it had not, it would still be up to this house to ensure that this contract sees the light of day. In the end we are left with the government giving an accounting to the Parliament, this chamber and the people as to why it does not want to release the contract. The only real explanation I heard from the Leader of the Government was that something has changed the view that government members held in opposition to the view they formed once in government. It would have been an opportunity for the minister to give an account and explain what has changed.

The minister argued that what has changed is that they have now seen the side letter. We have all seen the side letter, not because it was released by this Parliament but because apparently an opposition MP took the extraordinary step of releasing his own legal advice from the time when he was in government. I would

argue that it is not a wise use of the Council’s power to ask for the government’s legal advice, because the government — that is, the executive, which under our constitution is a creation of the Parliament — needs to conduct legal relations. It needs to sue and be sued, and it needs to obtain advice on things. If the Parliament wanted to read every single piece of legal advice the government ever attained, it would be extraordinarily difficult for the government to do business, including appearing before the courts.

While constitutionally the chamber has the power to demand any document, person or thing, it would be unwise to do so in relation to legal advice. Yet for some short-term need, former government members were willing to leak their own legal advice. It may have been a wake-up call in terms of our legal position.

Ms Shing — It was a side letter.

Mr Jennings — You’ve seen it; you know it’s not legal advice.

Mr BARBER — They released both the legal advice and the side letter. What has not changed is the nature of the contract. The government has seen the contract. Members of the consortium have seen the contract. The only people who have not seen the contract are the public. The government did not give an explanation as to why releasing that contract would somehow make its job more difficult in terms of negotiating its way out of it. This is not Twitter; we have more than 140 characters. There are no time limits on speaking during non-government business time on Wednesdays. The Leader of the Government had as much opportunity as he needed to explain why releasing a contract that his government and that the consortium has seen would somehow change the state’s legal position. It is just not credible.

There may be some argument that the government could make. In anticipation of this debate I have tried to think about how the arguments of both sides might appear. The point is government members did not walk in here today and make that argument. They did not explain why releasing a contract that the government has already seen and that the consortium has already seen would change the government’s legal position. At that point the Leader of the Government simply attacked the motivations of the members of this chamber. He simply finished with a flourish. It was a gentlemanly presentation up to that point, but he finished by saying that the government had the public interests at heart and that all of us who were speaking otherwise might have some other nefarious motivation.

Mr Jennings — What is your motivation? Tell us what yours is.

Mr BARBER — My motivation has been pretty consistent over the nine years we have had these arguments. Anybody could see that by going back through all the debates we have had on all these documents motions — seven of them in this chamber — but many of them going back some years before Mr Dalidakis entered this place. I doubt that he has gone back and looked at all the debates that took place under the Napthine government, the Baillieu government, the Brumby government and the Bracks government.

We all know that politics in Victoria started the moment Mr Dalidakis arrived in the Legislative Council! There is really no necessity to go back to look at what anybody else might have said or done before Mr Dalidakis arrived. In fact history will eventually describe Victorian politics in terms of the pre-Dalidakis and post-Dalidakis periods. I suspect that 100 years from now Mr Dalidakis will be the historical inflection point; most historians will agree that Victorian politics changed forever.

Honourable members interjecting.

Mr BARBER — For now, all we really have to guide us is the Barber doctrine, and I certainly hope my great-granddaughter, when she leads the Greens in this Parliament, is able to go back through this — —

Honourable members interjecting.

Mr BARBER — I am talking about the Greens majority in this Parliament. I hope she is able to go back, read the historical record and say, ‘You know what, the old man was onto something. He was not the old fuddy-duddy I remember him to be’.

Mr Dalidakis — You are struggling if your own granddaughter does not want anything to do with you.

Mr BARBER — That was great-granddaughter, and I have set myself a time line there, haven’t I?

The government missed its opportunity to give an explanation not just to the members here but also to the public, the explanation everybody has been crying out for ever since the government did a backflip on releasing the contract. We are left wondering what has changed. Why is the government suddenly unable to release the contract without that somehow changing the basis of the legal relations? A contract is a contract. A side letter is a side letter, which we have now all read.

Therefore members who supported the motion when it first appeared are now being invited in the final paragraph of the motion to decide whether they believe the government has explained itself any better or uncovered some new piece of information that was not the case when we passed the motion on this matter on 11 February. That is the fundamental part of this motion. We asserted that we wanted to see the document. The government responded by saying, ‘You cannot see it, at least you certainly cannot see it yet’. Perhaps we will be able to see it when the government believes it has concluded its negotiations with the consortium, On behalf of the Greens I can say that the government has not today put forward an explanation as to how releasing a contract that is in the hands of both the government and the consortium is not in the public interest.

Mrs PEULICH (South Eastern Metropolitan) — I also speak in support of the motion moved by the Honourable Gordon Rich-Phillips, noting the failure of the government to comply with the resolution of this Council on 11 February, the government’s failures being inconsistent with the election commitment made by the Andrews government to proper accountability and transparency, and all the other conditions set out under this notice of motion.

First of all, on every ground and from every possible perspective this chamber should support this motion. Not to do so is to render this chamber a laughing stock and powerless to ultimately fulfil its chief function, and that is to act as a house of review which holds the government accountable.

From a policy perspective, the Greens and the Liberal-Nationals coalition have very different positions. We absolutely support the east–west link on a range of grounds, most importantly because it provides a second river crossing, and secondly, because the investment in infrastructure will enhance the transport system, which is needed to reduce congestion, improve amenity and so on. That position is endorsed strongly by the Victorian public, and that is based on the polling information that continues to come out. This claim by the government that it has a mandate is highly debatable. Even Labor voters say, ‘I voted Labor, but I want the east–west link to continue to be built’.

With the small number of seats by which the government won — and congratulations to it — I do not see so much as a win by the Labor Party as one by Trades Hall and Luke Hilakari. The narrow margin was because they were able to dupe many in the community — —

Ms Mikakos — Dupe?

Mrs PEULICH — Yes. Many of the fireys who dressed in fake uniforms were fireys for the day only, including, for example, former councillor Kevin Bradford, a card-carrying member of the Labor Party. He had never been a fireman in his life, but he was dressed in a firefighter's uniform handing out how-to-vote cards in Narre Warren North, and there are lots of other examples.

Mr Barber interjected.

Mrs PEULICH — There are a whole range of contributing factors, and no doubt each political party will come to an understanding and reconciliation of the facts in their own way as they position themselves differently for the next contest in 2018. Nonetheless the public, including even Labor voters, is strongly in support of the east–west link. The government's claim to a mandate is highly debatable, but nonetheless it claimed it would release the east–west link documents. The government says it is committed to honouring its promise, and it needs to do that. The 100-day document — and I will not go through it because I would get a stitch from laughing — claims the government is honouring its promises and getting on with the job. The government needs to get on with the job of actually honouring this particular promise.

We know what Labor's real endgame is: locking the east–west link into a legal process, as happened with the dismantling of the pokies duopoly when then Premier John Brumby said there were absolutely no financial risks whatsoever. Of course what happened recently was that we had to pay compensation of over \$500 million to one of the members of that duopoly, and the other member may be pursuing a similar course of action. When we were in government the then Leader of the Opposition said the east–west link contract was not worth the paper it was written on. We now find out that at a minimum it is worth \$500 million and potentially up to \$1.2 billion. If we take the lowest figure speculated about in commentary in the public domain — say, \$500 million — and combine that figure with over \$5 million paid for the botching of the pokie auction licence — —

Mr Leane — Who did that?

Mrs PEULICH — Yes, that was Daniel Andrews. He is going to be the \$1 billion compensation man, or should it be Compensation Dan? For that financial reason this house should insist on implementing and supporting the motion that it previously sought fit to pass. There is a public interest factor with many

dimensions. There is also a financial factor in terms of the commitment the government made to be accountable and transparent. Let me flesh that point out a little bit more. The Parliament now has ministers statements, which is just an opportunity to grandstand. It is a farce in the lower house, and it is seen to be that by the media and everyone who watches Parliament in session.

The Special Minister of State made a song and dance about answering some 300 questions on notice that I submitted as the shadow minister for scrutiny of government. Each response from every minister was a carbon copy. The government had a clearly coordinated strategy not to answer the questions, not to be accountable and not to be transparent. The wording is absolutely identical from one to the other across every question and across every portfolio. The government has made a mockery of questions on notice, and it has made a mockery of questions without notice. It had a dummy spit when ministers statements were narrowly defined and moved out of question time, where they were obviously intended to be a huge distraction. We have now seen the ministers statements peter out. We have seen the culture of this government — —

Mr Leane — It is fantastic.

Mrs PEULICH — I am glad Mr Leane interjected, because he recently came to my electorate to reannounce the Southland station project. This is a project that Labor promised in 2002 yet failed to deliver in its 11 years of government, that was funded by a coalition government in its first term and that no doubt will be opened with much fanfare by this government.

Mr Dalidakis interjected.

Mrs PEULICH — Mr Dalidakis is the man who got himself elected as the co-chair of the Parliamentary Group for the Prevention of Family Violence. He enjoys using bullying tactics not only in this chamber but also in the community. He has a hide as thick as that of a rhinoceros.

Ms Shing — On a point of order, Acting President, I fail to see how Mrs Peulich's contribution is relevant to the content of the motion currently being debated. I respectfully suggest that it might be appropriate for her to bring herself back to the content of the motion before the house. It is appropriate to raise any concerns, complaints or issues she might have about another member in the relevant forum.

Mrs PEULICH — On the point of order, Acting President, I wish to raise two points. I was talking about the culture of this place and how the government in its

short time in office has already dramatically altered that culture. I have serious concerns about the way that is reflected at a range of levels. My response to Mr Dalidakis was directly in response to his interjection. I am making a contribution on the point of accountability and transparency.

Mr Jennings — Further on the point of order, Acting President, the government accepts that its responsibilities, in accordance with the standing orders, are to make a positive contribution to the tone and nature of the culture of this place and its operations. Acting in this way is an obligation that is incumbent upon all of us. We accept the point of order raised by Mrs Peulich in this instance, and we would accept any direction the Acting President may make in relation to that undertaking. I support my colleague Ms Shing in relation to her point of order, whereby she is encouraging the member who has the call to return to debating the motion.

The ACTING PRESIDENT (Ms Dunn) — Order! I ask Mrs Peulich to continue, but in relation to the motion at hand.

Mr Leane — On a further point of order, Acting President, Mrs Peulich reflected on another member of this chamber in an unparliamentary way, and she should withdraw.

Mr Rich-Phillips — On the point of order, Acting President, if Mr Dalidakis was offended, Mr Dalidakis himself should seek a withdrawal, not Mr Leane.

Mrs PEULICH — On the point of order, Acting President, the manner in which I chose quite consciously to express myself was intended to reflect not on the person but on some of the behaviour.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Rich-Phillips is correct that the member should raise a point of order on their own behalf, and Mr Dalidakis has not chosen to do so. I ask Mrs Peulich to return to the motion at hand.

Mr Dalidakis — On a further point of order, Acting President, if that is the case, then I certainly ask the member to withdraw. An allegation of bullying is an extraordinarily serious one and should not be made lightly. It is inappropriate and inaccurate.

Mrs PEULICH — On the point of order, Acting President, I did not make an allegation of bullying. I said that some of Mr Dalidakis's behaviour constituted bullying tactics, and I think the chamber can stand in judgement of that.

The ACTING PRESIDENT (Ms Dunn) — Order! Mrs Peulich's comments were very close to crossing the line. I encourage her to speak to the motion and to keep in mind the parliamentary conduct that is required in this house. She can continue on the motion at hand.

Mrs PEULICH — Thank you, Acting President. As I said, I quite consciously used the words I did, and I thank you for making that observation.

Mr Barber — It was a ruling.

Mrs PEULICH — Thank you for that ruling, Acting President.

In summary, for this Council not to follow through on its own motion would be to weaken it substantially. A process has been established by previous practice, and this is consistent with that previous practice. The government made a commitment to accountability and transparency and must fulfil that obligation. The Greens have their notion of public interest, which they are defending and promoting, and we have ours. Part of that is the financial risk, the reputational risk and the risk to what we believe is good policy for Victoria.

There is a risk that we may be paying costs in the future should this case be locked up in the courts — which would, I imagine, be the tactic of the government, so that any compensation due is not levied during this term and any negative publicity associated with it is avoided. This is especially significant given the role that the now Premier played as Minister for Gaming in the bungling of the pokies auction. That led to a total of \$3.6 billion being paid out in compensation for a broken contract and the loss of licence value. Here we are again potentially having to pay hundreds of millions of dollars in compensation for a contract that the then Leader of the Opposition said was not worth the paper it was written on. He clearly got it wrong.

I saw a profile of the Premier in a weekly newspaper. There was a photograph of him on a golf course, and the article included contributions from his former teachers, lecturers and so on. The observation was made that he was never very good at maths. My concern is that Victorians will have to pay the price because Mr Andrews is not very good at maths. Unfortunately we are paying for a lot of Labor's mistakes from its previous term of government. Members who are new to the chamber will not need to do extensive research to find out about the huge amount of money we are currently paying as a result of those mistakes. There is \$3.6 billion for the bungled pokies auction; \$1.4 billion for the myki budget blowout; \$22 billion for Labor's desalination plant disaster, plus

\$1.8 million each day for 27 years; \$750 million, plus \$500 000 per year, on maintenance wasted on the unused north–south pipeline; \$1.1 billion for the smart meter blowout; \$1.1 billion for the budget blowout on the regional rail link; a \$360 million budget blowout for road projects, such as the M1 upgrade; a \$70 million budget blowout on the federally funded Building the Education Revolution program; a \$1.44 billion budget blowout on Labor’s IT projects; a \$243 million blowout on HealthSMART; and a \$120 million blowout on Ultranet in schools. The list goes on and on.

This chamber is obligated to protect the interests of Victorians. We must protect them from the reputational loss occasioned by the scrapping of the contract for this project — a project which former Labor luminaries supported unanimously. I do not need to repeat that the east–west link was strongly supported by former Premier John Brumby, as well as Cesar Melhem and Adem Somyurek — now the Minister for Small Business, Innovation and Trade.

The minister knows the importance of the east–west link to the people of South Eastern Metropolitan Region, for which he and I share responsibility, to industry and to alleviate congestion on, say, the Monash Freeway, which is likely to see congestion reduce by 17 per cent should the east–west link be built. But, most importantly, he knows that Melbourne needs a second river crossing.

The upper house has a duty. Each member elected to this chamber has a duty. Each of us has a mandate. The Greens have their quotas, which has seen them elected here with a mandate to hold the government to account, and each of the minor parties has a mandate. We all have a mandate. This chamber has a role to play in holding the government to account. Tearing up contracts is going to result in financial cost, compensation payouts and reputational risk, and it is not something that should be taken lightly. I note that the head of Infrastructure Partnerships Australia, Brendan Lyon, recently said:

We’ve had international investors ringing and asking what does this mean for things like the privatisation of the port of Melbourne? What does it mean for public-private partnerships elsewhere in the country? And one of the things I think it’s very important that the Premier and the senior members of the Andrews government understand is that this is Victoria in the 21st century; it’s not Argentina in the ‘80s.

Mr Jennings interjected.

Mrs PEULICH — I have heard the other argument that the government should not have signed the contract given the opposition from the Leader of the Opposition at the time. If that were the case, no government would

ever take any decision. When an election is called we go into a caretaker period, and the parameters of the caretaker period specify that contracts are not to be signed in that period. Is the Andrews government, by inference, suggesting that the caretaker period needs to be extended? If so, for how long?

Ms Shing — What is the purpose of the caretaker period?

Mrs PEULICH — Labor is saying that the contracts should not have been signed and that the matter should have been taken to the election. That is why we have caretaker periods. If the Andrews Labor government believes the caretaker period needs to be extended to prolong the period during which contracts should not be signed, let it say so.

As I mentioned earlier, the tactic of delaying the release of these papers or not releasing these papers and keeping them a secret is entirely because the government wants to see the east–west link locked up in legal process during this term of government. That is so that it can be re-elected. Ultimately it will be resolved just like the botched pokie licence auction process was resolved. At the time of that process former Premier John Brumby said there was no risk. They had legal advice that said it was rock solid. But we now have a situation where substantial compensation — in excess of \$500 million — has to be paid by Victorians because John Brumby got it wrong. As I said before, Daniel Andrews said the east–west link contract was not worth the paper it was written on, and clearly that is not the case.

The shadow Treasurer, Michael O’Brien, has also made the point that before the election Mr Andrews said the contract was not worth the paper it was written on and that no compensation would be payable. That is patently not the case. Mr Andrews said whatever he had to say to get himself elected, and now he is dealing with a mess of his own making. Unfortunately Victorians are still dealing with Labor’s mess from its 11 years in government.

The government needs to uphold its commitment to release the east–west link contracts. It needs to uphold its commitment to make this government and this Parliament more accountable and transparent. It needs to allow the Council to execute its duty and to protect the public interest, which includes reputational interests as well as financial risk to Victorians. We in the Liberal Party held a strong position that Melbourne needed a second river crossing to futureproof this state, not to mention the thousands of jobs that would be generated

by its construction. That is why many people who voted for Labor strongly support the east–west link.

In terms of mandate, let us have a referendum on the east–west link. Labor would be absolutely trounced. It is clear from every angle that we consider this motion that this chamber needs to exercise its authority and fulfil its responsibility as the house of review. We need to fulfil the respective mandates on which we were elected to this chamber, and we need to protect the public interest of Victorians, whether it is in terms of reputation or in terms of exposure to financial payouts or the risk to other contracts. We also need to make sure that the government commits to and fulfils its promises.

I will not go into chapter and verse of the first 100 days of the Andrews government. I will have other opportunities to do that. But if we do not pass this motion and enforce the release of these documents, we will set the Premier up to become the \$1 billion compensation man — or Compensation Dan. It is all about concealing the truth from Victorians; it is all about taking it into the next term of government so that the Premier and his Labor cronies can somehow get themselves re-elected without this enormous malfeasance, this enormous risk to the reputation and the economic future of Victoria being exposed. With those few words, I support the motion and urge every member in this chamber to fulfil their obligations by holding the government to account.

The PRESIDENT — Order! Obviously I have not been in the chair all morning, but I indicate that my view of the matter before the house at the moment is that it is a fairly narrow motion. It is about the production of documents, not about a range of other matters, including the whole debate about the east–west link. I advise members who are intending to participate in this debate going forward that they should confine their remarks to the motion that is before the house. I accept that there is an opportunity for some context to those remarks, and I accept that some speakers who have already spoken have, if you like, widened the debate somewhat. I do not want to unnecessarily curtail the opportunity for other members to respond on those matters, but as I said, they must recognise that this motion is actually quite a narrow motion and is about the production of documents rather than the road link itself.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

East–west link contracts

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Special Minister of State representing the Premier, and I ask: have the Department of Premier and Cabinet, the Department of Treasury and Finance or parliamentary counsel been given any instructions to draft legislation designed to limit the compensation liabilities around the cancellation of the east–west link contracts?

The PRESIDENT — Order! I will look at that question. My concern is obviously one of anticipation. We are halfway through a debate, and as I said, one of the problems of the debate was that some members have widened it to include discussion of the actual issue rather than the production of documents. There is my quandary.

The minister has heard the question and knows what has been asked. I will allow the question to stand.

Mr JENNINGS (Special Minister of State) — I thank Ms Wooldridge for the question and the opportunity to clarify some elements within the question she has raised. I do not have absolutely instant recall of the various interlocking elements of the nature of the way in which she has worded the specific provisions that may apply to the contract, but if she is asking a general question — have there been drafting instructions prepared by the government within the Department of Premier and Cabinet, the Department of Treasury and Finance or parliamentary counsel for the consideration of the government’s response in relation to the east–west link contractual arrangements — the answer is yes.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — A supplementary question to that is: can the minister comment and provide advice to the house with regard to the implications of legislating to cancel contracts and limit liabilities on Victorian businesses?

Mr JENNINGS (Special Minister of State) — The member is inviting issues that are particularly apposite to the nature of the debate we have had, President, whether it was in the spirit of what you are intending or not. On many occasions the criticism of my contribution to the outgoing debate was that Mr Barber was inviting me to go through the specific issues that relate to the commercial arrangements — the impact of the side letter and its contamination of the process of

the contractual arrangements the incoming government inherited.

The mechanisms the government has been adopting are either internally within the considerations of government or through negotiation with the relevant parties about the way in which we can protect the Victorian public interest, which includes business. In fact it is the intention of the government to acquit its responsibilities in a way which does not prejudice the economic viability of Victorian business now or investment opportunities in the future.

Government contracts

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer the minister to his comments of 11 February 2015 when asked to give an assurance to the house that where companies have signed funding and grant agreements in good faith with the previous government, those contracts will be honoured. The minister stated:

There are sovereign risk issues, and they will be honoured.

Is this the official Andrews Labor government policy?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Let me just provide the context. I did state that all the grants programs and initiatives will be reviewed, and where the government has been locked into those grants and programs they will be honoured, yes.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his answer. Therefore as a minister for trade, what does the minister say to foreign investors when they raise the issue of sovereign risk when investing in Victoria?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — We just had 220 international business leaders in Victoria. I spent a bit of time with them, and I have to say that none of them has raised that issue with me.

Melbourne Metro rail project

Mrs PEULICH (South Eastern Metropolitan) — My question is also to the Minister for Small Business, Innovation and Trade, and I ask: has the minister received or requested any advice or briefings, or is he aware of any economic modelling, on the impact of the Melbourne Metro rail project construction on small

business in the CBD, and if so, what is the nature of that advice?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I have not received any advice from my department on that.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — My supplementary question is: given the minister's response and given the government's claim that it has not wasted a single minute of its first 100 days in office, can the minister indicate how many of the 18 000 Melbourne CBD retail and hospitality small businesses he or the Andrews government has consulted in order to assess the economic impact of the long period of construction of the Melbourne Metro rail project on those businesses?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — This was an election commitment, and I am sure people in this chamber are sick of me talking about our election commitments. It was an election commitment, and we are sticking to our election commitments. I cannot give the member a figure.

Local government rates

Mr DAVIS (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade, who is also incidentally the minister representing the Minister for Local Government. Will the state government's rate-capping — —

An honourable member interjected.

Mr DAVIS — I am asking for action on the first. Will the state government's rate-capping policy see rates capped at the CPI for all Victorian business ratepayers, especially small businesses, or will a differential policy be applied between residential ratepayers and business ratepayers?

The PRESIDENT — Order! I have some concerns about Mr Somyurek's jurisdiction and responsibility in this matter.

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Capping rates at the CPI will lower the burden on local businesses, but in terms of the specifics, I will pass that on to my colleague in the lower house.

Mr Davis — On a point of order, President, *Labor's Plan for Small Business* clearly states a policy on rate capping to the CPI to discourage wasteful spending, so if the minister is not responsible for what is in his own small business policy and will not answer in a satisfactory way — —

The PRESIDENT — Order! Mr Davis has provided me with a circular. It may be off a web page or it may be a brochure that has been produced, but it is entitled *Labor's Plan for Small Business*, and it refers to the rates issue in terms of reduction of council rates and rate capping, so from a whole-of-government point of view this is part of the small business policy. However, the minister has indicated that he is prepared to provide an answer to the house, and it is up to him to determine whether that is through his own department or through the Minister for Local Government in concert with his department. He has undertaken to provide that information, and I accept that as the position.

Mr SOMYUREK — I did answer the small business component of the question. In terms of the residential component, that is a matter for the Minister for Local Government.

The PRESIDENT — Order! I do not think Mr Davis was pursuing the residential aspect. I think what he was pursuing was whether or not there will be some differential rating system which will provide relief to residential ratepayers but not to businesses. The minister has undertaken to pursue that matter, and I thank him for that.

Supplementary question

Mr DAVIS (Southern Metropolitan) — As the minister said, he does not know whether there will be a differential rate, and in that sense this question is very apposite to his small business constituency. I therefore ask: what representations has the minister made as minister for small business to ensure that business ratepayers are not treated less favourably than residential ratepayers as the rate-capping policy is applied?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I am trying to be as succinct as possible in response to the question, but it is very difficult when the member is verballing me. I did say that it is our policy — Mr Davis is right; it is our policy — to cap council rates at CPI, which will relieve the burden on local small businesses. That is not a problem. I cannot answer the component about residential rate caps because that is not my portfolio. It

is within the jurisdiction of the Minister for Local Government.

Mr Davis — On a point of order, President, my question was quite clear. I accept that some of the machinery of this is with the Minister for Local Government, but there was a commitment made in the election policy. Therefore I have asked what representations the minister would make, and he has simply not answered that question.

The PRESIDENT — Order! The minister has undertaken to respond to the question by the next day of meeting and when he actually has the wording of the supplementary question in front of his department.

Mr SOMYUREK — Mr Davis asserted that I answered in a particular way, and then he built a supplementary based on that. What was his supplementary question?

The PRESIDENT — Order! The supplementary question was whether or not the minister will make representations within the government or ensure from a government point of view that small business benefits from the rate capping and that there is not a differential rate that would penalise small business versus residential. That is paraphrasing; obviously that is me interpreting.

Mr SOMYUREK — As the Minister for Small Business, Innovation and Trade I will of course be representing the interests of the small business community — yes.

The PRESIDENT — Order! Mr Somyurek has indicated that he will provide an answer to the first part of that question tomorrow in respect of the broader matter.

Mr Somyurek — On a point of order, President, as a point of clarification, I will request that the Minister for Local Government provide an answer.

Mr Davis — On the point of order, President, the latter part of my question was not about the Minister for Local Government; it was very specifically about action that Mr Somyurek had or had not taken in terms of representations.

Mr Jennings — On the point of order, President, the point is whether the member's question has conformed to the guidance you have provided us with in response to the sessional orders. I suggest to you that the member, from the moment he got to his feet to ask his first substantive question, has achieved the outcome he wanted, which was to confuse ministerial

responsibility. He introduced the question through the prism of the responsibilities of two portfolios, so by design he confused the issue and at every turn since raising the matter has continued to confuse the issue in the name of blurring the lines of ministerial responsibility.

President, in your attempts to provide guidance to members now and into the future, you have made comment about the different expectations you have of those who ask questions and of government in making a response as to whether a question falls under the responsibility of a minister in this house compared to another chamber. That is the first line of demarcation that all members on both sides of the house should be mindful of in relation to our various responsibilities. I believe the response we have been given so far, and your guidance to the minister in relation to what is expected of him, is comparatively clear, but we do not want successive points of order to make the issue less clear.

Mr Davis — Further on the point of order, President, I reiterate that, try as the minister might, it is part of the small business policy, which says:

A Labor government will also cap council rate rises at CPI ...
Councils seeking rate rises beyond ...

and it goes on. The small business minister cannot walk away from responsibility for, at a minimum, advocating in this area.

The PRESIDENT — Order! I indicate that the minister did get to an answer that was responsive to the supplementary question in that he indicated that he would continue to represent the interests of small business in matters including the rate capping issue.

I expressed concern at the outset about this question as to whether or not it fell within the jurisdiction and responsibility of the minister. I have conveyed to the government the brochure to which the member referred which includes, as part of a small business policy, the rate capping issue as a potential benefit for small business. The minister has undertaken to provide the details or a specific response to the matter raised in the original question, and I will be satisfied if that comes to the house. In terms of the minister indicating that the answer is likely to come from his colleague the Minister for Local Government, I suggest that a 48-hour time frame for the response will apply and that it not be tomorrow, because I understand that the Minister for Local Government is specifically responsible for the detail of the implementation of that policy. As I said, with regard to the supplementary

question, the minister did get to an answer at the end of his response.

Cage fighting

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. As the minister responsible for the Child Wellbeing and Safety Act 2005, I refer the minister to the *Herald Sun* article of 14 March relating to Victoria's first official cage fight, and I quote:

The crowd — mostly men but also including a woman with a baby and some children — cheered and barracked during the six fights ...

Is it the view of the Andrews Labor government that babies and children attending brutal and bloody cage fighting matches is in the best interests of Victorian children?

Ms MIKAKOS (Minister for Families and Children) — Clearly the member has not gone off and read about mixed martial arts since she first raised this issue with me. She will recall that at the time I responded that during the time of the coalition government mixed martial arts was in fact legal in Victoria. The only change that has occurred since that time is that Labor took a commitment to the election to effectively change the protection for competitors in terms of an octagonal perimeter that prevents participants from falling out whilst participating in what was a legal sport during the term of the coalition government.

Regarding the issue the member specifically raised, I also read that article in the newspaper. I also read an article in the paper about how much sugar is in Coco Pops, so the coalition may well be putting the view that —

Ms Crozier — On a point of order, President, I seek your guidance as to the relevance of Coco Pops when we are talking about the very serious issue of the violence and brutality of cage fighting.

The PRESIDENT — Order! The minister has been responsive to the question up to this point and is entitled to bring in other matters if she feels they are relevant to the welfare of children, which I guess is the nub of the question. I am sure she will not dwell on breakfast cereals but will return to responding to the substantive question. As I said, up to this point most of her answer has been responsive to the question.

Ms MIKAKOS — The point I was making on the issue of how much sugar is in particular breakfast cereals and the story that also appeared in the paper is

about parental choice, so I guess what we are hearing from the coalition is a view that it wants the government to effectively adopt a nanny state approach and dictate to parents the choices they make.

I may not have chosen to take a young child to watch a mixed martial arts activity, which as I explained was in fact legal under Ms Crozier's government, and Ms Crozier may also have decided not to take a child to such an event as well.

Honourable members interjecting.

The PRESIDENT — Order!

Ms MIKAKOS — But at the end of the day we respect the rights of parents to make choices about what is most appropriate in any particular case and as to whether they attend a particular sporting event or activity.

Mr Ondarchie interjected.

The PRESIDENT — Order! I advise Mr Ondarchie that when I call for order what I mean is that I want quiet. Perhaps I should change my terminology, but it should be understood that I am a simple man and so when I say, 'Order', I mean 'Quiet'.

Ms MIKAKOS — As I was saying, we respect parents' choices; we respect their ability to make a decision for themselves as to what is most appropriate for their own children. In this case mixed martial arts were legal under the coalition parties. If their policy has since changed, they need to explain themselves, but it was in fact legal during the term of the coalition. The issue of the imposition of age restrictions on audience attendance at a professional combat sports promotion is in fact a matter for the promoter, and a venue for a promotion, particularly a licensed venue, may require a promoter to comply with enforced conditions on entry to that venue. So it is actually up to the promoter if they wish to impose age restrictions.

As I said, I would not choose to take a young child to such an event, but we respect people's ability to make choices for themselves to attend what was a legal activity, a legal sport, during the coalition's term of government.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer to the question. I am not sure that I am going to get a satisfactory answer to this one, as I think she has abrogated responsibility in this very important area, when we have images of a very

brutal and violent sport, with men with blood all over them. So I ask in my supplementary question: in the minister's capacity as minister responsible for the safety and wellbeing of children, what action has she taken or will she take to ensure that children are not exposed to this brutal activity?

Ms MIKAKOS (Minister for Families and Children) — I know that the member opposite has received a very extensive briefing by my office on my portfolio, and she needs to go and actually read the legislation because she clearly has no idea. She is asking me questions about things that are actually the responsibility of the Minister for Sport.

Ms Crozier — On a point of order, President, I have to absolutely dispute that assertion that I have had a detailed briefing on this issue from the minister, and I would ask her to — —

The PRESIDENT — Order! I advise Ms Crozier that the dispute has to be taken up in another form. It is not a point of order. A point of order is about a transgression from our standing orders or our sessional orders. Whether or not the member has received a briefing is quite a different matter; it is outside the standing and sessional orders. I invite Ms Crozier to take up the issue in another way, and in fact at the conclusion of the minister's answer she might wish to move a motion to take note of the minister's answer to change the record if she needs to. It is not a point of order.

Ms MIKAKOS — I have, in fact, responded to the member's question. She clearly needs to get a better understanding of what is within my portfolio responsibilities. The coalition parties, that in the past have prided themselves on being libertarian parties, are now advocates of the nanny state.

Ordered that answers be considered next day on motion of Ms CROZIER (Southern Metropolitan).

Duck season

Mr YOUNG (Northern Victoria) — My question is to the Minister for Agriculture, Ms Pulford. In accordance with 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 protesters out on our wetlands. I have personally witnessed the same recidivist offenders again and again be taken away after deliberately breaking the laws that are in place for their own safety, as they are ignorantly putting themselves in harm's way. Time and again, however, these

bewildering people return with no more than a slap on the wrist and an impression that they can get away with it. What measures different to those taken by her predecessors will the minister be implementing this year to ensure that these crimes do not recur?

The PRESIDENT — Order! I am happy for the question to stand on this occasion, but some of the debate material in that question would normally not be acceptable to me. Yes, it is possible to put a context around a question, but I think the member actually led with some debate and description there that I would not normally entertain.

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his question in relation to the arrangements for the opening of duck season this weekend. As I have indicated on several occasions before in the house, the Andrews government supports a safe and sustainable duck season. This is something on which there are contested views in the community. The advice I have relied upon is the independent advice of the Game Management Authority, and that advice has been the basis of my determination for the arrangements for this season.

No doubt there will be people who will be keen to express their opposition to duck hunting season this weekend. Indeed there may even be people who would be quite happy to be arrested in the course of expressing those views. I indicate to the member that the government expects hunters and protesters alike to comply with all the applicable laws and arrangements and to do so in a way that is respectful and safe for all participants. As I have indicated on previous occasions, the overwhelming majority of people who participate in duck season do so in a way that is fully compliant with the arrangements.

In answer to the member's specific question, there are over 130 staff — in a multi-agency approach — from Victoria Police, the Department of Economic Development, Jobs, Transport and Resources, the Department of Environment, Land, Water and Planning, the Game Management Authority and Parks Victoria who will be present and will be at hunting areas during the season to make sure that hunters and protesters all remain safe and comply with the law.

Supplementary question

Mr YOUNG (Northern Victoria) — When this same group of people decide to turn up at what is now my workplace, will these protesters be subjected to the same stringent licensing checks I have to endure every year — that being checks on my shooter's licence, my

game permit and, more importantly, the wildlife I have in my possession? Will they be subject to the same checks?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his supplementary question. It is my expectation that hunters and protesters alike fully comply with the arrangements that are in place to ensure a safe and sustainable duck season for those who participate in it. I refer particularly to opening weekend, which I gather is an event that brings people together year on year. I have spoken to many people who have told me about their gatherings with the same group of people that they mark this particular weekend with year on year, and it is something of a tradition for those families and those participants. It is absolutely my expectation that as part of that multi-agency approach there will be the same expectations of hunters and protesters alike in ensuring compliance with all the arrangements that are in place.

Motorcycle clubs

Ms PATTEN (Northern Metropolitan) — My question is to the minister representing the Attorney-General. Anti-bikie laws in Queensland and other jurisdictions have done nothing to stop the availability of illicit drugs anywhere in Australia. Neither have they resulted in any reduction in the price of these drugs. Earlier this week I had a surprising call from the sergeant-at-arms of one of Victoria's largest motorcycle clubs. This was to discuss Monday's front-page news that Victoria has become a Switzerland for bikie gangs. He went on to tell me that there had been no increase in membership of his club or any other motorcycle club as far as he knew. Can the minister provide me with any evidence whatsoever that interstate motorcycle groups are relocating to Victoria?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her question. On the general issue, the Victorian government is of course committed to making sure that Victoria is a hostile environment for outlaw motorcycle gangs. In fact I understand that we will be taking this issue up as part of the national agenda at the next crime and community safety committee meeting in May. As the member would know, we in Victoria already have quite significant criminal organisation control legislation in place, which was expanded last year. I can go through that legislation, but I am sure the member is aware of it. On the issue of whether it is true or not that interstate bikie gangs are locating here, I am afraid I do not have that information, but I will ask the Attorney-General to provide a response to the member.

Mr Drum — On a point of order, President, by way of clarification, I note that the minister went a long way to answering that question, which had been directed to the Attorney-General. I am wondering whether or not the minister is now available to answer questions directed to the Attorney-General himself? If a minister is going to immediately pass that question on to the appropriate minister, that is one thing, but if a minister elects to start answering a question himself, I believe the minister opens himself or herself up to future questions in the same portfolio area.

The PRESIDENT — Order! My view of the minister's answer is that I do not think he put himself in the position of the Attorney-General and did not seek to provide extensive advice. At the end of his answer he was trying to be helpful to the questioner when he undertook to get specific details from the Attorney-General. That was a very clear indication that he does not have responsibility in this matter and was simply trying to help the house.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister for that answer. In light of the fact that all government attempts to regulate the illicit drug trade in Victoria have been monumental failures and that record seizures continue to be reported in the media almost every month, will the government agree to host a major summit on illicit drugs this year with a focus on finding a regulatory model that effectively and demonstrably works to decrease the harm from illicit drugs and that invites to the discussions representatives of motorcycle clubs, drug users and representatives of countries that are trying different models of drug regulation?

Mr HERBERT (Minister for Training and Skills) — I thank the member for that very broad supplementary question. I will not make a general response, though I note that most members would know I was a member of the other chamber for 12 years and participated in debates and motions on this very issue. I will refer that matter to the Attorney-General.

Children's Court

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Families and Children. In the previous Parliament, she identified what she termed 'deep problems' with the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. These included 276, 294 and importantly the diminished ability of the Children's Court to review the decision-making of the Department

of Human Services. She stated in this place on 21 August 2014:

Labor ... made the commitment that if the government is not prepared to do the right thing and support Labor's amendment to reinstate the powers of the Children's Court through this very important legal test that the government is seeking to remove, an Andrews Labor government will seek to do so. We will fix this.

My question for the minister is: now that she is in government, will she seek to amend this legislation, and if so, when?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for what is quite an important question and a question that is actually relevant to my portfolio. We know that the previous coalition government left Victoria's child protection system with some very deep problems. One of the things that the previous minister and the previous government did was change the legislation in a number of respects. We decided on balance not to oppose that legislation because it had elements in it that we were very supportive of. One of those elements related to making life easier for foster carers, to be able to do things like get haircuts for children and other such things. We were very supportive of measures that would make life easier for foster carers.

We were deeply troubled, however, by some changes to the jurisdiction of the Children's Court that effectively fettered the court in its role and would have tied the hands of the court. What it effectively did was water down a legal test that applied that required the court not to make an order removing children from the care of their parents unless it was satisfied that all reasonable steps had been taken by the secretary of my department to provide the services necessary in the best interests of the child. What the coalition did was effectively water down this legal test by taking away the requirement around reasonable steps being taken to provide necessary services to parents and children.

What we should remember — and Ms Springle was not in the Parliament at the time — is that this bill came to the house very soon after there was a scathing judgement by the Children's Court in relation to a matter that was highly critical of the role of the secretary in a particular case. I was very concerned at the time that we had that scathing court case and then we had the bill. We had a scathing, quite unprecedented decision by the Children's Court, and then very soon after we had a bill in the Parliament that would have effectively fettered the Children's Court in its role. At the time Labor tried to amend that bill in relation to that particular issue, and the government of the day voted

that amendment down. So we made an election commitment to rectify this issue. We, now in government, stand by that commitment, and we will be moving to amend the legislation and in fact reinstate the powers of the Children's Court.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. I ask if she can give us a time frame for that amendment.

Ms MIKAKOS (Minister for Families and Children) — I can advise the member that we will be having legislation come to this Parliament this year. I will be seeking to have consultations on this issue with relevant and interested stakeholders, including people who work quite extensively in the child protection system.

Ms Wooldridge interjected.

Ms MIKAKOS — And also with members of the legal profession, yes, Ms Wooldridge, because perhaps you should have had those discussions yourself at the time. You would have benefited from those discussions.

We do take this matter very seriously. We want to ensure that we have a balanced system and that we let the department do what is best for children — the legislation requires the best interests of the child to be taken into consideration — but that we also allow the court to exercise its proper role of providing oversight of the system in these very, very challenging cases. The member will be kept informed, as will other members, when the bill comes to the Parliament.

Duck season

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Agriculture. Recently in the minister's portfolio she has had to deal with a number of public issues in relation to animal cruelty, and of course she has had strong public support in taking action in that area. My question is in relation to her approval of the duck hunting season for this year. Did she seek any information from her department about the level of wounding rates that routinely occur during duck hunting?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question. The advice that has been the basis of our government's decision for the duck season has been based on advice from the Game Management Authority. It has predominantly been based on measures of duck numbers and other

environmental indicators. This is a substantial survey that is undertaken before every season, where duck numbers and distribution are counted. That forms the basis of the advice.

Supplementary question

Mr BARBER (Northern Metropolitan) — I am deducing that that answer was a no. According to that same information that was presented, about 449 000 ducks may have been shot last year. If the wounding rate amongst that is even a tiny percentage — and I can assure the minister from my own experience and from the literature that it is not a tiny percentage — then potentially thousands of animals will be wounded; some will die from their wounds and others will fly off and possibly live with shotgun pellets in their bodies. My question therefore is: will the minister now seek advice from her department about wounding rates that typically occur during duck hunting?

Ms PULFORD (Minister for Agriculture) — I thank the member for his further question and his interest in the opening weekend arrangements for the duck season. As I indicated in my substantive response, the basis for our decision to have a duck season has been substantially environmental and duck count numbers. I make the point that on the basis of that information this is a reduced season. That was not the case last year, and Mr Barber is citing some numbers from last year. The level of participation, I would expect, will be somewhat reduced because of the circumstances we have in wetlands across Victoria for this season. They are arrangements that we will be monitoring on an ongoing basis. I will continue to take advice from the Game Management Authority about all the arrangements for duck season and to consider them in making decisions about next year's season.

The PRESIDENT — Order! As a wrap-up of question time I indicate that Mr Somyurek has undertaken to get a response on the substantive question from the Minister for Local Government, and Mr Herbert has indicated that he will seek answers to both the substantive and supplementary questions posed by Ms Patten to the Attorney-General. Both cases involve ministers in another house, so it is my view that it would be prudent for those answers to be received by the house on a 48-hour response time. I hope that might be achieved.

An honourable member — Forty-eight hours or two sitting days?

The PRESIDENT — Order! Two sitting days.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 29, 30, 34, 36, 38, 39, 49, 55, 68, 69, 73, 75, 77, 78, 88, 94, 107, 108, 112, 114, 116, 117, 127, 133, 146, 147, 151, 153, 155, 156, 166, 172, 185, 186, 190, 192, 194, 195, 205, 211, 224, 225, 229, 231, 233, 234, 244, 250, 263, 264, 268, 270, 272, 273, 283, 289, 302, 303, 307, 309, 311–14, 322, 328, 341, 342, 346, 348, 350, 351, 361, 367, 380, 385, 389, 391, 393, 394, 404, 410, 414, 417–21, 443, 445, 464.

CONSTITUENCY QUESTIONS

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — The constituency matter I raise today is for the Minister for Emergency Services. It relates to the re-establishment of the Victoria State Emergency Service (SES) at Loch Sport. I congratulate the local community on taking the initiative to re-establish the SES at Loch Sport. The volunteers of the local SES are keen and committed to serving the local community and have raised money for materials for the construction of a room to hold equipment and the like by holding sausage sizzles and raffles as well as seeking donations from various organisations in the local community. A lot of energy and effort has been put into constructing the new facility so that training can start at the local level. The action I seek from the minister is whether she is able to provide some support to supplement this good work of the local SES. The community is looking for \$6000 to complete the project.

Western Victoria Region

Ms TIERNEY (Western Victoria) — My constituency matter today is for the Minister for Education and it is in relation to the Bob Pettit Reserve in Jan Juc. The Bob Pettit Reserve is a much-loved and much-used piece of open space for children playing, walking dogs, fitness activities and formal competition sport, amongst other things. The minister will recall that the previous government wanted to sell off state government-owned land at commercial market rates. In response, on 30 October 2014 Labor announced that an Andrews government would rezone the land from residential to public park and recreation and sell it to the Surf Coast shire for \$500 000, thus keeping the Bob Pettit Reserve in the hands of the community. I seek from the minister an update on the progress of this

matter, and in particular what steps have been taken to fulfil Labor's election promise.

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Education, James Merlino. The residents of Keysborough South currently have no government primary school in their area. When the rapidly rising population of Keysborough South peaks in 2018, it is expected that 14 500 residents will live in the area and that local demand for a government primary school will reach at least 490 students. This is a conservative figure.

However, the Department of Education and Training has not acted on the need for a primary school. It has identified a proposed site but has not purchased the land. The effect of this for residents is not just an unmet educational need but that the community is not developing in the normal neighbourhood way — around a local primary school. Further, it leaves the City of Greater Dandenong in limbo over whether or not to co-locate council community services with a primary school because it simply does not know if those community services will ever be built. My question is: when will the Department of Education and Training take action on building a school in Keysborough South, starting with the purchasing of land?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is to the Minister for Environment, Climate Change and Water. The Andrews Labor government has now been in power for 108 days and it is with great disappointment that I note the minister has not yet visited Shepparton or the Goulburn-Murray irrigation district. I have written to the minister inviting her to come to Shepparton and meet with local irrigators, although the minister should not need an invitation to visit an area of such relevance to her portfolio.

I remind the minister that the Goulburn-Murray irrigation district is Victoria's largest and most important irrigation area and it includes most of the state's largest water users. It is a major concern for our region that the minister is sitting in Melbourne making decisions that could significantly impact on our future and livelihoods without having visited the region or spoken with local water users. As time is now adding up since the government was elected and with the budget considerations being finalised, I ask the minister to make this visit a priority for March. To assist the

minister I would be happy to arrange meetings and site visits.

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My question is to the Minister for Small Business, Innovation and Trade. I note that a number of initiatives have been put in place in relation to small business mentoring and information. There are over half a million small businesses in Victoria, representing 96 per cent of the businesses, and around 28 per cent of these are located in rural and regional areas.

Recently one of the small business buses visited Emerald, which is in my electorate. I ask the minister to confirm whether the small business buses will visit other areas of my electorate in the near future and, if so, whether he could outline the way in which this and related services offered by the government will support small business formation in outer urban and regional areas. Small businesses in these areas can often feel isolated, yet they are key drivers of local employment opportunities.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — I direct my constituency question to the Minister for Environment, Climate Change and Water on behalf of a member of the Whitehorse Cyclists Advocacy Group, who wrote:

I am writing to enquire about progress with implementing the government's policy on the use of the Healesville freeway reservation.

Labor's policy, supported by the Greens, was to retain the entire reserve as public open space with management passed to Parks Victoria. A bicycle path would also be constructed along the full length of the reserve from Springvale Road to Boronia Road. A sum of \$650 000 was to be provided to partly fund this path.

As a community group that participated in VicRoads' stakeholder advisory group we remain keenly interested in the ongoing development of plans for the reserve. We would be appreciative if you could advise what actions the Greens will be taking to ensure Labor's undertaking is honoured.

Therefore I ask this question of the minister.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport. I ask the minister to provide an update on the construction of the Southland railway station, the impact of the two immediate grade separation projects at Charman Road and Park Road in

Cheltenham and when my region can expect the construction of these projects to commence.

The coalition government delivered \$21 million in funding and promised to open the Southland railway station by 2016. That project has now been delayed by a year. I note that a level crossing authority is being established, and there are a number of concerns that have been raised with me in relation to the proposed Charman Road level crossing, particularly in relation to its impact on local businesses and motorists, its impact on parking and traffic congestion and, most importantly, the inadequacy of space and how this will impact on the amenity of the area.

Considering the delay on the Southland railway station and the current establishment of the level crossing authority, there are important questions to answer. I ask the minister to provide an update on these matters.

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituent question is directed to the Minister for Training and Skills. I recently had a conversation with a constituent who is concerned about the proposed federal cuts to higher education, particularly in relation to Monash University. Obviously Monash is a feeder university for a lot of individuals who live across the Eastern Metropolitan Region. My constituent's two older children have attended Monash University, and with her third child about to finish secondary school she is concerned about what the federal cuts will mean in terms of the cost to her family. Could the minister give me a response to the concerns my constituent has, which I will then pass on to her?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Local Government. Given the confusion and total lack of clarity surrounding the establishment of a new Sunbury municipality — created by the minister I might say — will the minister now issue a time frame for the delivery of the Andrews government election promise to respect the vote of the residents of the city of Hume, not just Sunbury, to establish the new council this year?

Sitting suspended 12.57 p.m. until 2.02 p.m.

PRODUCTION OF DOCUMENTS

Debate resumed.

Ms SHING (Eastern Victoria) — At the outset, may I indicate that I am grateful for the contribution that has been made before me by the Special Minister of State, Minister Jennings, in relation to this motion. I note also the positions taken by certain speakers — Mr Rich-Phillips from the coalition on the one hand and Mr Barber on the other.

I wish to place on the record that there are a number of elements to this motion that, as far as the government is concerned, are not in issue or contest insofar as they express generally the powers that are available to the Legislative Council under the Constitution Act 1975, under standing orders and under precedent, privileges and various obligations. However, it is the aggregate of the six points followed by the final four lines of the motion that effectively divert the point of this motion from proper scrutiny and accountability and that reveal the motivations that underpin it.

This is, as Minister Jennings has indicated, not about avoiding accountability. It is not about avoiding any discussions of the Legislative Council's powers in general. Mr Rich-Phillips indicated — and this is a point I would have to disagree with — that this motion is not about the east–west link and it is not about the contract. I note the comments that were made by the President immediately preceding the luncheon break in which he invited members who were going to contribute to this motion to confine themselves to the elements of the motion dealing with notice to produce. To that end I do not intend to labour the points that were made in the earlier debate on this motion or in the extensive debate on the motion moved on 11 February dealing substantively with the notice to produce, which resulted in the non-compliance with the order to produce, in accordance with Partnerships Victoria guidelines, contract documents entered into by or on behalf of the state of Victoria with the East West Connect consortium.

Mr Rich-Phillips indicated in his initial contribution that this motion was about this place — namely, the Legislative Council — being a house of review and its role in holding the government to account. This may well be true as a generic statement; it may well be true when contemplating the administration of government functions, the discharge of statutory and common-law obligations, and the responsible reporting and accountability provisions that are set out in various instruments. However, the primary question to be addressed in relation to this motion is of itself

concerned not with the points raised by Mr Rich-Phillips but rather with whether it is in the public interest to seek the production of these documents and the release of such documents at this present time.

'At this present time' is a particularly apposite component of the position that the government takes. We have not, as Minister Jennings has indicated, said that we will not release contract documents entered into by or on behalf of the state government. We have not at any point said that we would not ever release this information. We have, however, made a promise — a promise which formed the subject of the referendum referred to by the Prime Minister, Mr Abbott, that the election on 29 November last year would be a referendum on the east–west link.

In fact the Prime Minister's statement turned out to be a matter upon which a number of voters based the casting of their own vote. It turns out that those proponents of the east–west link are now sitting opposite us. Mrs Peulich indicated in her contribution that the coalition accepts the outcome of the election, yet the coalition has called for a referendum on the east–west link now. We have a situation whereby we have seen a 10-page business case that indicates the shambolic and irresponsible financial mismanagement of a project that would have necessitated tolls on several roads across the city to help plug a \$2.1 billion project black hole.

The business case was a woeful, shambolic example of financial mismanagement and demonstrated a benefit-cost ratio of just 45 cents for every \$1 spent. These statistics, along with scathing critiques of the project from commentators and industry peak bodies, necessitated several revisions to the business case. That was presumably on the grounds that the business case would not generate the stated economic benefit, the traffic projections were not sufficiently sound to warrant the investment and capital sought from various stakeholders, and senior transport planners had detailed the superior return that a rail tunnel under the city would bring to Melbourne compared to the east–west link. In effect the former Napthine Liberal government lied, because the \$18 billion east–west link was a financial disaster.

On numerous occasions before the election Labor promised that it would not proceed with building the tunnel in the event that it formed government after the election on 29 November. We made that promise clearly and unequivocally, and I am not referring to just me; I am referring to the Premier, the Treasurer and numerous ministers. They made a commitment in opposition that taxpayers money would not be thrown

down the black hole of a dud tunnel that nobody wanted.

In addition we promised to deliver to the public domain the contracts and documents that were entered into by the former government, and this is not something from which we resale. It is important that the house notes the comments made by Mr Jennings in his initial contribution on the production of documents motion. He indicated that the government did not rule out providing contracts, documents and information in the form set out in this motion. However — and this is a very big however — it must be in the public interest to release documentation. The Labor government is now in the invidious position where it is conducting extensive negotiations with the consortium following the shambolic and reprehensible side letter entered into by the former Treasurer, Michael O'Brien, the member for Malvern in the Assembly. He signed the side letter that committed the government to compensating the consortium even in the event that the project did not proceed.

Labor did not enter lightly into its election pledges. When we said we would not proceed with the east–west link and when we indicated that in our view the contract was not worth the paper it was written on, we sought the views of eminent legal minds. Our response was not something conjured up from the ether. It was not an amorphous construct of people sitting around the table in the dead of night scribbling their own views about compensation on letters that are now the subject of high-level negotiations. Our legal advice was produced and released, as was the now opposition's legal advice.

The opposition claims that it relied upon legal advice as a proper foundation when it asserted that the contract must go ahead irrespective of the outcome of the election on 29 November 2014 and irrespective of the Prime Minister's view that the election itself was a referendum on the east–west link. The advice provided to the then Labor opposition — now the Labor government — clearly indicated that there were significant shortcomings in the way in which the contract was purported to be entered into. It outlined a number of concerns about whether powers were available to enter into a contract under the circumstances that prevailed at the time, and that is now being relied upon by the consortium to extract the maximum amount of compensation.

To add insult to injury in relation to a matter that was the subject of extensive contractual negotiation and vast piles of paperwork, a one-page letter from the former Treasurer set out a commitment to provide

compensation, and it was signed immediately before the caretaker period commenced last year. It paid absolute lip-service to Victorian taxpayers by agreeing that irrespective of the outcome of the democratic process on 29 November taxpayers would be required to pay and pay.

As the Premier has indicated in recent correspondence to the Prime Minister, we are seeking to extricate ourselves from the mess that those opposite put us in. As a responsible government we are seeking to do everything we possibly can to make sure that taxpayers are not required to pay and pay for a tunnel which they never wanted. It was not a preferred use of public money, and it was not the best use of infrastructure money in the way that a rail tunnel under the city would be. To that end, as the Premier has indicated in his correspondence to the Prime Minister, it is going to take us quite some time to get us out of this mess. However, we are duty-bound to act properly, responsibly and appropriately.

That brings me to my next point, which goes more specifically to the timing of the motion. The motion brought before the house and debated on 11 February was based upon a request for documents which were once in the possession or control of those now sitting opposite. In a spectacular own goal the former Treasurer released his own letter, which in effect shackles Victorian taxpayers to a huge compensation payout unless adequate action is taken to challenge it. In a spectacular set of faux pas, we see that the business case was not a proper basis upon which to enter into a massive commitment of public money. Unlike those opposite and also those to my right — and my contribution follows directly after Mr Barber's — I believe contributions should be made for a proper purpose. They should not be made as cheap tactical ploys bearing the cost of high-level negotiations which are now on foot and which, but for the negligence and irresponsible conduct of those now sitting opposite, would not have been required.

In essence, the public interest in this is very much about making sure taxpayer money is not squandered. We have a responsibility to provide sound economic stewardship in this state and to right the wrongs effected by those opposite, who decided with breathtaking hubris that it was appropriate to sign away any capacity to effect the will of the people as it was expressed on 29 November last year. It is very clearly in the public interest to make sure that large amounts of good money are not thrown after bad.

It would have been much more responsible — even a hallmark of sound economic management — had those

opposite waited until after a clear message had been sent by the people of Victoria to develop, negotiate and sign the east–west link contracts. That would have been prudent and in the public interest and would have required only a small amount of patience. Had the coalition waited until after the election to make a decision about whether the east–west link would proceed, had it listened to the views expressed in the community and the dissent on the question of the utility of the road — which would not, according to the traffic projections, adequately deal with the problems of congestion or the expansion of the city and its arterials — then we would not today be staring down the barrel of an indemnity letter which seeks to hold government and taxpayers to ransom, written out of sheer desperation.

Mr Ramsay — Just build it — stop talking.

Ms SHING — I will take up Mr Ramsay’s interjection at this point. ‘Just build it’, he says. This displays breathtaking ignorance of community sentiment on this issue. It ignores the reality that the community has resoundingly said no to the east–west link and that Labor resoundingly said no to the east–west link. The Premier and others made it abundantly clear to the consortium before the election, publicly, that if Labor were elected on 29 November 2014, the east–west link would not proceed. The Premier indicated that the contracts were not worth the paper they were written on, and that was based upon sound legal advice provided to Labor before the election.

These contracts — these reams of paper signed at the 11th hour and the 59th minute and the 59th second — were accompanied by that one-page letter from the former Treasurer. That one-page letter is the sort of economic ghost story you hear around the campfire — ‘Don’t worry, you don’t actually need to provide anything. If we lose government, if we are thrown out on 29 November, we’ll pay you anyway’. That is the antithesis of sound economic management, the antithesis of responsible government and the antithesis of meeting the obligation a good government has to properly manage public money.

We note that the privileges, immunities and powers conferred on the Council under the Constitution Act 1975 and the power to make standing orders under that act, as set out in paragraph (3) of the motion, stand as statements of fact. They are what they are. We do not intend to quibble with them. We also note that the Council is fully entitled to scrutinise the activities of government and demand accountability from

government, which is the substance of paragraph (5). And we note, as indicated by Mr Jennings, that if the resolution of the Council is not complied with, the Council reserves the right to find the Leader of the Government guilty of contempt of the Council and to impose an appropriate sanction until the resolution is complied with.

However, that is about where it ends. In terms of agreement with the content of this motion, paragraphs (3), (5) and (6) are not at issue. But the government does not concede that its failure to comply with the resolution of the Council is inconsistent with its commitment that the executive is properly accountable to the Parliament. It is entirely appropriate and acting in good conscience, in good faith and, most importantly, in the public interest that negotiations are concluded, negotiations which will extract us from this quagmire of a side deal, from this money pit of a letter. This one page, which negligently commits taxpayers funds to payouts of compensation even when the project does not proceed, is the subject of challenge and negotiation to the best extent possible. It is the subject of good-faith discussions with the parties to bring us out of this mess.

The motion states the house should note that the failure of the government to comply with the resolution requiring the Leader of the Government to table the documents in the Council by noon on 12 February 2015 in accordance with Partnerships Victoria guidelines breaches a number of other requirements. It is not a requirement, as has been outlined already in Mr Jennings’s submission, of Partnerships Victoria guidelines.

Good government requires the balance of powers and responsibilities to ensure that the public interest is maintained. It requires actions to be entered into for proper purposes. To that end I invite scrutiny of the purposes for which those opposite and those to my right have drafted this motion and are now pursuing it with a relentless vigour that seems to indicate that these are tactics at play, with no regard for the pockets of the public which may ultimately be required to pay the compensation set out in that side letter if negotiations are not concluded.

This is about making sure that government can act responsibly. The negotiations which are currently on foot are of a high level. They are directly intended to effect an outcome, which the consortium and government can live with, in order to meet Labor’s election promise that if elected it would not proceed with the east–west link. Labor made that absolutely crystal clear before 29 November when Victorians cast

their vote. We relied quite properly on high-level legal advice setting out the concerns with the basis upon which the contract had been entered into. We relied upon advice which indicated that despite the traffic projections, the project would not alleviate the congestion issues which were relied upon as the rationale for proceeding with the east–west link.

After the election the business case revealed in an almost tragic fashion a litany of economic disasters that meant that tolls would have been required and congestion would have increased on the Eastern and Tullamarine freeways and Hoddle Street. The consultants had provided information and advice on traffic forecasts that was not reasonably open for them to speculate on. The business case also revealed that the former government opted not to submit its initial version of the business case to Infrastructure Australia because of very real concerns it had at the time that a lower range benefit–cost ratio could be used to dismiss the project. Already at that earlier stage it was evident — —

Mr Ondarchie — On a point of order, Acting President, Ms Shing referred earlier in her contribution to the President’s advice that this is a very narrow motion and that we should stick to the knitting, so to speak. I encourage her to come back to the motion.

The ACTING PRESIDENT (Mr Eideh) — Order! Ms Shing is sticking to the motion. There is no point of order.

Ms SHING — I note that the point of order raised by Mr Ondarchie in this regard was not quite as fulsome as it might have been. It is my understanding that before the luncheon break the President indicated that earlier speakers had been afforded a great degree of latitude and members would be encouraged to stick to the specific wording of the motion, but would not, at least to my recollection, be bound by it.

Honourable members interjecting.

Ms SHING — In a nod to Mr Ondarchie, I will return to the specific wording in the motion. The wording invites a conclusion that it is only through the production of all the documents that were sought and debated in this house on 11 February that proper accountability and transparency can be delivered. That is an important example of specious reasoning, because to my mind accountability and transparency apply to making sure that the outcome delivered to Victorian taxpayers is something which has been the subject of fulsome contemplation and negotiation and does not tie

the hands of Victorian taxpayers inappropriately, improperly, irresponsibly and fraudulently.

In seeking to make sure that the outcome strikes an appropriate balance, this government intends to continue with the conversations required to drag us out of this mess, as the Premier indicated in his letter to the Prime Minister. It is an expensive mess. It is one which took the stroke of a pen to get us into. We then had an election, and now we see an opportunity to make good on our election promise that the east–west link will not proceed. We are doing this responsibly, we are doing this prudently and we are doing this properly.

As has been said about various other commitments made by this government, we are getting on with it. To that end I oppose the notice of motion and seek an opportunity for us to conclude negotiations, noting also that Mr Jennings has again confirmed that it is not the intention of the government to never provide this information, but rather to make sure that consideration is given to the appropriate timing of the release of such documents and that it is not done simply as part of tactical game playing.

Mr RAMSAY (Western Victoria) — It gives me pleasure to make some comments on the motion moved by Mr Rich-Phillips. The paragraphs in the motion have been pretty well scrutinised and commented on by other contributors to the debate in this chamber, so despite the President’s advice, I am not going to examine in detail the specific paragraphs in the motion. It is quite clear that there has been a direction from counsel to government to not put before the chamber documents in relation to the business case for the east–west link. It is all quite plain and simple. There was a specific time within which the government had to do that and at this point in time it has not complied with the wishes of the Council. In the motion there is both an acknowledgement of that and also some indication of possible avenues that the Council can pursue in relation to the non-compliance of the government in providing those documents.

I want to make a couple of points. Ms Shing has provided me an entree into that because she provided a lot of background noise on a whole lot of other matters which did not pertain to the motion. I almost felt I was in a union meeting, being dictated to by a lawyer of the highest order in relation to what constitutes good legal practice and what does not.

The fact of the matter is that we have a simple story to tell — that is, Infrastructure Australia, Rod Eddington and past premiers have all indicated that the most important infrastructure project for Victoria

is the east–west link connection. That is done on the basis that we have a number of areas within the city that are not linked and need to be linked from east to west, through CityLink. We also have the issue of congestion in the growth corridors in Western Victoria Region, which I represent. The West Gate Bridge is at full capacity, and traffic is growing at 2 per cent per year, with an estimate of more than 200 000 vehicles per day over the next five years. Those are the issues. How do we best address them? All the best minds in the world have concluded that an east–west link with a second crossing is the best way to ease congestion for road users who want to connect between east and west and to drive productivity. Those are the facts.

Another fact is that we have a federal government that is willing to contribute over \$3 billion to support an \$8 billion project for the east–west link. I remind the state government of the day that it is presently holding \$1.5 billion in its treasury. If the Abbott government decided that the state government did not deserve to have that money sitting in its bank account, it would take only a flick of the wrist from the federal government for that money to be withdrawn and invested in other projects. I suspect that, if that happened, the AAA credit rating of the state would be in serious jeopardy.

While I am talking about the Labor government going backwards and forwards on the validity of the contracts in relation to the east–west link, I might add that in Brisbane the Bruce Highway has just received \$6.7 billion for its upgrade. There is \$1.5 billion in Sydney for WestConnex. The upgrade of the Gateway Motorway in Brisbane has \$1 billion. There is \$500 million for Adelaide’s north–south road corridor and \$400 million for the Midland Highway in Tasmania. I could go on, but all those big infrastructure projects right around Australia are happening now because state governments and the federal government have in a cooperative spirit supported the building of these important local infrastructure projects.

Ms Shing talks about history. Surprisingly enough for a new member, she seems to have a collective mind in relation to history and what happens in this Parliament. I remind the chamber that the former coalition government took on in good faith a number of contracts it knew were lemons.

Ms Crozier — Name them!

Mr RAMSAY — I will name them, Ms Crozier; thank you for the opportunity. We knew the desalination plant was a lemon, but in good faith we

took on that contract, knowing that most likely water that had been desalinated would not be used.

Interjection from gallery.

Mr RAMSAY — I am getting to myki. I am thankful for the advice. We knew that the water was not going to be used. We knew that the estimated cost of the plant had blown out by over \$1 billion. We knew that the Victorian taxpayer was going to pay over \$1 million per day for a desalination plant which was far too large for this state and was not supported by the coalition parties. We were more supportive of having small desalination plants across the state, but unfortunately Labor decided to go for perhaps one of the biggest desalination plants in the Southern Hemisphere — without, I might add, a business case being made public in relation to that investment.

Myki was another lemon contract which again the coalition unreservedly took on in good faith. We made significant adjustments so that the liability and cost to the taxpayer — —

Ms Shing — On a point of order, Acting President, in relation to the matters Mr Ramsay is raising and further to the guidance given by the President and as discussed in Mr Ondarchie’s earlier point of order, I ask that Mr Ramsay be brought back to the specific subject matter of the motion itself or, alternatively, to the subject matter of the east–west link.

The ACTING PRESIDENT (Mr Eideh) — Order! There is no point of order.

Mr RAMSAY — I thank Ms Shing — nice try. If she remembers correctly, the President’s ruling was that members are allowed some contextual material around our contributions in relation to the motion. I am in the contextual stage and only 6 minutes into my contribution. We had to listen to Ms Shing’s verbal diarrhoea for about 35 minutes.

I move on from myki to the regional rail link.

Ms Shing — On a point of order, Acting President, in the interests of being appropriate in this place, I ask that the member withdraw his statement that I was engaged in ‘verbal diarrhoea’ in the course of my contribution to this motion.

The ACTING PRESIDENT (Mr Eideh) — Order! That term is not parliamentary. I ask Mr Ramsay to withdraw.

Mr RAMSAY — It was certainly no reflection on the member, but in the spirit of good faith I withdraw

that and perhaps use the word ‘diatribe’ in place of ‘diarrhoea’, if that is all right.

The context around this is the fact that the coalition government, knowing that some of the contractual arrangements for infrastructure in Victoria were not in the best interests of the Victorian taxpayer, honoured those contracts in good faith. That is the important point I wanted to make, particularly in relation to what the Labor government is doing, in contrast, with the east–west link.

I mentioned the desalination plant and myki. I will also mention the regional rail link, which now I believe will be of great benefit, particularly to those who live in regional areas and will be able to have a dedicated track to Southern Cross. When the coalition government took over that contract no allowances had been made for signalling and no new train sets were planned, so it had to invest considerably more money into the regional rail link to provide both signalling and train sets to allow the project to continue.

I also refer to a project close to my heart, the Ararat jail. That was a public-private partnership that the Labor government entered into in relation to the upgrade and extension of the Ararat prison, now known as the Hopkins Correctional Centre.

Ms Crozier interjected.

Mr RAMSAY — It was a mess, Ms Crozier, and if you remember, the then Minister for Corrections, Andrew McIntosh, spent a considerable amount of time on renewing and renegotiating that contract with new private entities in order to have the prison completed. It is still going through the construction phase, but nevertheless, under the terms of the new contract negotiated by the former coalition government, there are improved benefits for the Victorian taxpayer. In essence, there has been history in relation to the coalition government honouring agreements that we took over from the previous government. In their then current form they were not going to be in the best interests of the taxpayer, but we did that in good faith.

The Labor government is in a pickle about this because the Premier clearly stated in a commitment prior to the election — just like the public holidays that Mr Somyurek keeps spouting about in question time, saying that they are honouring an election commitment regardless of what economic impact penalty rates and public holidays are having on businesses right across Victoria, the ones he is supposed to represent as a minister — that he would tear up the contracts even though he had full knowledge of the details of the

contracts and the side letter. He said they were not worth the paper they were written on. That was a lie because those contracts are a legal entity in themselves, and there are legal ramifications in relation to them not being honoured.

I might add that investment in Victoria has basically stalled now, particularly in infrastructure, because of the actions of the Labor government in not honouring the east–west link contracts.

An honourable member interjected.

Mr RAMSAY — That is true. International investors from places like Spain, Hungary, Czechoslovakia, the US and other countries are now reluctant to invest in infrastructure in Victoria because of the actions of the Labor government in relation to the east–west link contract. That is very true. If you speak to some of the financial business leaders in this state, they will tell you that investment in Victoria by international investors has basically stalled because of the issues around sovereign risk and the behaviour of the Labor government.

What we now have is a Premier who has said that the contracts are not worth the paper they are written on. We have legal advice to say that there are legal implications in relation to those contracts not being honoured, which is in direct conflict with the Premier’s statements. We have a side letter that indicates that there would be financial liabilities for Victorian taxpayers in relation to the contract not being honoured or that there would have to be a payout to the private entities that were party to the contract and willing to invest in one of the best infrastructure projects in Victoria. And we have the taxpayer possibly looking at a liability of anywhere from \$600 million to \$1 billion, depending on who you believe. The paper it was written on must have some legal connotation, but the Premier said it does not.

What the Premier has tried to do is deflect all the legal implications of the east–west link to a dog of a project called the West Gate distributor. There is no business case for that. In fact this Council required the government to table documents in relation to the business case for the West Gate distributor, but it has not done so. It has again not complied with the wishes of the Council by providing documentation and detail on the business case for the West Gate distributor. I am yet to find anyone, any party, that firmly believes the West Gate distributor will remove the required amount of congestion from the West Gate Bridge to allow safe and even flow of traffic from east to west.

Mr Dalidakis — On a point of order, Acting President, the West Gate distributor is not the issue we are debating at the moment, and I ask you to call the member to order.

The ACTING PRESIDENT (Mr Eideh) — Order! Mr Ramsay should concentrate on the east–west link.

Mr RAMSAY — I am concentrating on the east–west link because the alternative is the West Gate distributor. There is no indication to me that there is a business plan or anything else which indicates that the West Gate distributor will do anything to remove vehicles from the bridge, as would the east–west link, which is a second river crossing — a tunnel. The east–west link was part of a bigger project to reduce congestion on the West Gate Bridge.

However, I take your point, Acting President, and I do not want to labour the point except to say that we honoured contracts passed on to us by the government before ours. Labor has not done the same. The Premier indicated prior to the election that he would tear up the contracts because they were not worth the paper they were written on. Financial advice says that is not true and that that it is a lie. In fact the contracts have significant legal implications for the taxpayers of Victoria.

Labor has provided an alternative project that is not supported by Sir Rod Eddington. Former Premiers John Brumby and Steve Bracks paid a considerable amount of taxpayers money for a consultant to look at large construction projects in Victoria, but the current government has totally ignored Rod Eddington’s advice. It has ignored advice from John Brumby and the former Minister for Roads and Ports, Tim Pallas, who were supportive of the east–west link, as were many members of Parliament and previous ministers in the Labor government. They all supported the east–west link.

I see Mr Melhem across the table, and I am reminded that he was one of the MPs who supported the east–west link. But typically once you come into Parliament they tap you on the shoulder and say, ‘Toe the line, Mr Melhem’. He is quiet. He is mute. Again we have the unions dictating to the Labor Party what projects will or will not be supported, but I am surprised by the fact that Labor would readily let go 7000 jobs in this state when it keeps talking about its jobs plan and the 100 000 jobs — I think it was — that it was going to create in its first term of

government. I would like to see some evidence that it has even created 100 jobs at this stage. There have been 104 days of reviews and talkfests. That is what has been accomplished so far in this first term of the Labor government.

Getting back to the motion, it is fairly simple. There has been a lack of accountability in relation to the government of the day providing details of the business case to the Council, even though there was a directive from the Council on 12 February for the government to provide the contract documents entered into on behalf of the state of Victoria with the east–west consortium.

I note paragraph (6):

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

and requires the Leader of the Government to table by 12 noon on the next day of sitting following the adoption of this resolution —

which is tomorrow, if passed —

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.

Labor has a dilemma not only in this house but with the federal government in relation to its possible withdrawing of the \$1.5 billion which is sitting in Treasury at the moment. If withdrawn, I suggest it will make the government’s budget figures and its AAA rating look a little tight and its sovereign risk look even worse. The sad fact is that the confidence of investors, both domestically and internationally, has been totally shattered by the bad corporate behaviour of the Labor government. I support this motion to draw account to the government of the day to provide the business case, as requested by the Council.

Mr LEANE (Eastern Metropolitan) — I will be brief in my contribution to the debate on this motion. I want to touch on a couple of things that Mr Ramsay said. I do not want to verbal Mr Ramsay, but he stated that the east–west link was one of the greatest infrastructure projects in the world. I am not too sure how he justifies that statement because the facts disclosed in the business case indicate that it would lose 55 cents in the dollar and that the Eastern Freeway and the West Gate Bridge would need to be tolled — and those tolls would have to be in place for 50 years.

The opposition’s motion calls for the tabling of documents regarding the east–west contract. I concede

to Mr Ramsay that the government does have an issue with the side letter, and it is working through that issue with the consortium. That side letter was not apparent before the election. Mr Ramsay may recall that when the Labor Party was on the other side of this chamber, we called for these documents. We would have liked the project to be transparent, but that was not forthcoming.

I do not disagree with the fact that the Council has a right to call for documents, but paragraph (6) of the motion asks that the Council impose an appropriate sanction against the Leader of the Government if those particular documents are not delivered by a certain time. The motion is therefore setting up the chamber to take action against the Leader of the Government for not complying with a resolution of the chamber, and he will be put in that position because of the political make-up of the chamber. However, the Leader of the Government took an oath in front of the Governor to be responsible as a minister to the state of Victoria. That means he is supposed to do everything in his power to do the right thing by the people of Victoria. That will not be possible if the motion is carried, because it calls on the minister to deliver documents at a time when the government is trying to reach an outcome with the consortium. The delivery of those documents will railroad that process and expose the taxpayers of Victoria to a much worse situation.

It seems that some members of the chamber will be disappointed if the government manages to limit its liability while not proceeding with the project. Labor made a commitment when in opposition that if it was elected to government, it would not go ahead with the project, and that view was aired for a long time before the election. Now that we are in government that election commitment is being fulfilled. It is no surprise. Political experts in Victoria and all the polls were indicating that there was real potential for a change of government late last year, and at that time the Napthine government rushed into signing these documents. The most treacherous action was that it rushed into signing a side letter —

Mr Dalidakis — A side deal!

Mr LEANE — Yes, a side deal, a secret deal. It was a side letter guaranteeing that Victorian taxpayers would be forced to pay maximum compensation if they did not vote for the coalition. In other words, they inserted a punishment clause. I support Mr Jennings and the Premier in going through a process that limits exposure to compensation.

Ms Crozier — Just build it!

Mr LEANE — Just build it — that is the most basic argument we have heard yet. We know now, but did not know this before the election, that the project will lose 55 cents in the dollar. This project would result in two existing freeways being tolled, which would mean 50 years of tolls, which we were not told about before. Even worse, there is a side letter, a side deal to try to force the maximum compensation if people decided to vote out the then government, a government that they saw as a do-nothing government.

We on this side of the chamber know this motion will be voted on and passed today. Unless the documents have been released through the process of the government, the next process will be that the next time we come into Parliament there will be a censure motion against the Leader of the Government. This is a minister who, as we know, has taken any role he has had in this Parliament and any role he has had in his public life seriously and has done the right thing by the people he represents. There will be a censure motion against him for doing what he took an oath to do. We will be putting him in that position.

I support the Leader of the Government in taking the position to limit the exposure of the taxpayer. We will support him on that when those opposite come back in a couple of weeks time with their theatre, if the documents have not come through before. When they come in with their theatre we will support him again. One thing we can guarantee is that we will do the right thing by the people we represent, despite the theatre, the politics and the game playing that those opposite want to impose on us in this chamber.

Mr DALIDAKIS (Southern Metropolitan) — It was only, sadly, 170 days ago that the conduct of the former Treasurer brought public policy back into the spotlight when he signed the contract we are here debating today. One hundred and seventy days ago the former Treasurer brought shame upon himself, shame upon his party and shame upon this Parliament, and more importantly he did something that is the antithesis of everything that we all, across this chamber, strive to achieve — that is, good public policy. I never doubt the integrity, the honesty or the desire of all members of this chamber to work for the common good.

I think it is an appropriate point to start in terms of my contribution to appreciate that we all come into this place with an aim to make it better and to leave it in a far better position than that in which we found it. However, 170 days ago that noble ideal we all share was put into grave jeopardy. The former Treasurer, the member for Malvern in the other place, Mr Michael O'Brien — and he was not doing it alone — signed a

shady, grubby deal which he kept secret from the Victorian public until he chose to release it in opposition and which effectively signed away the financial future of Victorians in a gross mismanagement of our public accounts. He chose to sign an agreement that basically said that should a court of law, should an independent body or should the judiciary determine that the contracts were invalid, the government would pay the money anyway. Regardless of the contract's validity, the former Treasurer would throw the money into a wheelbarrow and push it on over — and it is a bloody big wheelbarrow, let me tell you, Acting President.

Ms Crozier — That is not very parliamentary.

Mr DALIDAKIS — It is an Australian colloquialism; I think it is entirely appropriate in an Australian parliament to refer to a wheelbarrow in such a manner.

Ms Crozier — On a point of order, Acting President, I refer you to the unparliamentary term Mr Dalidakis just used, and I ask you to ask him to withdraw that. We are in the Parliament, and I think it needs a more dignified — —

Honourable members interjecting.

Ms Crozier — It was his reference to the wheelbarrow. I ask you to ask him to refrain from using expletives.

Mr DALIDAKIS — On the point of order, Acting President, I appreciate the point the member opposite has made. Can I just remind the Parliament, in terms of the use of the word 'bloody', that Scott Morrison, a minister in the federal government, when he was the chief executive of Tourism Australia, used the word in a campaign promoting Australia to the rest of the world.

The ACTING PRESIDENT (Mr Morris) — Order! In ensuring that we can continue expeditiously, I ask the member to consider withdrawing that term.

Mr DALIDAKIS — I do not wish to put you in a difficult position, Acting President, so I withdraw unconditionally.

The ACTING PRESIDENT (Mr Morris) — Order! I thank Mr Dalidakis.

Mr DALIDAKIS — So, 170 days ago the member for Malvern in the other place, the former Treasurer, threw a whole chunk of money into the very big wheelbarrow and effectively wheeled it over to the

consortium and said, 'Regardless of whether or not a court of law believes that these contracts are valid, I'm going to give you the cash anyway. Take the cash and run!'. That is effectively what occurred. It was one of the most egregious and gross abuses of public policy ever seen in the history of the Victorian Parliament.

Some of the documents that have since been released to the public by the Andrews government have revealed that the original expenditure review committee proposal was apparently somewhere around \$6.8 billion, possibly over \$7 billion, but of course independent analysis claimed that the total costs of the contracts were in effect approximately \$18 billion. The former Treasurer — who was meant to be the guardian and keeper of our accounts, the man left with the ability to ensure that there were rigorous financial controls relating to Victoria's future — was the person who effectively risked everything on black in the casino when there were 29 squares that were red, there was 1 square that was green and there was only 1 square that was black. It was like something out of a communist government or a totalitarian regime to have engaged in that kind of largesse.

I turn to the motion before the house. I note that in moving it Mr Rich-Phillips called on the house to note the failure of the government to comply with the resolution requiring the Leader of the Government to table all contract documents entered into. I have reflected previously and will again that the documents are those that the previous government refused to release. Forgive me for finding it just a bit ironic that opposition members are calling upon government members to release their documents, the documents that they refused to release when they were in government. The hypocrisy is astounding. Should Mr Ramsay have been the Treasurer, I do not think he, with his integrity, would have taken that kind of action. Mr Ramsay has far greater integrity than that displayed by colleagues of his in the other place. When we are dealing with the motion before us it is important that we take into consideration the conduct of members of the previous government in relation to these contracts, because it is a very good example of how they behaved and it should be contrasted with how the government is behaving at the moment.

Let us go back approximately six months prior to the state election of 29 November and reflect for a moment. Prior to those contracts being signed 170 days ago, the then opposition leader, now Premier, made it very clear that those contracts should not be entered into. There was no need to rush, accelerate or sign those contracts at that time. The contracts were signed eight weeks before the election was to be conducted and four weeks

prior to going into caretaker mode, when the then government would have been prevented from signing contracts.

The only reason that the government signed those contracts was for pure political effect. It disappoints me greatly that four weeks out from being in caretaker mode a government would gamble, play Russian roulette, with, over the life of the contracts, between \$7 billion and \$18 billion of Victorian taxpayers money for nothing other than trying to shore up its political agenda and build up its political history. Unfortunately its history was pretty empty without those contracts. Emptiness would have been a much better legacy to leave the Victorian people than saddling them with the ongoing \$18 billion debt and financial disaster.

Again, 170 days ago, four weeks out from being in caretaker mode, the then government signed the agreement. When the government was asked to release the contracts, it refused to comply with those requests. The then government refused to release any business cases, if there were any. It refused to release any contracts. It refused to release any toll costings, on the basis that they might scare people. It refused to release any meaningful and appropriate traffic data analysis. Let us not forget that at the time the modeller at VicRoads resigned his position on the basis that the modelling released was — how do I say this in a parliamentary way? — unsatisfactory. That is the first paragraph of the motion before members — that is, that those opposite are wanting the government to release contract documents that they signed, that they do not like and want to run away from. They were not prepared to release them at the time but now want the government to release them for no other reason than that they are somewhat confused. They must have been confused — —

Mr Ramsay interjected.

Mr DALIDAKIS — They must have been confused. I will try to be extremely generous and give opposition members the benefit of the doubt. For the life of me I cannot imagine that anyone would willingly risk between \$6.8 to \$7 billion and possibly upwards of \$18 billion of Victorian public funds in such a heinous political action. I am moving slowly through the motion.

Mr Ramsay interjected.

Mr DALIDAKIS — Having dealt with the request, I am nearly 12 minutes into my contribution and I am just getting started. It may be an inconvenient truth for

Mr Ramsay and other members opposite, but guess what? It is still the truth.

Looking at the contracts and what was said prior to the election on 29 November, the then Labor opposition was very well led by Daniel Andrews, which was subsequently proved at the state election when Daniel Andrews was elected Premier. It is my great privilege to pass him in a corridor and say, ‘Hello, Premier’ — and I take great delight in doing that. Prior to the election, he said unequivocally, ‘Do not sign these contracts. Labor Party members do not believe that this is the appropriate way forward, that this is the appropriate investment in infrastructure that Victoria needs’. We put out a different plan. At the time the current Prime Minister, Mr Abbott — I say ‘current’ because that is a movable feast every day in Canberra — claimed on radio that the coming election on 29 November would be a referendum on east–west link. The Prime Minister says he is a man of his word, but guess what? He lost that referendum. The Victorian people chose to go in a different direction.

It must be galling for those opposite to have experienced the election loss. I do not share their grief, but in my joy I understand their grief at now being in opposition. I ask them to reflect on that and on the Prime Minister’s assertion that the election was a referendum on east–west link. They clearly lost the referendum. They should get on with life and support the government’s agenda and mandate going forward in delivering on promises that it made.

The result of the referendum on 29 November was that the people of Victoria determined that they did not want to proceed with the east–west project. They determined that they wished to proceed with the agenda that the Labor Party put to the electorate and campaigned hard for every day leading up to the election and on election day. Here we are, some four months later, and opposition members — for some reason unbeknown to me, my colleagues and most other normal people — are still wanting to live in the history of the east–west project.

As has been discussed at length, the project raises some serious doubts, not the least of which is that it was going to return only 45 cents in every dollar invested in it. At times opposition members lecture members on this side on our ability to undertake commercial decision-making and on our experience in the commercial and private sectors. Given my background in the private sector, I put to the house that no private sector organisation would ever go forward with a project that was returning 45 cents in the dollar. No private organisation that I know of would go forward

with that. The lecture I get from those opposite on how the private sector would behave is completely lost when it comes to east–west link. I suggest that some of them go back to school and start learning some subjects such as economics 101 or supply and demand, because there was no demand for the east–west tunnel and there would be no supply and no revenue — hence the 45 cents in the dollar.

That is supplemented, by the way, by another inconvenient truth. The business cases released show that they had decided that to try to supplement the revenue streams they were not going to get from the east–west link project they would increase the tolls on existing toll projects and re-introduce tolls on projects that no longer had them. People who were going to use, for example, the West Gate Freeway would have had to pay for the cost of constructing the east–west link.

Those opposite were never honest with the Victorian people. At no stage did the then government, the now opposition, ever say to the Victorian people, ‘By the way, when we build east–west it is going to provide 45 cents in the dollar, and you will have to pay \$78 000 for a toll to go one way. Only 14 cars or trucks are going to use it per day. And by the way, we didn’t tell you that we are going to re-introduce tolls on existing roads’. None of that information was forthcoming. Why? Because they did not release it, and they did not release the contracts.

Fast forward to this motion, in which those opposite are calling on this government to release their own contracts. I put it to those opposite that if they are so desperate to see the documents, they should go and knock on the door of the member for Malvern in the Assembly. It is apparent that he, as the former Treasurer, has all the documents at his disposal because he has undertaken media conferences where he has revealed the side deal and other aspects of the documents. I say to members opposite that he is their colleague. If they are so desperate to see the contracts, they should just go and knock on his door and say, ‘Dear Mr O’Brien, please let me look at the contract; that is all I ask of you’.

The reason we have not released the contract at this point — and it is an important point to labour on — is that we are in the middle of negotiations to extricate ourselves from the contract, which was signed four weeks out from caretaker mode.

Mr Ramsay interjected.

Mr DALIDAKIS — We are trying to unscramble the egg that was scrambled by Mr O’Brien,

Mr Ramsay, Mr Dalla-Riva, Mr Drum and all their colleagues. They attempted to pull one over the Victorian people, and guess what? The voters never get it wrong.

Mr Ramsay interjected.

Mr DALIDAKIS — Read my lips, Mr Ramsay: the voters never get it wrong.

We are in the middle of negotiations. We are in the middle of trying to extricate ourselves from this hideous contract. We are trying to unscramble the egg. We are trying to do all of this as a direct result of the egregious behaviour of Mr O’Brien and his colleagues. They have effectively committed a financial misdemeanour that will hang over the heads of future generations of Victorians if we cannot extricate ourselves from the contracts, which is what we are trying to negotiate our way through at the moment. As we are working our way through this, I want to give Mr Ramsay a degree of confidence because he is very keen to see these documents and as a government we are keen to help all Victorians — including Liberal members of Parliament, because we also govern for Mr Ramsay. He might not like it, but we do. In fact we also govern for all those who voted for those members opposite and those on the cross benches, and we do so proudly and happily.

Ms Shing — And in good faith.

Mr DALIDAKIS — And in good faith. In the election campaign we said we would release the business cases and release the contract. The Premier has released the business cases, and he is in the process of working his way through negotiations in order to release the contract as well. As those negotiations go on — negotiations that are being undertaken in good faith — we wish to ensure that we get the best possible outcome for the Victorian taxpayer. That is now a burden that falls upon us and weighs heavily on our shoulders. The reason this responsibility weighs so heavily on our shoulders is that we take great care and concern in noting every dollar of Victorian taxpayer funds that are spent, and we need to be comfortable that this is an appropriate way of doing so.

It saddens me that we are in effect debating the misallocation of funds of upwards of \$18 billion for a contract that should never have been signed under good governance of public policy.

Mr Ramsay interjected.

Mr DALIDAKIS — I am going to take up that interjection. In trying to deflect attention from the issue at hand, members opposite try to throw up a whole

range of different issues from past governments. Let me point out that my children try to do similar things to deflect attention when they know they are in trouble. I tell them to take responsibility for their actions and to deal with whatever their concerns are at another point in time. I suggest that instead of pontificating and standing up and lecturing us, Mr Ramsay should apologise. It is a very difficult word for Mr Ramsay to understand. It starts with the letter 's' — sorry. It is cathartic, and I encourage Mr Ramsay to get it out of his system and apologise and say sorry to all the Victorians whose necks he has in effect put a financial noose around by having the former Treasurer sign a deal four weeks before caretaker government mode.

We are in the middle of negotiating to get out of this contract. We are in the middle of attempting to extricate ourselves from the financial pit that we are in. We are attempting to right a wrong that was committed. All members of the Victorian public feel a gross financial sense of disloyalty and betrayal. It is no wonder that those opposite are upset; if I had been a member of the backbench of a government that had signed this contract four weeks from caretaker mode, I would be upset about not having said anything.

Mr Ramsay — Backbenchers don't sign contracts.

Mr DALIDAKIS — Mr Ramsay is attempting to run away from the fact that the contract was signed by saying, 'It wasn't me! I didn't do it!'

Mr Ramsay interjected.

Mr DALIDAKIS — I appreciate that Mr Ramsay is now accepting responsibility for the position he finds himself in.

Ms Shing — It is not an apology, but it is almost.

Mr DALIDAKIS — My colleague is quite correct; it is not quite the apology that all Victorians want, but it is a start. The first act of redemption is to start on the pathway with your front foot first — left, right — then keep on walking. I encourage Mr Ramsay to do it.

The Premier has said that he will release the contracts. He said he would release the business cases, and he has done so. We are now in the middle of negotiations which preclude us from proceeding with the presentation of those documents at this point in time, as we are attempting, as I have said, to extricate ourselves from this financial mess. Importantly, Daniel Andrews and the Victorian Labor government are interested in proceeding with a full book of infrastructure projects, starting with the eradication of 50 of our worst level crossings — worst in terms of congestion and, sadly, in

terms of death. No one in this chamber is ever happy with even one injury, let alone one death.

We are pursuing our full book of infrastructure development with our progression of the Melbourne Metro tunnel — the original Melbourne Metro, which was developed prior to the previous government's somewhat dubious plan, which was drawn up on the back of a coaster. We have the same infrastructure book that Mr Ramsay is requesting that we provide for jobs and infrastructure. I invite Mr Ramsay in the spirit of bipartisanship — given his generous acceptance that he needs to walk down the pathway of redemption — to walk with us, hand in hand, as we try to make Victoria a greater place through our infrastructure build. Let us walk the path together.

Ms Shing — That is not a toll road, is it?

Mr DALIDAKIS — No, it is not a toll road. It is a road open to all the public to walk on, predominantly Mr Ramsay and his colleagues first and foremost, but one that we are all happy to walk on together.

Mr Ramsay interjected.

Mr DALIDAKIS — We all make mistakes in life, but it is a true person who acknowledges his mistake and moves on.

The second point of Mr Rich-Phillips's motion notes that the government's failure to comply with the resolution of Council is inconsistent with its election commitment for proper accountability to Parliament by the executive. That is a very broad note. I wish to park the discussion on the east-west link for the moment and spend a bit of time on the second point of the motion. Our election commitment to ensure proper accountability to the Parliament by the executive was headed by our election commitment to implement parliamentary reform.

It is important to talk about parliamentary reform as a commitment under this point because in the previous Parliament, the 57th, the then government, now opposition, held a working majority in both chambers. It had gone to the previous election with parliamentary reform as an election policy and commitment. Subsequent to winning control in this chamber it chose not to implement that parliamentary reform. The reason I refer to what happened in the past Parliament is not to do a disservice to those opposite but to highlight that in the election campaign before the 58th Parliament we also had a commitment to implement parliamentary reform. The difference is that on being elected, we proceeded with parliamentary reform as a policy that we wished to pursue, despite not having a mandate in

this chamber. It is important to reflect on the fact that it is courageous to continue with your policies when you are unable to guarantee their being passed.

What happened to our attempt to implement our policy on parliamentary reform? It was stopped. Our ability to implement our own parliamentary reform agenda was stopped by those opposite. I cannot comment on why it was stopped. I hope a future speaker from the opposition will be able to properly announce why those opposite chose to not support the government's implementation of its agenda. We chose to do it not because we had a mandate for this particular issue and not because we are a bunch of good people wanting to do good things but because we had the opportunity to introduce policy reform. Those opposite had the opportunity to implement their own policy reform agenda and refused to do so. We chose to attempt to do so, but we were not afforded that opportunity. The irony is that in this motion those opposite are effectively attempting to attack us for a failure to implement our agenda, when in fact we have been trying to implement it.

I said I would come back to the east-west project and how all this fits in. It would be great if the opposition were to walk with us on this particular pathway. We look at the issue of how we can extricate ourselves from this contract. We cannot comply with the directive to provide the contract pursuant to the first part of Mr Rich-Phillips's motion, as we are attempting to get ourselves out of the contract, which was — very clearly and well stated for all concerned — our election commitment.

I think those opposite can comfortably agree with us that that was an election commitment. They do not have to like it — I appreciate and respect that they do not like it — but nonetheless it was a firm election commitment that we would no longer continue with the construction of the east-west link project. If we work logically through the process of ceasing the project, then we need to negotiate to extricate ourselves from it. That is what we are doing. At this point we cannot release the contract until we have undertaken those negotiations.

I refer back to the most important part of that guiding principle for us, which is to extricate ourselves from the contract. If that is the primary objective of what we are doing, then all things flow from it, including the release of the contract as sought in this motion moved by Mr Rich-Phillips. As the Premier has said, we will release the contract at an appropriate point in time when it will no longer disadvantage this great state of Victoria

that the Labor Party represents. We will not do it in a manner that endangers the negotiation process.

The third point in Mr Rich-Phillips's motion 'affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, and the power to make standing orders under section 43 of that act'. That is not in question. When I say that is a sideshow — the main act, for want of a better term — consists of the actual contracts themselves. Everything that flows from the release of those contracts is encompassed in points 3, 4, 5 and 6 of the motion. The fourth point looks at the right of the Council to require the production of documents. That is absolutely the case. The fifth point says it is the firm opinion of those supporting the motion that the Council is 'entitled to scrutinise the activities of the government and demand accountability by the government'. I think we can all agree that these are wonderful and appropriate ideals to live by.

However, we need to come back to the first point. In trying to engender the outcome that we were very clear we would seek — that is, obviously, the cancellation of the contract — we cannot do so in good faith by releasing the contract while we are trying to extricate ourselves from it.

Mr Barber — Why not?

Mr DALIDAKIS — There was an interjection by Mr Barber, and I will tell him that the reason is good governance in terms of the negotiations with the consortium. Because of the contracts that the previous government signed — —

Honourable members interjecting.

Mr DALIDAKIS — Let us just work through this logically. The Liberal and Nationals parties were in government at the time, and they signed a contract that in effect bound future generations of Victorians to pay egregious sums of money to the consortium — between \$7 billion and \$18 billion, depending on which study you look at. They bound future generations of Victorians to that.

We are trying to extricate ourselves from a contract that we did not enter into, and we include in that, by the way, the side deal relating to the municipalities that were taking the consortium and the Victorian government to court at the time. We know now that the then Treasurer signed this shady, grubby side deal that would in effect hand over big wads of cash in a wheelbarrow, which would be pushed down Collins Street to wherever the consortium is located. In trying to extricate ourselves from that contract, which was not

of our choosing — nor of Mr Barber’s choosing — we need to negotiate with the consortium, and we need to try to reach an outcome that costs the Victorian taxpayer as little as possible. If we release the contract now, that may take away the ability for us to do that.

Mr Barber — How so?

Mr DALIDAKIS — Because as we are negotiating we wish to pull back from the fiscal cliff that those opposite have put us on — —

Mr Ramsay interjected.

Mr DALIDAKIS — Mr Ramsay might be finding it amusing, but I can assure him that future generations of Victorians saddled with \$7 billion to \$18 billion of financial liability would not find it so. Let us be clear — —

Mr Ramsay — You have lost that road to redemption.

Mr DALIDAKIS — You need to get back on the pathway to redemption, Mr Ramsay, because it is good for the soul.

To return to the east–west link, this is a motion that deals with privileges, immunities and powers, and the right of the Council to require the production of documents and to scrutinise activities. But do you know what it does not note? It does not note that it was a firm commitment of the then opposition, now government, to not build the east–west link. As a result, we are continuing on in our attempt to — guess what — not build the east–west link, because that is what we said we would do.

As a government we have chosen to meet our election commitments front on. We will honour our election commitments so that the people of Victoria can have confidence in the administration of the state and confidence that we say what we do and we do what we say. We are not like the conservative government in Canberra, nor are we like the conservative government that preceded us here in Victoria.

Before I end my contribution I ask you to indulge me, Acting President, as I take you on a journey via the Australian Institute of Company Directors (AICD). The last time I had the opportunity to talk about the east–west link I talked about the AICD’s 10 guiding principles of good governance. I am not going to take the house through all those principles this time because I wish to continue the debate in a fulsome manner, but it is important to note that AICD said:

Good governance underpins good conduct and the good judgement of those who are charged with running an organisation.

The previous government failed that test completely. As somebody who has a deep and abiding love of good public policy, it saddens me greatly that the former government would play Russian roulette with taxpayers money four weeks out from going into caretaker mode for no other reason than to politically grandstand on a project that we believe people did not want. The Prime Minister believed they did want it, and subsequently he said that Victoria’s election was going to be a referendum on the east–west link. But guess what? The coalition bet on black and red won. They bet against the people of Victoria when they voted, and voters do not get it wrong.

As we try to extricate ourselves from this contract, it is important that we do so in a spirit that is unhindered by those opposite. It is important they no longer try to interfere in the process we are undertaking, because it is a process of continual negotiation. We are trying to get through this process in a spirit of good faith. We want to reduce the liability of between \$6 billion and \$18 billion facing every Victorian man, woman and child of both current and future generations. We are trying to do the right thing by all those people in attempting to stop this ridiculous process. We are not releasing the contracts while we undertake these negotiations.

I conclude my contribution with my point about the guiding principle of good governance. We are trying to do our best by the Victorian taxpayer. We are trying to do the best for the people who voted for us at the last election, because they gave us the great honour of serving in government at their pleasure. One of our election commitments was to not build the east–west link. We are attempting to fulfil that commitment, and to do so we obviously need to negotiate with the consortium that won the contract at the time. The previous government and the previous Premier and Treasurer shackled the Victorian taxpayer to a deal that fails every probity and good governance test, and every decency test. I conclude my contribution with those remarks. Members should not agree with this motion.

Mr DRUM (Northern Victoria) — This motion is very narrow, and my contribution is going to be brief. Four days before the election, on Neil Mitchell’s radio show, Daniel Andrews said that if he were given the great honour of leading the state as a result of winning the election on Saturday, 29 November, everything would become irrelevant in relation to the east–west link contracts because they were not worth the paper they were written on. He also said he would release

those contracts the following week. Neil Mitchell kept saying to him, ‘How can you be so sure you are going to release the contracts next week when you haven’t seen the contracts?’ Daniel Andrews said that it did not matter, because if he were to be given the great honour of leading the state following the election on the following Saturday, the contracts would be released the next week.

Daniel Andrews said Labor would release the side letter and the business case. Everything else was irrelevant. Daniel Andrews knew about the side letter and he knew about the contracts. He had no legal regard for them. He said he would release them the week after the state election. Neil Mitchell came back with the question that if he did not release them, would he resign? Daniel Andrews went silent; he would not quite give that assurance. One minute he was saying he was staking his life on the fact that if given the great honour of leading the state after the election, he would release the contracts. He said the very first thing he would do would be to release the contracts to the Victorian people. Now Daniel Andrews refuses to do it.

Mr Jennings, Mr Dalidakis and all the other Labor speakers are using the side contract as some kind of surprise, saying there is a legal contract that needs to be negotiated. All this negotiation was not going to happen under Daniel Andrews. He swore time and again that if he were given the great honour to lead this great state, he was going to make these contracts available to the Victorian people the very next week. He guaranteed it. He gets elected, and he does not do it.

Mr MELHEM (Western Metropolitan) — I am pleased to rise to speak in the debate on the motion. I did not think we would revisit this matter after dealing with it in a previous sitting week. The motion again talks about the accountability of government, cleaning up the Parliament, democracy, honesty, election commitments, section 19 of the Constitution Act 1975 and standing orders. All of these points were raised by Mr Rich-Phillips when he moved the motion. I intend to talk about the body of the motion and refrain from engaging in the broader issue — I will try anyway.

As Mr Jennings, the Leader of the Government, stated in his contribution, if we consider paragraphs (1) to (6), we really do not have much disagreement about the bulk of the content of the motion. We believe it is right for the Council to seek the production of documents. We believe in government accountability. In fact when the Andrews government was elected, the first thing it did was reform the Parliament by introducing new sessional orders to make ministers more accountable, to

make the Parliament and the whole executive government more accountable and transparent.

Unfortunately the same cannot be said about the previous government. We do not want to be lectured about accountability and transparency when the former government did not apply that standard and resisted many requests in the past for the release of the east–west link business case and contracts. I recall arguments in this place about the former government’s failure to release these documents. The only thing it released was half a dozen pages of nice pictures.

We enjoy democracy in this country, and every four years Victorians go to the polls and vote in state elections. Sometimes a government is re-elected and sometimes it is replaced. This time around the Victorian people voted in a new government and kicked the former government out, and one of the main pillars of that election was the east–west link project. No-one can say this issue was not out there; the then opposition’s policy was clear. The Premier made a commitment to release documentation relating to the east–west project.

The first thing we released was the business case — something the former government had refused to do. The next stage was the release of the contracts. However, as we began to go through that process, we discovered that the former Treasurer had been responsible for a letter promising the consortium that it would be looked after whether or not Labor cancelled the project. That would be an irresponsible and stupid action on the part of any government or Treasurer — or indeed any person in business. The coalition gave the consortium a blank cheque, knowing full well from consistent polling that it would not be re-elected. It wanted to look after its mates, and that is why we have this letter.

We have not said we are not going to release the contracts. We have simply said that we are in the middle of negotiations with the consortium for the cancellation of the contracts, in line with our election commitment and respecting the will of the Victorian people. Should we release the contracts now, it would compromise those negotiations, and on top of the costs already incurred for this project — which are in the tens of millions of dollars — we could be liable for an amount of well over \$1 billion. The other side is always telling us that the coalition is good at economic management. If that were true, it would have held back.

I understand that the government and the coalition have fundamentally different views on the east–west project. The coalition can attack the government on whether the

project should go ahead or not — that is its position, and I respect it for that. But it should have some respect for the Victorian people. Those opposite are about to help their mates rip off the Victorian taxpayers to the tune of hundreds of millions of dollars. That is irresponsible. It would be one thing if the coalition really wanted to see the contracts, but this motion is not about transparency or holding the government to account.

When the original motion was resolved on 11 February it requested that all documentation be produced the next day. If the request had been fair dinkum, it would have given a reasonable time period. This is about political gain, headlines in the *Age* and the *Herald Sun* and more ammunition for the consortium to use to drive a hard bargain. This is a matter of cheap, dirty political gain, and those opposite should be ashamed of themselves.

Under the standing orders Mr Rich-Phillips, as the mover of the motion, could have asked for the contracts to be made available to him rather than released to the public. That would protect taxpayers by strengthening the position of the Victorian government in negotiations with the consortium. He could have asked that the documents remain private and confidential until negotiations are complete. Mr Rich-Phillips did not choose to do that. He could have chosen to do that. Standing order 11.03 gives him that option. He did not choose to take that path, because his interest is not as a member of Parliament moving a motion to seek the tabling of a document in the Council. He just wants to flash it out there. Yet the coalition saw fit to release the side letter. I am sure it has a copy of the contract and could have released that as well. Thank God it did not. It should be released, and it will be released — after the negotiations with the consortium have been concluded.

The motion also notes that if the government fails to comply with the resolution, then certain action can be taken against the Leader of the Government. I will come back to that in a moment.

I turn now to paragraph (2), which notes ‘that the government’s failure to comply with the resolution of the Council is inconsistent with the Andrews government’s election commitment to proper accountability to Parliament by the executive’. As I have said and as the Premier has said a number of times, we are going to comply with our commitment and we are going to release the documents. The question is when. We are not breaking an election commitment, but the coalition does not like the timing of the release.

In paragraph (6) reference is made to taking action against the Leader of the Government. Again this is a stunt. If the motion gets up, there will be a song and dance with nice photos for the media and talk of taking action against the Leader of the Government. It looks good in the paper; it looks as if those opposite are doing something. But then there is the process for this, which is outlined in the standing orders. When there is a disagreement or the government does not comply with a request for the production of documents, the mover of the motion can, for example, explore the option of getting a legal arbiter to work through that issue. That option has not been explored, because I do not think the coalition is interested in doing that.

The motion basically says that if the government does not tender the documents by midday tomorrow, those opposite are going to take action against the Leader of the Government. It is a political stunt. If they want to do that, that is fine. We will deal with it. But it will be on their heads when the consortium walks away with hundreds of millions of dollars because of their actions. Those opposite should be doing the right thing, respecting the Victorian verdict on the project and making sure they are assisting the government in its negotiations with the consortium to minimise the damage — not the other way round. They should be doing the right thing by the very people who are paying their salary and mine.

The coalition parties want to win another term in relation to the project. There is an election coming up in November 2018; they can have another go then. But at the moment the Victorian people have voted to reject the project and have given a mandate to the Andrews Labor government, part of which was the cancellation of the project and part of which was to minimise the compensation bill that may be payable to the consortium. As I said earlier, the release of the side letter did not help. At the very least those opposite could try to redeem themselves by doing the right thing and assisting the government and its negotiating position. But obviously they are not interested in doing that. It is only money. It is going to their mates, so it is fine. Some of that money may find its way back as donations to the Liberal Party!

It is nothing but a political stunt. It has nothing to do with accountability and transparency.

Mrs Peulich interjected.

Mr MELHEM — That is not the argument. I respect the right of coalition members to continue to argue for the project. I have no beef with that. They can continue hammering the Labor Party and others about

whether the project should go ahead. I get that. I accept that. It is their right to do so. It is my right to have an alternative view. That is not the issue. The issue here is about forcing a government to table a sensitive document when it is in the middle of negotiating with the consortium how that contract can be changed. Coalition members do not care, because it is not coming out of their pockets, it is coming out of the pockets of taxpayers — the very people who voted them in. But those opposite do not care about that. It is not coming out of their pockets. But guess what? Victorians will be paying that money.

For that reason the government cannot and will not support the idea behind or the reasons for putting this motion on the table. We accept that the Council has a right to request a document. That is not in dispute. The only issue in dispute is whether or not the document is released at 12 midday tomorrow or at the right time, which is when the negotiations with the consortium have been concluded. The main reason behind that is to protect Victorian taxpayers and to minimise the damage to Victorian taxpayers. That is the only difference between the government's position and that of the opposition. I hope members on the crossbenches can see that and see through the actions of the reckless opposition, which will basically wreck our chances of minimising the damage to taxpayers.

Mrs Peulich interjected.

Mr MELHEM — Whether or not that decision is right, the fact remains that the opposition is going to cause taxpayers to pay an unnecessary amount of money — in the hundreds of millions of dollars. That is basically what it is doing.

I hope members will vote against this motion. It is not about voting against the spirit or the intention of the motion; it is about the deadline created by this motion, which is to produce a document by midday tomorrow. That is the only difference we have. There is no argument about whether or not the document should be tabled. That is not in dispute; we are in agreement on that. The question is whether it should be midday tomorrow or when the negotiations with the consortium have been concluded. With those remarks, I conclude my contribution.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In responding briefly to some of the remarks made in the course of today's debate I will start with Mr Melhem's comments, as bizarre as they generally were. I will pick up his reference to the proposed release of the contract in accordance with the order of the Council of 11 February and today's motion

if it is supported. Mr Melhem referred to the release of the contract as putting the consortium in the driver's seat. What Mr Melhem ignores in that commentary and in the government's rhetoric that somehow it will advantage the consortium is the fact that the consortium already has the contract. It is a party to the contract. The public release of the contract does not give it any information that it does not already hold and is not already acting upon as part of the negotiations.

We reject that assertion as an absolute farce, because the consortium is a party to the contract, it has been negotiating that contract with the Victorian government since this government decided to rip it up, and the public release of that contract will not give the east-west link consortium any information it does not already hold.

On the more substantive matter, being the rights and privileges of this house versus the Victorian government, Mr Jennings in his contribution this morning as Leader of the Government indicated the government's broad support for this motion. He conceded that the government has failed to comply with the order of 11 February. Mr Jennings indicated his support of the assertion that this house has the powers, immunities and privileges set out in the Constitution Act 1975 and as established through previous motions with respect to documents in this Parliament and as established by parliaments elsewhere in Australia. He quibbled with the issue of whether the house should affirm its right to require the production of documents, and in doing so he indicated the government's view as to a constraint on that capacity to require the production of documents.

Mr Melhem in his contribution referred to the standing orders and the mechanism which exists in the standing orders for the resolution of any dispute around the production of documents. I say to Mr Melhem, who holds that standing order up as an example of what the house should be doing, the house can only act on that standing order around the resolution of a dispute over documents if the government in the first instance complies with the original order, which the government has failed to do.

What we have now is a situation where the government is basically saying that its judgement should take precedence over the legitimate acts and orders of this Council, an order made legitimately by this Council in accordance with this Council's powers and capacities under the Constitution Act. Mr Jennings is saying that the judgement of the government should take precedence in this matter and that allowing the

government to respond in the way it chooses, when it chooses, is the way the Council should now proceed.

I say to the members of the Council this afternoon that we have a responsibility as parliamentarians to ensure that this government is held to account for its actions, that it does what it says it will do and that it protects and upholds the powers and immunities which have been vested in this Council by its constitution. The decision we face this afternoon is whether we allow the government to walk over the Council in a way of its choosing, delivering and addressing this issue in a time frame of its choosing, or whether we require the government to be responsive to this Council and in doing so be responsible to the people of Victoria through complying with the order that was made on 11 February.

This motion today recognises that order. It recognises the powers and privileges of this house, and it restates the order. It gives the government and the Leader of the Government another opportunity to comply with that order for the production of documents. I urge all members of this house to recognise the powers and privileges of this Council and, in their vote this afternoon, to uphold the powers and privileges of this Council in holding this government to account.

House divided on motion:

Ayes, 24

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

Noes, 14

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

Pairs

Nationals vacancy	Leane, Mr
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Motion agreed to.

**MINISTER FOR SMALL BUSINESS,
INNOVATION AND TRADE**

Ms WOOLDRIDGE (Eastern Metropolitan) — I move:

That this house —

- (1) condemns the Minister for Small Business, Innovation and Trade, Mr Adem Somyurek, MLC, for his mismanagement of the Easter Sunday and grand final eve public holidays which will impose a huge cost on Victorian small businesses and on services provided by the public sector; and
- (2) notes that, in relation to the new Easter Sunday and grand final eve public holidays, the minister —
 - (a) failed to take any responsibility for Labor's failure to cost the 2015 Easter Sunday public holiday in their financial statement, instead blaming the Treasurer;
 - (b) failed to answer any questions in Parliament regarding the impact and cost to metropolitan and regional Victoria;
 - (c) gazetted the 2015 Easter Sunday public holiday prior to the announced regulatory impact statement being made available for public consultation;
 - (d) failed to provide answers to Parliament during question time, instead calling on the opposition to 'google' answers;
 - (e) failed to acknowledge the extensive community and business concerns regarding the implementation of new, additional public holidays;
 - (f) failed to rule out cuts to services to cover the unbudgeted costs of the new additional public holiday; and
 - (g) has failed to recognise that his first action as minister has been to impose a huge cost on Victoria's small business community.

I am pleased this afternoon to speak in the debate on my motion. The heart of this motion is about the performance of the Minister for Small Business, Innovation and Trade, and it is disappointing that he is not in the chamber to engage in this debate. The information in the motion is set out in quite some detail, but I am sure there is a whole lot more that will be added.

I know there are many members who would be interested in contributing to this debate because the fact is that Victorian small businesses are at the heart of what drives our economy in Victoria. They are absolutely vital to Victoria's economy, to Victorian jobs, to Victorian communities and to Victorian families. It is vital that we have in Victoria a minister

who is an advocate and a champion, who can be at the cabinet table advocating and arguing for outcomes that benefit small businesses in regional and metropolitan Melbourne and who is a top-class, top-notch performer in the role as Minister for Small Business, Innovation and Trade.

The challenge is that in just over 100 short days we have seen very clearly the failure of this Minister for Small Business, Innovation and Trade. He has failed in this Parliament, he has failed in the community and he is failing the small business community. He is not doing the job he needs to do for such a vital part of the Victorian community. That is why this motion is so important today. The motion is about the failure in the minister's performance. It is about how he has failed in so many environments. This motion is warranted to raise the very significant concerns that have been expressed, not only in this chamber but beyond, in terms of his performance in this vital portfolio. I will take members through what has so far been demonstrated by the minister.

We know these were election commitments of the former opposition, and one of the first things the minister has been very keen to do is blame everyone else. He has blamed the Treasurer in terms of costings. He has blamed the former shadow minister in terms of the failure to cost the Easter Sunday holiday. He has been very quick to pass on to anyone other than himself ownership of the responsibility he has in his ministerial portfolio.

We have seen his failure to answer even the most basic questions, resorting to trotted out lines with regard to election commitments. He has failed to acknowledge the substance, the breadth and the very significant issues raised in question time, always resorting to the excuse that the fact that it was an election commitment means that all the other issues raised are irrelevant and that is all that is going to be pursued. There is a very high level of concern. Let me run the house through those concerns on a series of different levels.

Firstly, there is the issue of failing to cost the 2015 Easter Sunday public holiday. There are two sets of costs here. There is the cost to the Victorian public sector and the cost to the broader Victorian small business community. When we asked about the failure of the minister to fund the 2015 public holiday that he had gazetted, he said:

I would like to confirm that there will be an Easter Sunday holiday this year.

There was a failure to acknowledge that the funding allocation was zero, and when pushed further he actually said:

Clearly that is a question for the Treasurer.

A budget update was tabled in Parliament on the first sitting day of the new Parliament last December. In that update multiple items were listed — things that were not in Labor's financial statement prior to the election and that required funding — but the holiday was left out. It would have been in the red book. The departments sift through all election commitments from both sides and provides advice to ministers, so clearly this minister has failed to realise and understand that by not costing and allowing for the funding of that Easter Sunday public holiday that he was about to gazette, he was putting public sector agencies at risk of a significant funding shortfall. This is an absolute failure not only to get it done but also to take responsibility for it, by passing it off to somebody else. The minister clearly could have resolved this failure that occurred when Labor was in opposition developing its own financial statement, but once again the minister failed to ensure that this happened.

The second area is the significant number of questions about the impact and cost to regional and metropolitan Victoria of these new public holidays. Time and again the minister has failed to answer these questions and has responded in a range of different ways. He has said:

If workers are required to work on these days, they should receive fair compensation.

That is fair enough, but it does not answer the question that was asked about the cost to the Victorian economy and Victorian businesses. We also asked about the AFL Grand Final eve public holiday and its cost to regional Victoria. Regional councils and regional businesses across the board have come out saying that the impact on regional Victoria of a holiday that is for people in Melbourne will be quite dramatic. The minister's response when asked about the cost to regional Victoria was:

... it is an election commitment, and grand final Friday will be a public holiday in Victoria in 2015.

These are easy lines — prepared in advance by the minister's staff — to trot out, but he has failed to understand the substance of the issues raised and respond to them effectively in Parliament.

When in February we asked about the cost impact of the grand final public holiday on Victorian small businesses — at the heart of his own portfolio — and

whether that was greater than \$800 million or whether the minister did not know, the response was:

... 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 ...

We actually asked a question about the cost. What we clearly have is a minister who does not understand what the cost is to his own portfolio of the holiday he has gazetted himself. He has failed to seek that information, and he has then failed to be able to advocate effectively because of the dramatic cost that it will incur.

Just yesterday the minister was unable to name a single regional chamber of commerce or association that supports the grand final eve public holiday. The support is not out there, but there is very significant concern because of the dramatic cost it will incur right across the board — particularly in regional Victoria, where the grand final is watched on television and seen from a distance. Having said that, of course some country people choose to come down to Melbourne for the parade, and it is great that they can do that. We are not against football, as is sometimes said across the chamber, and we are not against the parade, but we are against the dramatic impact that the cost of the public holiday will have on small businesses right across Victoria.

In relation to the issues of impact and cost, we also sought to clarify the minister's understanding of the costs for the public sector. The minister's statement on this was:

Think about those frontline workers, such as emergency services workers, policemen and nurses, who have to work on Easter Sunday ... those opposite are asking these people to work on Easter Sunday and not be fairly compensated.

The minister not only made that statement but when subsequently asked about it backed it up and said he supported it. However, what we know and what the minister clearly did not know is that the Victoria Police enterprise bargaining agreement (EBA) does not entitle police officers to additional entitlements for specific public holidays, as working public holidays is an expectation that is already built into their standard remuneration. What we clearly see, time and again, is that the minister does not understand the substance and impact of the policy he has implemented, yet he charges on regardless, performing the lines he has been provided with and trying to manage the situation when he is asked questions about it.

The issue of gazetting the public holiday before a regulatory impact statement (RIS) has even been

commenced — and therefore allowing no public consultation and no information — is another significant failure of the minister. On 16 February the minister gazetted the Easter Sunday public holiday. On 17 February it was listed in the *Government Gazette*. On 26 February the minister was asked:

Given the Victorian Competition and Efficiency Commission has no publicly available documents on the regulatory impact statement and the minister's own department, could the minister now provide details as to when these will be made publicly available?

The minister's response was:

The process commenced on 4 February.

When the minister has been asked about when the RIS will be released, the heart of so many responses has been: 'Well, everyone will get to have a say'. The fact is that the minister said the RIS would be released after it had been completed — thank you very much — the implication being that that would be in the middle of the year.

We therefore have the assessment of the impact — through the regulatory impact statement — being provided to the public for consultation well after the public holiday has passed and well after the cost it imposes on the public sector and on Victorian small businesses has already been incurred. It is an absolute failure of process, and it really raises some significant questions about why this process has been so rushed in terms of the 2015 Easter Sunday public holiday. There has been no regulatory impact statement, no funding and no understanding on the part of the minister. Surely the minister should understand the impact, the extent and the cost of the policies he implements.

One of the early answers the minister gave in question time in relation to these issues came when he had been asked in regard to the grand final eve public holiday what would be the cost to regional Victoria — a very fair and reasonable question. The minister said:

If the member bothers to look it up, he will see there are figures. He should get onto Google and put his question in and he will see Labor's financial statements. He will find the set of figures there.

What an absolute joke. I know the minister might be googling — he always has his iPad and is always quickly typing on it, though whether it is into Google or whether it is to find an email from his staff before he answers these questions is unclear. The minister suggesting, after being asked directly a question about the cost of his policy to regional Victoria, that this chamber's members google an answer is an absolute joke. Funnily enough — none of this is funny, but

strangely enough — I think that within a couple of responses of that one, perhaps the next day, the minister accused the opposition of pulling things out of thin air. What we had done was exactly what the minister had suggested, which was google the answers. Google knows more about this policy area and the implications and costs than the minister knows himself. It is an absolute disgrace.

The extensive community and business concerns are an area that very clearly has been another gap in terms of the performance of the minister. What we are continually told in responses to us is that the minister has not been provided advice by the department, that the minister has not met with anyone and that the minister has not consulted to try to get input. It does not take much to find out about this issue. There is an extensive list — and I will go through some of them — of small businesses and associations with concerns; they are people who come directly within the minister's portfolio area who have made it very clear that this is a disaster for business and that this is subsequently an issue.

Let me just touch on a few. On 17 February the Restaurant and Catering Industry Association said:

The proposal to gazette Easter Sunday as a public holiday is of grave concern.

Ray Good, the owner of Hooked fish and chip shops in Melbourne, said his businesses would not trade during the day on Easter Sunday for the first time in almost a decade. National Retail Association chief Trevor Evans warned the new holiday would mean the retail sector would be 'basically shut for four days straight'. On 18 February Gift Hotel owner Joy Molan said the move was absolutely ridiculous and potentially crippling for regional businesses. StawellBiz president and Waack's Bakery owner Chris Waack said the timing of the announcement, a little more than a month from Easter, was ridiculous.

The list goes on. These are people who work on the front line. These are small business owners who are every day putting in to deliver a service to the Victorian community, to provide for their families, to provide jobs for others and to make a difference and a contribution to their community.

Ms Shing — Are they members of the Liberal Party?

Ms WOOLDRIDGE — This minister, who has direct responsibility, is harming them in his actions. He does so wilfully. Not only is he saying he has not been advised on the issue — and one of the things you learn

as a minister is that you have to go beyond the advice the department provides you — but he does not listen to the clear voices of the businesses and associations he represents, whose members are saying this harms businesses, harms jobs and is ridiculous in terms of the way it has been implemented.

The list goes on significantly. Pat Flynn, from Flynn's of Wangaratta, said he could not understand the government's decision. He said:

It's a waste of time ... I don't think we need it, certainly not in the country.

Ms Shing — Is he a member of the party?

Ms WOOLDRIDGE — He is also concerned about the negative impact it has on business.

Business Wangaratta said the government needed to focus on implementing policies that would enable Victoria to be competitive, prosper and grow.

Ms Shing — Lots of Liberal Party members there.

Ms WOOLDRIDGE — It said:

We urge the government to support businesses to employ rather than impose additional costs that are not aligned with productivity gains.

There are interjections coming from the other side of the house with an implication that these comments come from Liberal Party members and that somehow this is a narrow group that is not representative. This is exactly the issue. Frankly not only does the minister not hear this, the Labor Party is not hearing it. This is from grassroots businesses whose members have been working their hearts and souls out to make a difference for their families, for other families and for the community, and those opposite just ignore them. They are flippant about them. They are disrespectful of their genuine concerns about an issue and an action of the Labor government that is going to have a dramatic impact and drive up costs of businesses.

Ms Springle — Just how you talk about the unions.

Ms WOOLDRIDGE — One of the things about small businesses, of course, is that many of them are not unionised. These are small business owners who through the sweat from their own backs are providing for jobs, for family members and for community members, and making a difference. These are the heart and soul of the Victorian community, and they are the people this Labor government is directly affecting.

I turn to the editorial of the *Sunraysia Daily* — and I do not think those opposite will be suggesting that the

editor is also a member of the Liberal Party. The editorial says:

Easter in Mildura is traditionally one of the busiest times of the year for our hospitality and retail trades.

Thousands of people head to our region to enjoy a huge weekend of sport and the last of the 'summer' sunshine.

How many of our hospitality businesses and retail businesses will just not bother to open on Easter Sunday because of the added cost?

What damage will that do to the opinion visitors have of our region and of our Easter weekend?

For his part, Restaurant and Catering Australia chief John Hart said, 'It's going to be anarchy'.

Lino Scidone, the owner of a Southbank restaurant, La Camera, said he was seriously considering closing his business on the new public holiday; alternatively he would have to charge customers an extra 10 per cent. He said:

Ten restaurants a week are closing — the one next door shut last week.

He also stated:

It will get to the point where people will come into the city and have nowhere to go. They're just making it harder and harder.

This is a series of examples of comments from associations and directly from small businesses themselves. The fact of the matter is that the minister has closed his ears. He is not listening to what those at the heart of his own constituency are saying about the dramatic impact of his and the Labor government's policies on small business.

Just yesterday, as a further example of the failure to listen and consider and mitigate some of the impact, the minister ruled out the option of having a substitute public holiday for regional Victoria. That happens for the Melbourne Cup. It is a Melbourne-based race which attracts people from all over the state and the country and internationally, but we have a substitute holiday for that for regional Victoria. We know that if there is to be a public holiday sometimes people in some areas want to make their own decisions about what actually works and is in their community's best interest. That has been ruled out by this minister, once again demonstrating a very narrow, blinkered view in terms of what is good for the state rather than listening to those who are directly affected by it.

Another thing the minister has done has been to fail to rule out cuts to services to cover the unbudgeted costs of the new additional public holidays. The message is

always that the holidays will be dealt with according to the normal budget processes. As I have said, the fact is that in just two weeks time Easter Sunday will be a public holiday that the minister has gazetted, and that will impose a significant additional cost on the public sector workforce, with no money from the government to fund it in this particular case. People who work in hospitals, disability providers, the child protection workforce, emergency service workers and others in a range of areas do vitally important work every single day. The service providers will have to make the decision on what they cut to pay for the government's new public holiday because there is no funding for it.

Members are told that the matter will be dealt with in the 2015–16 budget process. That is all well and good, but the fact is that that does not start until July or at the earliest in the May budget. There will be a holiday in two weeks, well before the budget. At this point in the financial cycle, organisations are frankly trying to work out how they will meet their budgets. Public hospitals particularly have what tend to be net zero budgets, as their expenses directly match the revenue they receive. The state government is imposing on them tens of millions of dollars of costs. It is not good enough to say, 'Sorry, we're going to deal with it through the budget process', because the service providers will have to make decisions about which services are cut as a result of the absolute failure by the government to cost its own policy. When pushed further, the minister always goes back to blaming someone else. He says, 'These are matters for the Treasurer' or 'These matters should be addressed to the Treasurer of Victoria, Mr Pallas'.

There is no doubt that this policy is having and will have a dramatic impact on small businesses in Victoria. Over four sitting weeks there have been numerous questions on the matter. I must say that members on this side thought the minister might improve as time went on, as he understood a little bit or at least sought to get some advice in relation to it, but nothing has changed. It is a culture of handing it off to someone else, blaming someone else, saying that it will all be right because it has been done now or it does not matter anyway. The minister is not trying to manage the dramatic impact it will have. Most importantly, the minister is failing to understand and learn and listen to the people who have a view about this holiday.

At its heart there is a dramatic cost to the Victorian public sector, but the significant cost is to the Victorian small business community. The additional penalty rates that come from having a public holiday on Easter Sunday and on grand final eve will not mean an increase in jobs or in effectiveness and service provision but will mean that businesses will be closed.

They will be shut, so the people in them will not work. In fact, one small business owner told me that he will get his family to work. Because the cost will be so exorbitant, he will ask his family to work so that he can get through. The objective is to provide people with the opportunity of having family time together, but for some small businesses there will be exactly the opposite effect. They will all be sent into business so that they can work, rather than the alternative.

Ms Shing interjected.

Ms WOOLDRIDGE — In the tourism sector, people who go away to regional Victoria will find that the restaurants and shops will be shut because of the impost of the additional public holidays. The message that is coming from small business time and again is exactly that this will be a huge cost on the Victorian business community. These holidays will mean that Victoria will have public holidays well in excess of the number in any other state. I believe that we will have 13 public holidays. The next state has 11, which is what we have had in the past. So we have always been at the top of the table of the number of holidays but now we will be well beyond it. These public holidays will have a dramatic impact.

The motion seeks to highlight the absolute failure of the small business minister to represent his constituency, to advocate for its members on their behalf and to seek to mitigate the very dramatic impact of the policy the government has committed to and now implemented. He has failed to understand the core issues associated with the policy. I commend the motion to the house. It seeks to support people in Victorian small businesses in the vital work they do every day for their communities, for jobs, for their families and for the economic prosperity of this state.

Mr MULINO (Eastern Victoria) — One can only describe this as a quite petty and unfair motion. I will talk first and briefly about some of the petty aspects. Then I will talk about some of the more substantive issues. All of them are unified in the sense that they are deeply flawed.

The petty aspects reflect an almost obsessive-compulsive, unhealthy obsession with public holidays and costs, with elements of process and with selective misquoting. In addressing each of the subparagraphs (a) through to (g), as I will in my contribution, members will find that the minister has addressed all these matters very clearly and thoroughly. Opposition members do not like the fact that the minister has answered in the same way the same questions that those opposite keep asking

repeatedly in different forms because they do not like the answer the first time. They get frustrated when he keeps giving them the same clear answer.

Let us first look at perhaps the most petty subparagraph, (d). The minister ironically suggested that members opposite might google something. In part he was referring to the fact that on a number of occasions members opposite just had not done their homework on this issue.

Honourable members interjecting.

Mr MULINO — For members opposite to ask this house to spend time on such pathetic selective quoting of an answer and for them to condemn a minister because of an ironic quip to lazy members opposite shows just how low things have sunk when it comes to this issue.

Let us look at another petty aspect of the motion. Subparagraph (a) refers to the minister blaming the Treasurer. We have had a number of instances of members opposite, either incompetently or wilfully, asking questions relating to matters outside the portfolio responsibilities of ministers. In the first couple of weeks there were many instances of members asking questions that were clearly outside the portfolio responsibilities of ministers. One of the clearest examples was a question to the Minister for Small Business, Innovation and Trade. He was asked about matters in other portfolio areas and how they would be accommodated in budgets and about budget processes.

Ms Wooldridge, who just spoke, is seriously asking us to criticise the minister for small business for what might or might not have been included in the budget update. Is that anything that could plausibly be considered to be in the responsibility of the minister for small business? The minister said that that question was something more properly answered by the Treasurer, who signs off on the budget update. Apparently that is a matter of blaming the Treasurer, rather than what the minister for small business was actually doing, which was to correct an error on the part of those asking those questions.

As I said, it might be mischief; there might be some strategy on the part of those opposite to try to get government ministers out of their comfort zone. I do not know what the strategy is. It has not worked so far, but there might be some thought behind it. Or perhaps it is a combination of some strange strategy and incompetence because they do not know what falls within different portfolios. The notion that the Minister for Small Business, Innovation and Trade should be

answering line by line what is in the budget update is laughable.

Let us have a debate about that document separately. Let us hear complaints about whether or not this or that line item should have been in the budget update or should have been reported in the budget proper, and let us have discussions about the budget process. However, the notion that the Minister for Small Business, Innovation and Trade should be criticised because he rightfully asked the responsible minister in the other place to answer the question is utterly laughable. Again, it is entirely appropriate for the Treasurer to answer questions about an initiative that has whole-of-government consequences and how it is going to be accommodated in the budgets of different departments. It is not something for the Minister for Small Business, Innovation and Trade. There was no evasion; it is entirely good practice.

Then I look at subparagraph (c). Apparently the minister is being criticised for gazetting the 2015 Easter Sunday public holiday prior to the regulatory impact statement (RIS). Again, there is an incredible pettiness, an obsession with process and a compulsive obsession with finding fault. Imagine what would have happened if he had not gazetted it! We would have had some motion here saying we had failed to deliver a promise in a timely way when it would have been so easy to be gazetted. You can just imagine what those opposite would put in this kind of motion. The minister has clearly stated on a number of occasions that this was a crystal clear election commitment. We are gazetting the 2015 Easter Sunday public holiday in a timely manner. We are gazetting it well in advance of the public holiday so there is certainty for business and public sector organisations. We are delivering on an election commitment.

In this day and age, when governments are rightfully criticised in the community if they do not keep election promises, this government keeps one in a timely manner, yet it is criticised on little niggly bits of process. Apparently for every single act we do we are supposed to wait for some fully formulated RIS to come through. What a ridiculous way for a new government to act.

Subparagraphs (a), (c) and (d) are about little niggly, petty matters that really do not warrant the attention of this chamber, and we should not be dignifying this kind of motion with detailed examination. However, unfortunately because it has been raised, inappropriately, in this chamber we have to go through these elements.

Subparagraph (b) gets more to the substance of the issue, that apparently the minister did not answer questions regarding the impact and cost. In this case rather than a petty obsession with process it is something even worse. This is a one-sided obsession with the costs, to the exclusion of sensible public policy consideration in this instance. Yes, there will be some costs, but as with all public policy it is a matter of weighing the benefits and the costs. What we have here is almost a visceral kind of knee-jerk reaction from those opposite against this kind of policy. It is a visceral reaction against an additional public holiday and against something that might benefit workers. There is an obsession with raising costs from various stakeholders that we see so often and an ideological obsession with things like penalty rates and how any kind of improvement in workers conditions is going to lead to the sky falling in.

I just want to outline a bit of context on this one because it is really important to provide context on the costs and benefits here. On a number of occasions in answering these questions the minister has mentioned that this is not a question of just identifying costs; we have to look at the benefits and the costs if we are to truly weigh up whether this policy makes sense. When I look at a model for what makes sense in terms of workplaces and work-life balance, I start from a common-sense presumption, which is that there is benefit to wages and material conditions improving over the longer run. That is why we want productivity growth.

Australia, like most developed economies, has experienced substantial improvement in material conditions over the last century and a half. But that is not the only thing that is important. We trade off that improvement in material conditions against leisure. I can go back to my days as a technical economist and to something as technical, or one might say nerdy, as the utility function. I do not want to get into too much detail here, but the point is that even economists think about this in terms of an income and a leisure trade-off.

If you go to the stock standard neoclassical model, you see it is about income and leisure, and when somebody gets richer over time through productivity they will take some of that in higher income and some of it through more leisure. The whole point is that economists, in this instance at least, have understood something that most of us in society understand through common sense — that life is not all about dollars and cents, life is not all about income; life is about balance.

I want to briefly cite a couple of statistics from Angus Maddison, who is probably the greatest

macro-economist in terms of pulling together long-term data series. When you look at hours worked per year in all major advanced economies you see that over the last 150 years they have declined substantially. For example, in the United Kingdom in 1870 the number was 2984; in the 1970s it was 1688; and at the turn of the century, 1489. It was the same pattern in the US and all through Europe, the same pattern in Brazil, and of course the same pattern in Australia. The point is that overall working hours are declining. What this reflects is the fact that as our incomes go up over time, we choose to reduce the number of hours we work. We take some of it through higher incomes and we take some of it through more leisure. It is an entirely sensible, commonsensical thing to do.

Unions have played a critical role in that. One example was the 40-hour week, but it has continued since then. Of course those opposite would instinctively and ideologically resist those kinds of moves every step of the way. The working week declining is one aspect. Another aspect is the weekend. I feel almost embarrassed at having to spell these kinds of commonsensical things out, but because the other side is obsessed with costs it is important to spell out some of the benefits.

Why do we have weekends? One of the reasons is to allow some of us — most of us — to share our leisure time together. My sister has worked as a shiftworker in the police force and has spoken to me of her frustration at having free time when her friends do not. There is something valuable about family and friends having the same time-off on the weekends. It makes it that much easier to share time together. Weekends make sense to us all — even those opposite would not argue against weekends.

Let us take the argument one step further with public holidays. Public holidays provide us with time-off at the same time, which makes that time much more valuable to us. It is important for individuals, for families and for society. I do not want to state the obvious again, but it is obvious that those opposite want to ignore the benefits. Why are public holidays important? Instead of a two-day weekend, we have a three or a four-day weekend, and that is qualitatively better for individuals or families who might want to travel to visit family. You cannot do things like that on a normal weekend. That is why these things matter.

We want our public holidays spread throughout the year. These benefits are important to people, and they are worth trading for a bit more income over time. That is why people voted for this policy. That is why we want to keep this election policy. They are the benefits,

and we have to consider them if we are going to consider this policy in a sensible way.

The minister has said on a number of occasions that, yes, there are costs, but if we are going to seriously consider this policy, we cannot obsess about the costs without considering the benefits. That is an important caveat when we look at this policy, and it is something which has been raised on a number of occasions in question time. Despite the incorrect allegation that questions have not been answered thoroughly, there have been correct claims made by the minister that on a number of occasions he has been presented with an extremely one-sided way of viewing this policy.

If we look at paragraph (2)(b) of the motion it incorrectly states that the minister has not addressed the issue of the impact and the costs of this policy. The minister has agreed throughout that there will be associated costs. We persistently argued during the election campaign and have argued since that those costs have to be weighed up against the benefits. Clearly the benefits are significant. Therefore the policy was supported, and we continue to support it.

Paragraph (2)(e) says serious concerns have been expressed by business. I do not want to trivialise or ignore that, but it is important to put it in context. We must look at the full gamut of stakeholder concerns. We need to look at community groups; we need to look at individuals — that is, those who voted in the election; we need to look at trade unions; and yes, we need to look at business. However, we must be careful about taking on the views of one or two or even more stakeholders, because it is always possible to get a long list of people lined up behind a particular point of view. We have to understand where those people are coming from. Some of those people come with a vested interest, and we have to understand whether or not some of the assumptions underlying their statements are true.

Paragraph 2(d) refers to the thoroughness of answers to some of the questions posed by the opposition. If we look at *Hansard*, we find that quite often the questions posed took the form of this or that stakeholder group alleging that there would be this or that impact on employment or this or that impact on business, and they asked what the minister had to say about that. These kinds of questions are problematic for a number of reasons, mostly because they are based on assumptions that are either debatable or, in many cases, possibly incorrect. It is part of a broader ideological push against improvements in conditions more generally and part of a broader ideological obsession with penalty rates.

I want to put on the public record that this is a very complicated matter. It is entirely reasonable for the minister, when faced with questions from groups who come with a particular barrow to push or a particular vested interest, to challenge and examine assumptions. We do not ignore these groups at all, but one of the assumptions that is often implicit or explicit in statements by such groups is that any kind of increase in labour costs is going to lead to the end of the world or — more specifically — to a dramatic decline in employment. It is worth putting on the record that that is a far from accepted claim, and there are a number of very careful academic studies which draw that claim into some doubt.

Perhaps the most famous, careful study of the impact of raising wages in a low-wage setting in a relevant industry is the Card and Krueger study, conducted by a Princeton economist and a Harvard economist in the 1990s. It has since been followed up by a number of studies. Basically it was the study of a natural experiment that occurred in the fast food industry. New Jersey and Pennsylvania were neighbouring states with very similar economic conditions. New Jersey raised the minimum wage and Pennsylvania did not. The study looked at 410 fast food restaurants. It found that in New Jersey employment actually rose 13 per cent relative to Pennsylvania following that natural experiment. Furthermore, a comparison between New Jersey fast food restaurants that had increased their wages as part of this experiment and those that were already paying the higher rate found that there was a relative increase in employment at the former.

I am certainly not claiming that raising wages has a causal link to higher employment levels, but I am claiming that the Card and Krueger study and subsequent meta studies call into serious doubt some of the allegations made by some retail bodies. We take the business interests of those retail bodies very seriously, but some of the claims that have been made are worthy of further examination, if we want to put it that way. I suspect if some of their claims about employment impacts were examined more carefully, we would find them to be without strong foundations, to say the least.

I mentioned earlier the ideological war that is going on around penalty rates. There is a broader debate going on with a lot of assertions made that are often not founded in particularly sound empirical evidence, and I think it is entirely reasonable for the minister to say that we need to undertake a very careful process in terms of assessing those kinds of claims, which is exactly what we are doing.

In conclusion, firstly, what we have here is a policy that was a clear election commitment. I think it is more than a little ironic that the minister is being criticised on the process front for taking speedy and timely action on this and not being caught up in unnecessary red tape. If he had delayed, I imagine the wording of the motion would have been exactly the opposite. This motion displays to me an obsession with this area that is not healthy.

Secondly, I think that in terms of the substance of the policy issue itself, there needs to be a balancing of costs and benefits. This discussion cannot be entirely about costs if we are to come to a sensible landing, and that is exactly what the minister has said on a number of occasions.

This motion and the way it is framed is, as I said right at the start, petty and unfair. It is petty in that it focuses on elements of process that I think are somewhat contrived and misrepresented so as to find fault no matter what has been done, and it is unfair in that it misrepresents in a one-sided way what is occurring. On that basis, I would support all those in the chamber who strongly reject this motion.

Ms HARTLAND (Western Metropolitan) — I will be brief on this: the Greens will not be supporting this motion for a number of reasons. Basically, the opposition has given no proof in its first paragraph, where it talks about the excessive costs that this will incur. There is a regulatory impact statement in place.

The opposition has asked the minister 33 questions on this particular issue. The Greens take question time very seriously, and we believe that good questions seeking information are appropriate — not asking basically the same question 33 times.

In terms of public holidays, the Greens support workers rights to be paid properly on public holidays and during unsocial hours. Having been someone who has worked in the hospitality industry, I know how important those public holidays are to just boost your pay when it is extremely low. I take up from the last speaker that the opposition does indeed have a pathological dislike of unions and the rights of workers to be paid properly. That is shown all the time.

I am surprised that the coalition in opposition has brought on this motion, because I would have thought there were a number of much more important things that we could have been discussing, especially considering it has asked the minister the same question 33 times.

Look at what happens overseas with public holidays: Germany has 40 per year; Japan has 20. Victoria has 13. I do not think we are exactly overindulgent with our public holidays. I think the one thing that the government should have done was consult the community about when the public holidays should fall. I am not totally convinced one should have been declared for the football grand final. I think consultation with the community would have been useful. It would have been appropriate to consult with the Indigenous community about acknowledging a day on which we can celebrate or commemorate Indigenous history in this state. Is there time to be able to do that?

It would have been appropriate for those kinds of discussions to have occurred — —

Honourable members interjecting.

Ms HARTLAND — It is very difficult to speak when the Chair is speaking as well. Thank you for some attention. I will go back over that again — —

The ACTING PRESIDENT (Mr Finn) — Order! I do apologise to Ms Hartland. It is nearly 5.00 p.m. anyway, but she can continue on for a further 15 seconds.

Ms HARTLAND — Maybe I could continue on for the extra 30 seconds that you just took interrupting me?

The ACTING PRESIDENT (Mr Finn) — Order! To reflect upon the Chair in that way is totally inappropriate. It is now time to move on to statements on reports and papers.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Budget sector: midyear financial report 2014–15

Mr O'DONOHUE (Eastern Victoria) — I rise to speak in relation to the 2014–15 midyear financial report that was tabled by the Treasurer, Tim Pallas. It is interesting to look at the introductory component of what the Treasurer says. He talks about the strong population growth that Victoria continues to experience. Indeed, it is terrific to see that Victoria, during the term of the previous government, was a place where not only was there strong overseas migration to Victoria but there was strong interstate migration to Victoria.

People from other states are actively choosing to relocate to Victoria because of the jobs and

opportunities that exist here, because of the great environment that Victoria has and because of the opportunities that exist not only in Melbourne. Because of the investment that was generated and supported through the Regional Growth Fund and initiatives of the coalition to encourage people to move to our regions, we see population growth taking place right across Victoria, whether that be in places such as the Bass Coast in my electorate; or places such as Bendigo, Geelong and Ballarat; or the growth corridors of Melbourne; or the Melbourne CBD and the inner part of Melbourne. We see strong population growth.

Of course that also creates some challenges. In my shadow portfolio area of police we see some growing challenges. Since Labor came to office in late November the Andrews government has put a halt to the largest single recruitment drive in the history of Victoria Police.

During our four years in government more than 1900 police officers were added to the police force. We also saw approximately 950 protective services officers delivered to our railway stations to make our stations places of safety and security rather than places of fear. That initiative has been warmly embraced by the community. With each passing day Victoria's population is growing. At the same time the Andrews government is failing to commit to additional police and has only committed to replacing vacancies that occur through natural attrition, so we are seeing the number of police per capita decreasing.

We are starting to see issues in places like Geelong. The *Geelong Advertiser* reported yesterday that the Victoria Police Association has concerns about the occupational health and safety of police members in some parts of Geelong. In growing municipalities such as the city of Casey, there is a need for additional police to keep pace with that strong growth. The Minister for Police was quoted in the *Age* as saying that there will be no announcements about additional police until the May budget. Between the time the Andrews government came to power and the handing down of the May budget, Victoria will have grown by approximately 50 000 people. During that time the Andrews Labor government will make no commitment to grow our police force, yet with 50 000 extra people the government should be delivering additional police. It has the capacity to do so because the coalition left Victoria's finances in a very strong state and it significantly upgraded and expanded the infrastructure at the Victorian Police Academy.

It was my absolute privilege to visit the academy last Friday to see the new state-of-the-art technology and

the materials being used as part of a modern approach to the education and training of our new recruits. It was an absolute privilege to witness the graduation ceremony of 44 fine young Victorian men and women, but we need more recruits to keep Victoria safe. I use this opportunity to call on the Andrews government to commit to growing Victoria's police force as Victoria's population grows.

Ombudsman: local government complaint practice

Mr MELHEM (Western Metropolitan) — I rise to speak about the Ombudsman's report on complaint handling by local councils entitled *Councils and Complaints — A Report on Current Practice and Issues*. The report notes the importance of Victoria's 79 local councils and the vital role they play in delivering services — including libraries, roads and parks as well as outreach and support services — to all of our communities. They do a tremendous job and in most cases are the first point of contact between any level of government and our citizens.

Given that the main interaction Victorians have with government is at the local level, it is important that there are procedures in place to ensure that councils are able to serve their residents in a competent manner as well as resolve any complaints fairly. Since 2009, complaints about councils have consistently made up around 25 per cent of complaints made to the Ombudsman. Over the three years from 2011 to 2014, the most common complaints about local councils related to responsiveness to enquiries, planning, rates and infringements. It is also important to note that more often than not the issue was not the specific complaint being referred to the Ombudsman but the way the local council did or did not handle the complaint.

The report found that there is a gap between the handling of complaints in local councils and the expectations of ratepayers and residents. The report makes two legislative recommendations to close that gap and ensure that local councils are responsive. The first recommendation is to define 'complaint' within the Local Government Act 1989. Adopting a clear and consistent definition of complaints across the local government sector would allow meaningful feedback and analysis and drive service improvement. By defining a complaint within the act, local councils would be able to better categorise and analyse complaint data in order to reach resolutions and improve outcomes.

It was found that 41 out of the 79 councils failed to record the number of complaints they received.

Therefore the report also recommended that the Minister for Local Government consider including mandatory complaint-handling policies within the Local Government Act 1989. In addition to these policies, it is also crucial that councils implement an internal review function for reviewing council complaint-handling decisions. These recommendations fall in line with the aim of the Andrews Labor government to make local councils more transparent and effective. That is why this government is conducting a review of the Local Government Act and, for example, requiring councils to cap rates at the rate of inflation.

I take this opportunity to congratulate the Minister for Local Government, Natalie Hutchins, on the work she is doing to fulfil these election promises. I look forward to the eight local councils in my electorate using these recommendations to deliver a better experience to their residents. I reiterate that the report is by no means a criticism of the work done by councils. By and large they do a great job. There is always room for improvement, whether it be in local councils, other levels of government or private business. You can always make improvements to any processes that are in place. We are all about providing the best service, in this instance for the customers who are the ratepayers of any council.

I commend the Ombudsman's report, and I congratulate the government on taking its recommendations on board. I look forward to their implementation.

Auditor-General: Effectiveness of Support for Local Government

Mr RAMSAY (Western Victoria) — I would like to speak on the Auditor-General's report entitled *Effectiveness of Support for Local Government*. In the last sitting week I had the opportunity to attend the briefing by staff of the Auditor-General's office, which was held at Parliament House, at which a PowerPoint presentation was delivered in relation to this report. I note from the conclusions of the report that the Auditor-General is quite scathing as to the robustness of the accountability of the Municipal Association of Victoria. Those who have read the report will have noticed that it contains quite a lot of correspondence between the Auditor-General's office and the Municipal Association of Victoria. Not unexpectedly, the Municipal Association of Victoria has refuted some of the findings in the report.

Be that as it may, I want to identify a part of the report that gives me great concern. It is in the area of

government support. As we know, councils derive revenue from a range of sources, including federal government, state government and the rate revenue that local government collects. Issues came out at that briefing day around ongoing financial support for local government. It was clearly identified that traditional funding streams would cease on 30 June. That is of particular significance for the 40 councils out of 79 that have been reliant on the Country Roads and Bridges program, which provided \$160 million over four years, or \$1 million per council per year. There is obviously great concern about how councils will continue to deliver services without those funds.

That concern is magnified by the issue around rate capping. I want to quickly talk about that, as it forms part of the report's conclusions. There is the issue around the federal government indexing the federal grants that flow through the Roads to Recovery program, which will impact revenue to local governments for two years. There is also the loss of the Regional Growth Fund, the Putting Locals First Fund component of which provided capital to local councils in relation to assets in their municipalities. If you combine those elements with the government's policy position on introducing rate capping for the next financial year, you see that local councils are in a difficult position. The question posed at that briefing was: what funding programs are going to replace these programs provided to local government by the coalition for investment in local assets? As yet we have heard nothing from the government as to how that might happen.

The other concern I have is how little discussion there has been around where the future funding might come from to support local government in delivering a range of services. We see the increasing responsibility placed on local councils to provide services to meet ratepayer and community expectations. The Andrews government is going to have to grapple with how to reduce the funding streams through traditional programs while at the same time introducing a cap. I have had some discussion with the Shire of Golden Plains, and the council's \$8 million surplus will turn into a \$30 million loss as a result of the caps that are going to be imposed on the council, combined with the loss of funding streams — —

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

Auditor-General: *Efficiency and Effectiveness of Hospital Services — High-value Equipment*

Mr EIDEH (Western Metropolitan) — I rise to speak today on the Victorian Auditor-General's report *Efficiency and Effectiveness of Hospital Services — High-value Equipment*, which was tabled in the Parliament recently. I thank the Auditor-General and his office for preparing this report and bringing these serious issues to the Parliament's attention. With the demand on hospitals and public health care providers increasing, it is more important than ever to ensure that hospitals and their resources are being adequately managed and made available to patients who require them. Understanding this, we see that the report focuses on the operation and usage of the two most expensive pieces of equipment in hospitals — computed tomography (CT) and magnetic resonance (MR) scanners. These vital pieces of equipment cost around \$1 million to \$3 million to purchase, and demand for them is increasing.

When it comes to accessing quality health care Victoria is no different from any other state or territory. We face growing demand for the latest medical technology in the diagnosis and treatment of disease. With that in mind, it was disappointing to read in the Auditor-General's findings that:

... public CT and MR imaging services are not being managed economically, efficiently or effectively across Victoria.

The report also notes that waiting times in my electorate are among Melbourne's longest:

Residents of Melbourne's northern and western suburbs face double the wait times for an MR scan as those in the south ... Where patient access to publicly funded scanning services is limited, they may need to travel further, or pay out-of-pocket expenses, to receive the same service privately.

This disparity is further reflected in the significant differences in the total number of scans done per day at different hospitals, with the report stating:

... that one hospital can have a wait list of up to 98 days for an MR scan while the waiting time in a hospital less than 10 kilometres away is only two days.

The report also found that there is great variation at an operational level among CT and MR imaging services. Some operate at a surplus of up to \$2 million per year, while others incur annual losses in the millions. The report found that these services are not being managed adequately in Victoria and that there is no system-wide planning for high-value imaging equipment.

In addition the report states that the health department:

... does not forecast future demand or coordinate the approach to managing demand for CT and MR imaging services at a time when demand is growing rapidly. Health services' planning for, and management of, imaging equipment over the medium to longer term is poor.

Without this critical planning it is expected that patients will continue to be unable to access CT and MR scanners in close proximity to them when they require them and without being faced with an additional cost.

The report has made a total of eight recommendations to the Department of Health and Human Services and Health Purchasing Victoria. I sincerely hope they listen to these recommendations and implement them to improve access to these vital medical imaging machines.

Australian Health Practitioner Regulation Agency: report 2013–14

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the annual report for 2013–14 for the Australian Health Practitioner Regulation Agency (AHPRA), which is responsible for the National Registration and Accreditation Scheme in partnership with the national boards. As members who were in the previous Parliament will recall, the Legal and Social Issues Legislation Committee, of which I was a member, undertook an inquiry into the performance of the Australian Health Practitioner Regulation Agency. As someone who has worked in the health system and was the former Parliamentary Secretary for Health — and the former Minister for Health, who is in the chamber, will understand only too well — I believe the performance of our health practitioners underpins confidence in our health system and is incredibly important in maintaining the high-quality standards of healthcare we are afforded in this state. At this point I place on the record my support for the work of health professionals right across the board.

I acknowledge the work of Michael Gorton, AM, chair of the agency management committee of AHPRA. In his foreword to the report he notes that the focus during the year referenced in the report was on improving the experience of notifiers, improving and measuring the agency's performance and participating in and preparing for the review of the National Registration and Accreditation Scheme.

The CEO of AHPRA, Martin Fletcher, who appeared before our inquiry, makes reference to the inquiry in this report, and says:

One of the significant events of the year for the national scheme was the inquiry by the Legal and Social Issues

Legislation Committee of the Victorian Parliament into the performance of AHPRA. The committee handed down its findings in March 2014 and we welcomed its call for increased transparency, accountability and reporting to Parliament.

It was disappointing at the time we were conducting our inquiry that some members of the committee did not take the inquiry seriously, but the inquiry highlighted potential flaws in the agency's reporting mechanisms. That was demonstrated in our report. I note that some of the clerks in the house helped with that committee. I put on the record the significant amount of work that Richard Willis did in assisting us with that report. It was an important report, because it highlighted some potential issues.

I return to the report that I am speaking on today and express my pleasure at the stats for 2014. I note on page 133 that the report goes into some detail about what happened to the notifications. As a committee we were concerned about the reporting mechanisms. When the scheme started out on 1 July 2010, the implementation process was quite a mess and there was a Senate inquiry into that. We did not look into that. We were looking into the notifications and protections that would ultimately lead to the protection of the Victorian public. Again going back to this report, details of the notifications closed in 2013–14 are listed by the profession and state or territory they relate to. The overall number for Victoria in 2012 was 1191; in 2013, 1552; and in 2014, 2090. Clearly the process is improving in relation to the notifications being handled in a timely manner, which was a concern of the committee.

I am pleased to see the improvements that have been made in the course of the year, and I note the comments of the CEO about our work. The national committee and board of AHPRA have taken that on board and taken it into consideration in relation to putting more efficiencies and improved services into their systems to enable those notifications to take place. I hope that continues. I am sure that quality health services will continue to be provided across the state, and I will watch with interest as AHPRA continues its work.

Auditor-General: *Efficiency and Effectiveness of Hospital Services — High-value Equipment*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Victorian Auditor-General's report tabled in February 2015 entitled *Efficiency and Effectiveness of Hospital Services — High-value Equipment*. Today hospital equipment is all about high tech. Machines available today to diagnose every disease known to man come at a high price. The audit examined the

efficiency and cost effectiveness of managing high-value imaging equipment — specifically computed tomography (CT) and magnetic resonance (MR) scanners in public hospitals. The report evaluated the cost-effective management of all the high-value imaging equipment. It also assessed whether planning at the hospital and state level is effective.

Given the lack of communication, consultation and cooperation within the public hospital system, I am inclined to the view that the bailiwick or feudal attitude is terminal. I do not understand the huge disparity in the usage by our public hospitals of this very expensive diagnostic equipment. According to the report of the Auditor-General's office, residents of the western and northern suburbs have to wait double the time for an MR scan than those located in the south of Melbourne. I agree with my colleague Mr Eideh that some patients have prolonged waiting periods — of 98 days — for a scan when a hospital 10 kilometres away has a two-day wait for the same scan. That is totally unacceptable.

There appears to be no system of data control or monitoring of the efficient usage of these diagnostic scanners across the health network. The health department is totally oblivious as to the effective or ineffective management of these expensive tools. It is clear that the ad hoc system at present is not cost effective, or efficient or effective, in providing CT or MR scans in a timely fashion to patients who need them, unless of course they happen to reside in the southern suburbs of Melbourne.

The Auditor-General has made several recommendations in an attempt to introduce common sense and rationality. The fundamental recommendation has to be the collection of key information across the hospital network, together with the development of a shared referral system to eliminate unnecessary delays for patients awaiting crucial magnetic resonance scans. All the recommendations are worthy of immediate implementation, and I am heartened to see that the Auditor-General intends to return for a follow-up inspection of the already visited locations to oversee a proper operating implementation program. I hope the auditors are satisfied that their recommendations are being acted upon, because all Victorians would be justifiably outraged at such wanton disregard for patient care. I know I am.

The ACTING PRESIDENT (Mr Finn) — Order! I call 'Senator' Peulich.

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

Mrs PEULICH (South Eastern Metropolitan) — Thank you, Acting President — we dream! That is a reference to one of the recommendations of the former Electoral Matters Committee, which the Acting President and I served on. That recommendation was unanimously supported by all sides; however, it is no doubt going to languish and collect dust on the shelves of these hallowed halls.

An honourable member interjected.

Mrs PEULICH — Yes, exactly, the reason being that there was a view that inconsistency of titles across different levels of government causes confusion. Nonetheless, I am here to make some remarks in relation to *Effectiveness of Support for Local Government*, an Auditor-General's report tabled in February 2015 — long overdue, could I say.

I was delighted to see the Auditor-General table a report with the specific objective of analysing the manner in which support is given to the local government sector — the 79 councils, which expend something like \$7.8 billion per year; the role of the office of local government, which is obviously the Department of Transport, Planning and Local Infrastructure; and in particular the Municipal Association of Victoria (MAV), which operates under its own legislation. The reason I was very pleased to see some of the recommendations and some of the analysis in this report was that in the report of the inquiry into local economic development initiatives in Victoria by the former Economic Development and Infrastructure Committee we had made a similar analysis of the failings in particular of the MAV and also made comment about further improvements that the office of local government could provide in support of local government.

I know that the member for more jobs is particularly interested in local government, as I am. One of our recommendations in the former Economic Development and Infrastructure Committee report was that the legislation under which the MAV operates, which dates back to 1901 or 1907 or something like that, should be reviewed to reflect the modern reality of local government. In particular it came out of some public hearings we conducted where we tried to understand what it is the MAV does. One of the terms of reference for that particular committee report was to see how local government may facilitate jobs, business and economic activity. Let me say that there were very few shining examples of local government being on the

front foot in this area of activity and very many uninspiring stories. In fact there were more complaints about local government and the obfuscation, stalling, delays and frustration that it caused for businesses that were trying to get set up or instigate simple improvements, such as perhaps getting an extra parking spot or two, than I have ever heard made about any other sector. This was uniform.

When we called the MAV to come in and give evidence, it was reluctant to do so. When we asked whether it played a role in supporting local government, or facilitating and leading local government to understand the role it could play in facilitating economic activity and the creation of jobs, the MAV did not believe that was its role, nor did it have a committee nor even a task force that would convene, say, three or four times a year to do that work. I must say that I was gobsmacked by that, particularly given that the MAV collects rates from the business sector, often at a differential rate, as is the case with one council, where the businesses are levied at a higher rate in order to subsidise those who vote — that is, those who pay the residential rates.

Time is galloping away. I was particularly impressed by some of the Auditor-General's observations. He says:

The local government sector faces significant challenges and the needs of individual councils vary greatly.

We know that is going to be the case with rate capping, the uncapping of the enterprise bargaining agreements for the local government sector negotiations, the impact of penalty rates and the additional holidays. Many councils are already financially unsustainable. We need these two institutions to play a leading role in helping and driving local government to understand how they can achieve efficiencies without cutting infrastructure, which already has a huge asset renewal gap; without cutting much-needed services; and without jacking up fees and charges, with more coming out of ratepayers pockets. With those few words, I look forward to coming back to the report on a future occasion.

Auditor-General: *Public Hospitals — Results of the 2013–14 Audits*

Ms TIERNEY (Western Victoria) — I rise this evening to make a statement on the Auditor-General's report on the results of the 2013–14 audits of public hospitals. I begin by saying that this report outlines severe concerns regarding the financial sustainability of many public hospitals in this state. It covers the previous financial year and the effect this has had on delivering health services in this state.

The report states that public hospitals have continued to face challenges in delivering quality health services. It also shows that, despite prior reports, nothing was done by the previous government to address the financial sustainability risks faced by public hospitals.

Mr Davis — That's not true! They have actually improved since your time in government.

Ms TIERNEY — Taking up the interjection by the former Minister for Health, he clearly has not read the Auditor-General's report. Consistent with the previous report, the overall financial sustainability risk for the public hospital sector was assessed as 'medium', indicating that sufficient action was not taken following the previous report. There remains a concern regarding financial sustainability in public hospitals. The report states that, under the previous government, funding arrangements directly impacted on the financial sustainability risks of public hospitals, and this impact is heavily reflected.

If you look at page 18, you see that 69 public hospitals, or 79 per cent of public hospitals, had a high self-financing risk. Sixteen public hospitals, or 18 per cent of public hospitals, had a high liquidity risk. Twelve public hospitals, or 14 per cent of public hospitals, held cash that could only fund seven or fewer days of operating activity. The financial risk faced by our public hospitals is a real concern, with 32 public hospitals showing financial stress in the previous financial year. This clearly shows that the former government neglected the public health system, and its inaction was mind blowing when it came to meeting the financial requirements of that system.

When it comes to capital replacement the report shows that rural public hospitals are not spending as much on renewing assets or building new assets as they are on their consumption of current assets. This puts public hospitals at great risk of not being able to continue providing services due to poor or obsolete assets. It is cited in the report that the former Department for Health was favouring grants to metropolitan over rural public hospitals, creating a concerning trend of ageing assets not being renewed as they should.

In chapter 5, which deals with asset maintenance, the report states that public hospitals can make improvements to their asset maintenance strategies and that 48 public hospitals did not have a policy or a strategy in place that addressed asset maintenance. It demonstrated a clear problem surrounding asset maintenance, particularly in rural Victoria, where a trend of lower maintenance spending was consistent over the period of the previous government.

The percentage of net asset base expenditure spent on asset maintenance also fell in regional and metropolitan Victoria, and it is very concerning that asset maintenance spending dropped across the board in the last financial year. The report directly states that the previous government's cuts to health in the last state budget was among the reasons for reduced spending on asset maintenance across the sector.

Mr Davis — On a point of order, Acting President, the member is verballing the Auditor-General.

The ACTING PRESIDENT (Mr Finn) — Order! I am not sure that is the case, but given that Ms Tierney has 42 seconds left I would suggest that whatever she is doing she will not be doing it for much longer.

Ms TIERNEY — Public hospitals have been left with concerning low levels of cash on hand, with 12 hospitals having enough funds to operate for seven days or less. Public hospitals were put at significant risk of not being able to fund operating activities, and rural public hospitals are not renewing fixed assets as they use them. Spending on asset maintenance continued to fall under the previous government. The previous government's complete and utter mismanagement of Victoria's health system has put many lives at risk and is just one part of why the people of Victoria voted it out after just one term.

Budget update: report 2014–15

Mr DAVIS (Southern Metropolitan) — My proposal today was to talk about the budget update and in particular page 124, which contains the section on the Department of Transport, Planning and Local Infrastructure, and also the section on page 130 which deals with concessions. However, I cannot quite leave the commentary we have just heard entirely alone. Let me state some very clear facts.

Those who wish to see the Auditor-General's relevant and important report on the financial position of our public hospitals ought to read the last few reports. What they will see, including in the tables in the back of this report, is that overall the financial position of the hospitals — —

An honourable member interjected.

Mr DAVIS — Have a look at the big tables that go through a series of categories on liquidity and cash on hand, and what you will see is that since 2009 — —

The ACTING PRESIDENT (Mr Finn) — Order! I am wondering if Mr Davis would be kind enough to tell me which report he is speaking on.

Mr DAVIS — The Auditor-General's report on public hospitals.

The ACTING PRESIDENT (Mr Finn) — Order! The member can only speak on one report.

Mr DAVIS — Is that actually true?

The ACTING PRESIDENT (Mr Finn) — Order! We have just looked it up; yes.

Mr DAVIS — I will speak on the other one then, as I intended to do. But I can respond to what has been said on — —

The ACTING PRESIDENT (Mr Finn) — Order! The standing orders make it very clear that a member may only speak on one report on any given day.

Mr DAVIS — Members are entitled to respond to what others have said, as I understand it, but that is a point I will take up at a different time when I have got more time to do so.

The point I want to make here is about local government and the zone reviews that have been referred to by the Minister for Planning recently, including in the *Moorabbin Leader* of 18 March and elsewhere. The minister indicates that zone reviews will begin later in the year, and I have to put on the record some of my concerns about the way the zone review will be conducted for two reasons. One is that the zones are now being implemented in a number of areas. In the last few days the minister has taken further steps to implement a residential zone in certain areas, like the city of Moreland.

The point here is that there needs to be predictability and certainty on one level and on the other level we need to understand exactly what the minister is going to do. We know that the previous Minister for Planning talked about a review of neighbourhood zones and attacked them as locking up leafy Liberal suburbs. We know that the previous shadow minister was a member of the Construction, Forestry, Mining and Energy Union, and we know that the union wants large-scale property developments around the state, particularly in those areas where it can get more than three storeys and have industrial coverage. My concern is that the zone reviews, which are now going to be delayed, will leave open the possibility of Labor stripping away the neighbourhood protections that have been provided to many municipalities.

In the case of the C125 planning amendment for the city of Bayside, I note the importance of that amendment and I note that the government has blocked

its release. I think the whole chamber wants to see that, and I know that the Bayside City Council and the community in the city of Bayside want to see that review. I do not understand why the government has blocked the release of that review. I thought it was promising to be transparent and open. Instead of that it has become secretive at the earliest hurdle.

Equally, in terms of planning amendment C153 I note that an advisory committee to the former minister and now to the current minister recommended in the *Residential Zones (Stage 1) Standing Advisory Committee Report* against the Moreland draft amendment C153, saying:

1. Draft amendment C153 to the Moreland planning scheme not be prepared, adopted and approved pursuant to section 20(4) of the Planning and Environment Act 1987.

I note that there is a need for neighbourhood zones in Moreland. I met with the Moreland City Council and I support the fact that there should be neighbourhood zones in Moreland, but I note that the minister has ticked off on C153, which was opposed by the advisory committee. The government promised to do this as part of its election commitments, but that was against the advice of that advisory committee. The government, then in opposition, criticised the previous government for taking steps that were seen not to be in sympathy with the community, but in this case it has sidestepped a satisfactory process in terms of the advisory committee.

I note also the steps that have been taken in terms of level crossings over this recent period. It is important that local councils take the lead on land use planning around the state and in their local areas and that they advocate for their communities in a way that ensures proper planning and good-quality outcomes for the community, not cheap or unsympathetic outcomes that do not have the support of their local communities.

ADJOURNMENT

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

That the house do now adjourn.

Maiden Gully Primary School

Ms LOVELL (Northern Victoria) — My adjournment matter is for the attention of the Minister for Education and concerns Maiden Gully Primary School in the Assembly electorate of Bendigo West. My request is for the minister to review the master planning process for the school and ensure that the

Maiden Gully Primary School is prioritised for funding to bring the buildings in line with 21st century needs and expectations.

Maiden Gully Primary School has a growing student population that has resulted in around 530 students being enrolled at the school in 2015. The school currently consists of 30 classrooms, an administration building and a gym. However, only 10 of the classrooms are permanent buildings; the remaining 20 are portable classrooms, comprising eight mod 5 and two mod 2 portable units. Master planning for the redevelopment of the school was conducted a few years ago, but further work towards a redevelopment stalled after that point. The current audit shows that the gym, which is a Building the Education Revolution building, is in very good condition and that some of the classrooms are classified as being in good condition. However, a number of the classrooms were found to be below standard.

With a growing school population it is important that the state move forward with improving classroom conditions at the Maiden Gully Primary School. Maiden Gully is a growth corridor within the city of Greater Bendigo and is particularly popular with young families, so numbers for the primary school are expected to continue to grow over the next few years. The families of Maiden Gully deserve a primary school where the children learn in 21st century quality buildings, and given that two-thirds of the school buildings are made up of portable classrooms, some of which are now below standard, it is time for the minister to review the master planning process for the school.

My request is that the minister do this and ensure that Maiden Gully Primary School is prioritised for funding to bring the buildings in line with 21st century needs and expectations.

City of Wyndham emergency accommodation

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter is for the Minister for Housing, Disability and Ageing, the Honourable Martin Foley, and concerns the lack of crisis and emergency accommodation in Western Metropolitan Region. There is an urgent need for more services to respond to, and ultimately prevent, homelessness. The city of Wyndham, in my electorate of Western Metropolitan Region, is the fastest growing local government area in Victoria and the third fastest in Australia. This growth is forecast to continue, with the residential population expected to increase by more than 30 per cent over the next seven years.

While Wyndham is enjoying a period of growth driven by the affordability of housing, the number of people experiencing homelessness in the area almost quadrupled in the decade between 2001 and 2011. There are many reasons for this. Despite its housing affordability, Wyndham experiences higher than average rates of warrants for possession and mortgage repossession compared to other Victorian local government areas. Relationship breakdown and family violence are rife, and young people are often forced to escape abusive homes. People suffering mental health issues and substance abuse are not always able to access the services they need.

Melbourne's west has the highest unemployment rate in Victoria. I have no doubt that this has been a catalyst for many of the problems I have just mentioned. The consequence of this is that fellow Victorians are ending up on the street. Many are single mothers with children. Many are young people, and too often they have absolutely nowhere to go. There is a lack of crisis accommodation in the outer western metropolitan region. Families in crisis have been resorting to options including camping in cars and camping outdoors until housing can be secured that is affordable and appropriately sized.

I found it astonishing to learn that there is no emergency accommodation in Wyndham. People experiencing homelessness are forced out of the community, away from their families and away from their support networks. The H3 (Health, Housing and Homelessness) Wyndham Alliance is an alliance of organisations committed to addressing homelessness in Wyndham. It has proposed an early intervention and service hub. It is linked to a preventive focus service model. The hub would provide much-needed emergency accommodation and host specialist workers. This is a fantastic initiative and well thought out proposal which will deliver desperately needed crisis and prevention support for the area.

A great government shows its greatness by the way it treats the most vulnerable in its society. No person should have to experience homelessness because of a lack of emergency accommodation. I commend H3 Wyndham for its proposal to alleviate this problem, and I call on the minister to seriously consider and act upon H3 Wyndham's crisis intervention and service hub proposal. This is a very good proposal that will deliver for the community.

Graffiti

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police, as the

minister who has assumed responsibility for the previous crime prevention portfolio and the projects that sat within that previous portfolio. Graffiti is a scourge in our community, and I had this reinforced to me recently when a constituent, Cate, came into my electorate office in Pakenham. She was most concerned about the proliferation of graffiti in parts of the Pakenham commercial district and the impact this has on the amenity of the area, one's sense of community and community safety.

The issue of graffiti is an ongoing challenge for all levels of government and for the broader community. The coalition government tackled the scourge of graffiti in many different ways, including through the graffiti prevention and removal grants, and during its course more than 83 grants were funded to the tune of \$1.4 million for councils to partner with their local communities to respond to graffiti in innovative ways.

Just one such innovative way was the Clayton laneway project, an award-winning project that saw Clayton's laneways turned from dark, unsafe places into a fantastic artistic area that connects the Clayton commercial district to the Clayton railway station precinct. The graffiti removal program, whereby offenders undertake work removing graffiti in partnership with local councils, is a fantastic program that sees offenders paying their debt to the community through the removal of graffiti. Another program involves the distribution of portable graffiti removal systems.

It is very important that these types of initiatives be continued and that the government, notwithstanding the fact that it has removed the crime prevention portfolio, continue the commitment the coalition government made to removing graffiti. We need to respond to graffiti in a multifaceted way. We need to work with the community so it has ownership of the solutions. The action I seek from the minister, at the urging of my constituents and many others in the community, is that Minister Noonan and the government make a real commitment to tackling the scourge of graffiti in our community.

Public housing

Ms SPRINGLE (South Eastern Metropolitan) — Tonight I raise an important matter for the Minister for Housing, Disability and Ageing. The action I seek is that the minister write to the Friends of Public Housing group to clarify the position of the Labor government regarding the planned sell-off of 12 000 public housing properties, which was proposed by the Napthine government. It is to be hoped that in this letter the

minister will make it clear that the Labor government opposes the privatisation of public housing stock.

Social housing, including public housing and community housing programs, is a core responsibility of the state and provides to many thousands of Victorians a fundamental element of a secure and healthy life — a home. Victoria's public housing is in crisis, with over 34 000 people on the waiting list and a waiting period of over 30 years. Community housing plays an important role, but it is not a substitute for public housing. The Greens hope to see community housing programs grow, but this must not be at the expense of public housing. Privatising public housing stock, even if it is through a transfer to community housing programs, will never be a solution to the housing crisis. The reality is that Victoria needs more places, not simply different ones.

The previous government appears to have thought that by passing the buck in relation to the government's responsibility to provide public housing to Victorians it could sweep the housing crisis under the rug, but this will not do. It is not just that it is necessary to increase social housing rather than just rearranging it; public housing also has particular qualities that are unique to a publicly managed program, including guaranteed equality of access and a level of integration with other government services accessed by public housing tenants.

Importantly, I note the concerns of the Friends of Public Housing that the transfer of public housing stock to community stock will result in fewer safeguards for residents, potential reductions in open space and other issues. The Greens call on the Labor government to reject any and all plans to sell off public housing.

Local government rates

Mr DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Local Government, and it concerns the government's rate-capping policy. I accept that the government has a mandate to introduce rate capping at the CPI rate. I accept that the government went to the election with a clear policy to cap the rates at the CPI rate and did so in a way the community understood. The community also very much understands what the CPI is. I also note, however, that during the election period the then opposition, now government, was very clear that it would not increase taxes, user charges or other fees and levies.

I want to quote from the *Sky News* live debate held at Frankston on 19 November 2014, when the then Leader

of the Opposition, Daniel Andrews, was asked about this. The compere said:

So, any higher taxes, levies, fees or charges?

Daniel Andrews said in reply:

Absolutely not ... The answer is a very simple one — no increases. And the question also related to new charges. I have no intention of introducing new charges.

My question for the Minister for Local Government is: in a rate-capping environment in which the government has committed to rate capping, will the minister guarantee that the government will not lift user charges and other charges levied by local councils? In particular does the Daniel Andrews commitment given at Frankston apply to local government fees and charges in a rate-capped environment?

Not to apply the fees and charges commitment made by Daniel Andrews at Frankston in this situation — where rate capping is occurring — would lead to cost shifting and to users and others at a council level being clobbered with significant increases in charges. There is a risk this will apply to businesses and therefore a risk it will apply to consumers. A massive increase in, for example, the application fees and other fees and charges that councils rightfully levy at certain points would be self-defeating in terms of the impact of rate capping and the objective of protecting family and business budgets. If the aim is to keep costs low — and I accept that is a very important and legitimate aim — the government ought not be ramping and ratcheting up charges and fees over on another plane and hitting families, communities and households at the same time.

This is a very clear point. With the government's rate-capping policy and the rate-capping environment, will we still see Daniel Andrews's commitment not to ramp up fees and charges and not to introduce new taxes honoured in the local government context?

ChillOut Festival

Ms PATTEN (Northern Metropolitan) — I raise a matter for the Minister for Equality. This month I had the great opportunity of attending the ChillOut Festival in Daylesford. It was a wonderful day, and it was a shame about my friends from the north — Mr Drum, I missed you there! But it was a lovely day out, and it was wonderful — —

Mr Drum — I missed you too!

Ms PATTEN — Yes, I know. Next time we will bootscoot together. It was a beautiful day, and it was great to see the acceptance of diversity that people in

regional areas have embraced. I mentioned bootscooting because the line dancers were bootscooting with the bootscooters. Everyone seemed to be getting along very well together.

One matter that the festival demonstrated was that there is still a lot of work to do around the stigma that people with HIV face on a daily basis. As someone who has been involved in the HIV/AIDS sector for more than 20 years, it saddens me that 20 years on people are still stigmatised to the point that they do not want to acknowledge their status, talk to people, get help about their status and sometimes even tell friends and partners about their HIV status.

People from the ENUF campaign and the Victorian AIDS Council did some great work at the Daylesford ChillOut Festival on this matter, particularly because the day coincided with International Women's Day. They highlighted the fact that today in Victoria 2600 women are living with HIV and being stigmatised by that. People are living for many years with the virus, so the stigma affects them in many ways and for many years. That could be reduced by the removal of section 19A of the Crimes Act 1958. I commend the former health minister and the government on making a commitment to remove section 19A from the Crimes Act by July 2015, which will be the anniversary of the 20th International AIDS Conference held in Melbourne last year. I ask the minister to confirm that the amendments will be passed by July.

I take this opportunity to let members know that I asked a number of the people at the Daylesford festival what they would like to see me do and achieve in this house. They mentioned more genderless toilets, more humour and more dragons!

VicRoads Ballarat relocation

Mr MORRIS (Western Victoria) — My adjournment matter is directed to the Premier, and it is in relation to the relocation of VicRoads to Ballarat. On 10 March, when discussing the relocation of VicRoads to Ballarat, Premier Andrews was quoted by the ABC as saying: 'I've never ruled this out'. The VicRoads relocation is more important now than ever. In the months since the election of the Andrews Labor government we have seen far-ranging job losses in Ballarat, with Telstra and IBM announcing significant job losses as well as the announcement last week from Fairfax Regional Media that there will be 80 job losses, including jobs at the Ballarat *Courier*.

In March last year, when then Premier Napthine announced the commitment to move VicRoads to

Ballarat, there was a buzz and an excitement about what this meant for the future prosperity of the great city of Ballarat, with 600 jobs and \$60 million of annual economic activity coming to the Ballarat CBD, which would support the economic diversity of that great city. The people of Ballarat are now left in no-man's-land, with the Premier dragging his feet on the future of VicRoads. We all know the people at VicRoads are moving; it just has not been announced where that move will be to. I therefore call upon the Premier to make it happen and to commit to the sensible, logical and necessary move of the VicRoads headquarters to Ballarat.

Fairfax Regional Media job losses

Mr PURCELL (Western Victoria) — Tonight I raise an issue for the attention of the Minister for Employment. It follows on from issues that were touched on by Mr Morris. Fairfax Regional Media has recently announced it will cut 80 full-time equivalent positions across its online publications and regional newspapers, with dozens of those cuts to be made within the electorate of Western Victoria Region. The affected newspapers include the *Bendigo Advertiser*, the Ballarat *Courier* and one very close to me, the *Warrnambool Standard*.

The *Standard* is a regional daily printed Monday to Saturday. It sells about 70 000 copies through that period. It has played a pivotal role in south-western Victoria since it was first published in 1872. With the upcoming job cuts, 16 full-time equivalent jobs will be lost at that newspaper. This will not only affect the 16 people who will lose their jobs but also those 16 families. This will obviously be devastating for the workers directly impacted and their families, but the impact will be far reaching. What we are seeing is a change that will ultimately compromise the quality of journalism at a regional level. We will see more responsibility taken away from regional newspapers and passed on to their metropolitan counterparts.

I ask the minister to contact Fairfax Regional Media with a request to minimise the job losses and to confirm what action will be taken to retrain or redeploy the unfortunate employees who will lose their jobs.

Respite and emergency accommodation

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Families and Children, Ms Mikakos. I refer Ms Mikakos to her adjournment matter of 11 March 2014, in the 57th Parliament, when she raised her

concerns about the lack of investment in respite care across Victoria, particularly in the city of Whittlesea.

The Napthine government committed \$3.6 million for the construction of two five-bed facilities in Melbourne's north in the local government areas of Mitchell and Whittlesea, allowing for planned respite and emergency accommodation to support families and children, ranging from overnight to medium-term options.

Ms Mikakos — On a point of order, President, the member is raising a matter that appears to relate to issues that are more directly relevant to the Minister for Housing, Disability and Ageing rather than to me. I seek some clarification from the member as to whether he is raising a matter that relates to disability issues. Certainly in the short time he has spoken it appears that way, in which case I will be referring the matter to the relevant minister.

Mr ONDARCHIE — On the point of order, President, I was talking specifically about support for families and children, as Ms Mikakos outlined in a contribution to the Parliament on 11 March 2014.

The PRESIDENT — Order! Mr Ondarchie can continue. I trust that it will be a matter that is within the jurisdiction of the minister.

Mr ONDARCHIE — It is her choice what she does with it, President.

I will pick up from my second paragraph, during which I was interrupted. The Napthine government committed \$3.6 million for the construction of two five-bed respite facilities in Melbourne's north in the local government areas of Mitchell and Whittlesea, allowing for planned respite and emergency accommodation for families and children, ranging from overnight to medium-term options. My request is that the minister confirm that she will advocate that the Andrews government match the Napthine government's commitment and support those families in Melbourne's north.

Avalon Airport

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Industry, Ms D'Ambrosio. It concerns the ongoing viability of Avalon Airport and the current air services that Jetstar provides on the Sydney route. It is of great concern to me as a Geelong-based member for Western Victoria Region that Avalon Airport was not even mentioned in the glossy 30-page policy document titled *Victoria: Providing Complete Capability — Aviation and*

Aerospace, launched by the minister on 24 February at — can you believe — Avalon Airport.

Avalon Airport has just played host to one of the largest air shows in the Southern Hemisphere, with over 170 000 people attending over the five days and 40 000 attending the industry trade days. This year's show, which featured the Heroes of the Sky in honour of the Anzac centenary, was acknowledged as the best ever. The Victorian government even had a hosting chalet at the airport during the air show — not that I was invited to attend.

In spite of all of this, Avalon Airport was not mentioned in the glossy policy brochure. However, the Andrews government needs to focus on what is happening at Avalon because according to the *Geelong Advertiser* of today Jetstar is indicating that its operations at Avalon are not sustainable, with cut-price fares to Sydney filling seats, and the coalition's \$11 million support package ceasing on 30 April.

Avalon needs an international carrier and a sustainable domestic carrier for its long-term future. Victoria needs Avalon as a second airport. I ask the minister to focus her attention on the long-term future of Avalon, work with Jetstar to provide ongoing financial support post 30 April, look at dedicated rail to Avalon, as promised by the coalition government, and work with the federal government to ensure its commitment to help fund the construction of an international passenger terminal.

Werribee Cemetery

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the Minister for Health. In this community I think the importance of cemeteries is underrated. As we discussed in this house at some length yesterday, cemeteries hold more than the mortal remains of those who have left us; they hold memories and are places where we can pay tribute to our loved ones who have passed. The physical appearance of cemeteries is very important. A poorly maintained cemetery can be deeply distressing for visitors, giving the feeling to those who are paying tribute to their loved ones in such a cemetery that they are being neglected by the powers that be.

I have been contacted by people in the Werribee area as well as in the Point Cook area about the Werribee Cemetery. As a result of these complaints, last week I visited the Werribee Cemetery. Fortunately I had never had reason to visit there before, but I did so last week. Whilst I was there I spoke to a constituent. He recognised me and stopped and spoke about his dissatisfaction with the physical appearance of the

cemetery. I have to say I was not impressed myself. It reminded me very much of the state of the Sunbury cemetery some years ago when I was in another place and we ran a campaign to clean that up, which was very successful. Here is hoping that history can repeat itself.

I ask the minister to investigate who is responsible for the condition of the Werribee Cemetery and to take whatever action is necessary to ensure that the Werribee Cemetery is brought up to a respectable and, I should say, respectful condition.

Major event traffic management

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Tourism and Major Events. As we are all well aware, Melbourne has an enviable international reputation for holding world-class major events. We have just heard from Mr Ramsay about the Australian International Airshow, which was held recently at Avalon; and obviously we have the Melbourne Cup, the Australian Open Tennis Championships and the Australian Formula One Grand Prix, which was held just last weekend in Albert Park. I note that the numbers of international viewers of that event were at the usual figures, and we have many international events that are frequented by not only Victorians but also interstate and international visitors.

However, when events like this occur there are significant challenges around the various areas that have to be managed, and the community is very understanding of the major events when they occur and is very supportive of them. But on Saturday morning a number of traffic congestion incidents impacted on the amenity of people within the areas of Prahran and South Yarra and right across the south-eastern suburbs. Maintenance was being done for line marking on the Bolte Bridge; Melbourne Water undertook water mains works from Friday, 13 March, to Monday, 16 March, between Punt Road and Anderson Street, which really impacted traffic flow along the Alexandra Avenue road route; and there was an incident in the Burnley Tunnel.

All of these activities combined to have a major impact once the grand prix was also in play. They had a major impact on people's ability to get around the south-eastern suburbs and caused significant congestion. I suppose if we had another major road route going through, it would alleviate some of these issues. Nevertheless, the issue I ask the minister to look at is this: I know Melbourne Water gave notice that the works would be undertaken, and the other incident I referred to, the Burnley Tunnel incident, could not be avoided, but the Bolte Bridge line marking may have

been able to be undertaken at another time. I know the government has said there will be a review of major events. When these major events are being held, could the government possibly look at speaking to the utility companies, Public Transport Victoria and VicRoads to ensure that major congestion like this does not occur again and impact on those communities surrounding major event venues?

Fire services property levy

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Emergency Services. It regards matters of funding for the Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB). During the term of the Napthine government Labor, together with the Greens, raised concerns about the funds from the fire services levy being directed into consolidated revenue rather than into a dedicated fund for the CFA and the MFB.

The Greens and Labor raised concerns with the then minister, Mr Wells, the member for Rowville in the Assembly, who could not guarantee that all funds raised from the fire services levy would go directly into CFA and MFB budgets. Labor also expressed deep concern when the MFB budget showed that the levy had been used to pay for increased legal bills associated with the government taking firefighters and the United Firefighters Union to the Fair Work Commission. At the time Labor said it felt the levy funds should have instead been spent on training and uniforms.

My question for the Minister for Emergency Services is: will the government amend the Fire Services Property Levy Act 2012 to ensure that the fire services levy is directed in — —

Mr Finn — On a point of order, President, at the moment Ms Hartland is asking for legislative action. My understanding is that that is not allowed in the adjournment debate and is out of order.

The PRESIDENT — Order! The standing orders preclude members from calling for legislation as part of the adjournment item. Perhaps Ms Hartland could reword her request to the minister in terms of its consideration.

Ms HARTLAND — My request to the Minister for Emergency Services is that she look at the issue of how the fire service levy is spent and consider whether it is being properly dealt with at this time.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received a number of adjournment matters.

I will refer the matter raised by Ms Lovell to the Minister for Education.

Dr Carling-Jenkins raised a matter for the Minister for Housing, Disability and Ageing. I will refer that matter to the minister.

I will refer the matter raised by Mr O'Donohue to the Minister for Police.

Ms Springle raised a matter for the Minister for Housing, Disability and Ageing, and I will refer that matter to the minister.

Mr Davis raised a matter for the Minister for Local Government. I will refer that matter to the minister.

Ms Patten raised a matter for the Minister for Equality, and I will refer that matter to the minister.

I will refer the matter I received from Mr Morris to the Premier. However, I note the advice that was given to the house by the President yesterday. This matter related to the relocation of VicRoads, and it would probably be more appropriate for the member to direct his matter to the Minister for Roads and Road Safety. I seek guidance on that issue.

I received a matter from Mr Purcell, and I will refer his matter to the Minister for Employment for a response.

Mr Ondarchie referred a matter to me regarding respite facilities in the northern suburbs. This is an issue for the Minister for Housing, Disability and Ageing, and I will refer the matter to that minister for response. I can assure the member that I will always advocate on behalf of the interests of my local electorate.

I also received a matter from Mr Ramsay, and I will refer that matter to the Minister for Industry.

The matter raised by Mr Finn will be referred to the Minister for Health.

Ms Crozier raised a matter, and I will refer that to the Minister for Tourism and Major Events.

I will refer the matter raised by Ms Hartland to the Minister for Emergency Services.

I have written responses to adjournment debate matters raised by Ms Lovell on 10 February, Mr Eideh and

Mr Finn on 11 February, Mr Morris on 24 February and Ms Lovell on 26 February.

The PRESIDENT — Order! In respect of the direction of items to ministers, I understand that two of the items from last night were directed specifically to the Premier because of comments he had made in the context of the election campaign when he was Leader of the Opposition. I accept that that is the context in which Mr Morris raised a matter for the Premier tonight. However, as I said last night, and I concur with Ms Mikakos, questions raised by members in the adjournment debate under the current government are probably better directed to the actual minister responsible for an expeditious reply. Whilst I understand the Premier maintains an ongoing interest in those commitments that he made as Leader of the Opposition in an election campaign, the reality is that government administration is now such that there is a minister in place to deal with those particular projects or programs. Whilst I will not rule them out, I suggest that members will get a more speedy and perhaps more comprehensive response if they direct them to the actual minister.

The house stands adjourned until tomorrow.

House adjourned 6.20 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Duck season

Question asked by: Mr Barber
Directed to: Minister for Agriculture
Asked on: 17 March 2015

RESPONSE:

The Andrews Labor Government supports responsible and sustainable hunting.

A substantial survey of duck numbers and environmental indicators is undertaken before every season. Analysis includes duck numbers and distribution, breeding indices and water levels in wetlands.

The Government has reaffirmed Kow Swamp and Reedy Lakes as Wildlife Sanctuaries.

Round Lake is closed to protect threatened species, namely Blue-billed Ducks and Freckled Ducks. Krause Swamp (near Lake Bullrush) has been closed to provide refuge to Brolga in the region.

The Game Management Authority (GMA) works in partnership with the Department of Environment, Land, Water and Planning (DELWP), the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Parks Victoria and Victoria Police to undertake duck hunting compliance over the opening weekend and throughout the duck season.

Enforcement is carried out at hunting wetlands across the state, including locations such as Lake Murphy and Lake Bullrush, to ensure people adhere to the law. Staff from across the partner agencies are deployed accordingly.

As the lead government agency for the regulation of game hunting, the GMA has already tasked over 130 staff for deployment over the opening weekend.

In response to the Member's specific operational question; I am advised that agency staff and Victoria Police members will be present at Lake Bullrush and Lake Murphy and many other wetlands, creeks, rivers and water storages throughout the state.

Priorities for duck hunting compliance focus on ensuring public safety; minimising the impact on non-game protected species; and ensuring compliance with hunting and firearms laws and regulations.

