

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 19 August 2015**

**(Extract from book 11)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Kairouz, MP

### Legislative Council committees

**Privileges Committee** — Mr Drum, Ms Hartland, Mr Herbert, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, and Ms Wooldridge.

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

### Legislative Council standing committees

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

**Standing Committee on the Environment and Planning** — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, #Ms Hartland, Mr Leane, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek and Mr Young.

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

# participating members

### Legislative Council select committees

**Port of Melbourne Select Committee** — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing, and Ms Tierney.

### Joint committees

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

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

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

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

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

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

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

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

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

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

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

### Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

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**Deputy President:** Ms G. TIERNEY

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**Deputy Leader of the Opposition:**  
The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**  
The Hon. D. K. DRUM

**Leader of the Greens:**  
Mr G. BARBER

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

<sup>1</sup> Resigned 25 February 2015

<sup>2</sup> Appointed 15 April 2015

**PARTY ABBREVIATIONS**

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



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## Wednesday, 19 August 2015

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

### PAPERS

#### Laid on table by Clerk:

Auditor-General's Reports on —

Applying the High Value High Risk Process to Unsolicited Proposals, August 2015 (*Ordered to be published*).

Biosecurity: Livestock, August 2015 (*Ordered to be published*).

Unconventional Gas: Managing Risks and Impacts, August 2015 (*Ordered to be published*).

Commission for Children and Young People — Report of the Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care, August 2015 (*Ordered to be published*).

Statutory Rule under the Powers of Attorney Act 2014 — No. 93.

### MEMBERS STATEMENTS

#### Health system performance

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I want to speak in relation to a range of health information reports that were handed down on Monday. This flood of information, reports and announcements from the Minister for Health could not hide the fact that more patients are waiting longer for vital health services under Labor. On practically every single measure — be it elective surgery, emergency departments or ambulance performance — more people are waiting longer to get access to the vital health care they need.

When the Premier came to office he made big promises about health, but nearly nine months on nothing has changed. If anything, it is getting worse. The final Travis report was handed down 48 days after the government said it would receive it — a long time to sit on a report and not release it. However, Doug Travis identified over 1400 beds that were not being used. The promise from the government has been, 'We will find those missing beds and open them'. Frankly, the Hospital Beds Rescue Fund will open less than 100 of those beds. A new innovation fund was promised, but once again there is no money — not a cent — from this government in relation to the promises it made.

What do we see? We see 2371 fewer patients admitted from the elective surgery waiting list when compared to last year, and 2656 more people are waiting for elective surgery. Similarly, 88 000 people were not treated in clinically appropriate times in emergency departments, an increase of over 3800 from a year ago. This government promises a lot and is failing to deliver.

#### Northern Bay Guarantee

**Ms TIERNEY** (Western Victoria) — I rise to speak about a tremendous project in my electorate, the Northern Bay Guarantee. This is a two-year project aimed at enhancing the lives of young single mothers aged between 17 and 25 from the northern suburbs of Corio and Norlane in Geelong. Each young mum receives personal development, career support and nationally accredited career training. This is a collective project between Viva Energy, which contributed \$300 000, Northern Futures, Northern Bay College, The Gordon and Deakin University. Enterprise Geelong also contributed \$30 000.

The results from year one are encouraging. Deakin University's interim evaluation stated:

There is evidence that most participants in the program have undergone some transformation in their aspirations for further study and employment, and some clear changes in attitudes to work.

But it is not all good news. I am advised by constituents that the jobs, education and training child care fee assistance program was put in jeopardy in July. I do not have time to go through the details, but suffice to say the punitive approach to these young mums has rendered many of them ineligible for subsidised child care. It beggars belief that the Abbott government thinks there is any benefit to society in making this hard for mums. The community certainly does not understand it. We have a program aimed at people facing challenges with mental health, domestic violence, low literacy, and transport and accommodation issues, yet federal Minister for Social Services Scott Morrison thinks it is a good idea to make their lives harder. I urge the Abbott government to reconsider these retrograde steps aimed at punishing a group of young people who are having a real go in life.

#### Royal Women's Hospital newborn intensive and special care unit

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise to speak today about a recent visit to the newborn intensive and special care unit at the Royal Women's Hospital. The unit provides specialised care for premature infants and infants with

complex conditions. One of the babies there at the time of my visit was born at just 26 weeks gestation. In the care of the gentle hands of two very diligent and talented nurses, this little one is being given the best chance for a healthy start at life. I was very impressed and truly amazed by the great work the unit does in caring for the smallest members of our community.

However, the doctors and nurses also informed me of the daily challenges they face, with prominent issues being around capacity, bottlenecks, the workforce and even IT issues. The medical director, Dr Carl Kuschel, outlined the immense improvement to efficiency and quality of care that an electronic monitoring system would provide. There is still so much to be done from a state government level to support specialist perinatal and neonatal care in Victoria. I will continue working in this area to identify deficiencies and advocate for support. The smallest members of the Victorian community and their families deserve nothing less.

### Skillaroots

**Mr HERBERT** (Minister for Training and Skills) — Last month I had the privilege of presenting team jackets to five of the Victorian Skillaroots before they jetted off to the 43rd WorldSkills International competition in São Paulo. I am delighted to inform the house that the Australian Skillaroots team won three silver and two bronze medals, which is a great effort given that they were up against 1200 other skilled competitors and top tradespeople from around the world.

I wish to congratulate the entire team that represented Australia; they did our country proud. In particular I acknowledge our three silver medallists: Harlan Wilton, in web design; Joseph Pauley, in industrial mechanics; and Jyothi Forman, in jewellery. I also congratulate our two bronze medallists: Samuel Sprong, in bricklaying; and Dylan Di Martino, in plumbing. Congratulations are also in order for the three Victorians who received medallions of excellence: Hayley Parker, in hairdressing; Karl Davies, in automobile technology; and Dale Fisher, in graphic design technology.

The achievements of these fine young people are a tribute to the training providers that taught them their skills, particularly the Gordon TAFE, Royal Melbourne Institute of Technology's city campus, Victoria University and Melbourne Polytechnic. It is a pleasure to see great Victorian learning institutes produce such fantastic competitors. The WorldSkills International competition is a biannual tournament that sees contestants from over 70 countries test the skills they have learnt through vocational training against one

another and technical events. The next competition will be in 2017 in Abu Dhabi, and I hope Australian, and particularly Victorian, contestants do even better than they have done this year. Congratulations to all involved in the Skillaroots.

### Felicity Wishart

**Mr BARBER** (Northern Metropolitan) — With many of my friends I have been mourning the loss of my friend and colleague Felicity Wishart, partner of Todd Harborow and mother of two boys, Bardi and Clancy. Felicity died suddenly near Mullumbimby in New South Wales on 20 July. Felicity — Flic to her friends, Fliss to her family — was one of the greats of the Australian environment movement and will be missed by all those who had the privilege to work alongside her. At 16 she joined the Franklin Dam protests and like many of her fellow activists was arrested and jailed for two days. This was a defining moment in the lives of many young Australians who care deeply about the natural world. Felicity graduated with an environmental science degree and straightaway started working for the Australian Conservation Foundation to get world heritage listing of the wet tropical rainforests of north Queensland, and that is where I first met her. Her next campaign was about tropical rainforests in the Asia-Pacific region.

Felicity always believed in the potential of the Greens to transform politics, culture, economy and society in Australia and globally. She was our co-convenor for several years. I could go on with many more of her achievements. Felicity believed passionately in training and mentoring young activists, especially young women. In her frequent travels she met countless young people who she supported, advised or mentored, me included, although I was only one year younger than her.

Felicity was a remarkable leader who loved being with people. She drew her strength from people and from her family, which was her private source of power and joy. Felicity left a tremendous legacy both for the environment and in the hearts and minds of all those who were privileged to meet her and work with her.

### Daryl Starkey

**Mr RAMSAY** (Western Victoria) — On Friday, 7 August, I was delighted to attend a gala dinner held in honour of retiring Karingal CEO Daryl Starkey. That dinner raised \$15 000 for the Eastern Geelong Community Centre. Karingal provides a wide range of disability, mental health, aged-care and training services to the Geelong region in addition to

employment services via MatchWorks. During his 15 years at the helm Daryl saw Karingal grow from a budget of \$10 million to over \$100 million, and it now employs in excess of 1500 staff. Daryl was also a key driver in securing the national disability insurance scheme headquarters in Geelong.

Through Daryl's involvement Karingal has become a widely respected leader in the community services sector, supporting many people who are facing challenges in our community. Community and business leaders, along with friends and families from Karingal, paid tribute to Daryl. The evening was filled with special moments, and some of Daryl's significant achievements were highlighted in a video tribute that included messages from the shadow Minister for Health and former Minister for Community Services, Mary Wooldridge; Geelong business leader Keith Fagg; G21 CEO Elaine Carbines; and Karingal director Robyn Bradshaw.

Karingal board chair Rod Payne also spoke of Daryl's outstanding commitment and how he led the organisation with integrity, vision and compassion while touching the hearts and lives of many. He spoke of Daryl's outstanding business skills and acumen, which have helped ensure Karingal's viable and successful future.

I congratulate Daryl Starkey on a job well done. Although Daryl is leaving his position as Karingal CEO, I have no doubt he will continue to support the Geelong community in some capacity.

### **Gippsland Student Placement**

**Ms SHING** (Eastern Victoria) — It was an absolute pleasure to join with the community, industry and the Baw Baw Latrobe Local Learning and Employment Network to launch the Gippsland Student Placement portal on 11 August in Morwell. This is an important development which aligns technological advances with schools and industry to make sure that high school students who want to link up with businesses have a means to express interest in doing a work placement. They can then be matched up with businesses that are looking for people to participate in placements with a view to apprenticeships or jobs.

I express my thanks and gratitude to all of those involved. The trial has involved extensive good-faith participation by a number of schools, including Lavalla Catholic College, and employers such as Simon Parsons & Co. Lawyers and Gippsland Trade Printers. This is an important development in making sure that young people in Gippsland are able to get the best

possible opportunities for vocational education and training and job placements. Currently 28 schools and 46 organisations have signed up to the portal. There is information about the portal online, and I am hoping it will continue to develop momentum and attract all sorts of interest across a range of different sectors and industries to make a positive contribution to additional job opportunities for people throughout the region.

### **Leila Rose Foundation**

**Mr PURCELL** (Western Victoria) — It gives me great pleasure to rise today to congratulate the Warrnambool and district community and the Leila Rose Foundation on a fantastic community event held last Sunday. The Leila Rose Foundation was established in 2011 in memory of Leila Rose Chow, who died of a rare and aggressive childhood cancer in that year when she was just 22 months old. The all-stars football match held in Warrnambool at the weekend brought together two teams of past district legends of the game, coached by AFL greats Jordan Lewis and Mick Malthouse. More than 4000 people attended and almost \$90 000 was raised for the foundation, which supports families of children with rare childhood cancers. Congratulations to Andrew and Tracy Chow, the foundation founders and the parents of Leila Rose.

### **Shipbuilding industry**

**Mr MELHEM** (Western Metropolitan) — Another day, another round of job losses under the Abbott federal government. I rise to speak on the axing of a further 125 jobs in Victorian shipbuilding after BAE Systems Australia's announcement last week. Another 125 families now have to find a way to make ends meet thanks to this shambolic federal government. BAE has cut nearly 600 jobs at the Williamstown shipyard since October last year. This is extraordinary. The chaotic Abbott government has taken too long to sort itself out on naval procurement, and, as the latest Victorian job cut announcement last week demonstrates, the turmoil is ongoing.

I am disappointed that BAE Systems chose not to bid for the Pacific patrol boats tender at Williamstown. However, the ultimate responsibility must lie with the Abbott government, which has allowed itself to be distracted over the past year by one political crisis after another — all of its own making. Now the federal government has shown its preference for South Australia over Victoria, because of course that is where Tony Abbott stands to lose more seats. As another 125 hardworking Victorians join the dole queue under Mr Abbott's watch, I hope the federal government has a

good think about where its priorities are and where they should be.

*Honourable members interjecting.*

**Mr MELHEM** — Judging by the interjections of members of the opposition, I take it that they do not stand for Victorian jobs and they are siding with the Abbott government in giving jobs to South Australia instead.

### **Discovery Science & Technology Centre**

**Ms LOVELL** (Northern Victoria) — I would like to congratulate the Bendigo community on raising \$38 000 towards saving the Bendigo Discovery Science & Technology Centre, exceeding the target they had set by \$8000. This is a fantastic effort by the community. It is a shame the Andrews government is not showing the commitment demonstrated by the community and the Liberal government, which invested \$200 000 in operational funding for this excellent educational facility.

### **Small Business Festival Victoria**

**Ms LOVELL** — On Tuesday, 28 July, the Shepparton small business community was invited to join the Minister for Small Business, Innovation and Trade at the launch of the 2015 Small Business Festival Victoria in Shepparton. Unfortunately that day the Premier, who was the acting Minister for Small Business, Innovation and Trade, was too busy firing the actual small business minister to follow through on this commitment. The Shepparton community was once again snubbed by the Andrews government, which insulted the community by failing to send any government representatives to attend the launch. In contrast, the Liberal Party showed strong support for small business in Shepparton with the launch being attended by both me and the shadow Minister for Ports and shadow Minister for Public Transport, David Hodgett, the member for Croydon in the Assembly.

### **Malmsbury Youth Justice Precinct**

**Ms LOVELL** — I would like to congratulate the former government on investing \$46 million in the new youth justice precinct in Malmsbury, which recently held its official opening ceremony. The 45-bed facility will provide better security while increasing capacity and training facilities for young offenders. The facility will also provide an additional 90 jobs, which is a fantastic outcome for the Malmsbury community and also for youth justice in Victoria.

### **Glendale Reserve, Springvale**

**Ms SPRINGLE** (South Eastern Metropolitan) — I would like to take this opportunity to congratulate the councillors of the City of Greater Dandenong on listening to the local community and voting on Monday of last week against the proposed sale of part of Glendale Reserve in Springvale. Springvale already has one of the smallest amounts of public open space of all suburbs in Melbourne, and had this sale gone ahead, it would have reduced that amount even further. The part of Glendale Reserve that would have been sold is a playground that is currently used by local families, so this decision is great for those families.

The City of Greater Dandenong ended up getting lots of objections from local residents, and I am pleased to have provided an easy way via my website for many Springvale residents to register their opposition to the proposed sale. I firmly believe the opposition of local residents is what convinced councillors to ultimately vote against the sale, so this is a win for grassroots democracy. It shows that when residents mobilise and voice their concerns decision-makers listen. Again I would like to extend my congratulations to the residents of Springvale and the councillors of the City of Greater Dandenong on making the right decision to protect open space for use by families and children.

### **Public transport regional strategy**

**Ms SYMES** (Northern Victoria) — In my members statement today I wish to thank the many people across northern Victoria who have made their views and those of their communities known in relation to their public transport needs by participating in the regional network development plan consultations. Across the Hume region there have been stakeholder and community workshops in Shepparton, Seymour, Wangaratta, Benalla and Wodonga. I have had the pleasure of attending most of these sessions and therefore have had the opportunity to talk and listen to hundreds of country people about their views on the public transport system: what is good about it, what is not so good about it, and the improvements they would like to see in the short, medium and long term.

**Ms Lovell** interjected.

**Ms SYMES** — I invite Ms Lovell to make a submission to the consultation process. What is clear is that country people understand the vital importance of having a reliable public transport service. It helps us access health and education services as well as social activities. It is also a real economic driver, enabling towns to prosper and grow.

There have been many interesting conversations, and it is a great honour to be co-chair of the regional transport advisory group, which is driving the consultations and which will be providing recommendations to the minister throughout the development of the plan. I congratulate the Public Transport Victoria staff, who have been fantastic. Their commitment to and hard work on this large project is to be commended. Many people in my community are very welcoming of a move away from the ad hoc planning of the past and are looking forward to an integrated public transport strategy for the first time in regional Victoria.

### **Kangaroos**

**Mr YOUNG** (Northern Victoria) — I rise today to speak about kangaroos and their increasing population in certain areas of northern Victoria.

**The PRESIDENT** — They are very tasty!

**Mr YOUNG** — They are, President, but they seem to have become a problem and a bit of a road safety hazard, so much so that several councils recently invited me to speak to them about the issue and provide an insight into my party's views on it. I presented the councils with three options, which the Shooters and Fishers Party think would help to reduce these problems.

The first option is that these councils petition to be part of the current pet food trial, which is going on in two areas of Victoria — one in the east and one in the west. That trial includes only small regions. It also has its own inherent flaws, and it is unnecessarily difficult to be part of. The second option is that we encourage the government to change the regulations on current kangaroo culling permits. Under the current scheme when a kangaroo is culled it must be left on the ground and is not allowed to be used. We think that is a dreadful waste. There is absolutely no reason why someone could not take that animal for personal consumption, just like any other species that is hunted. The third option — which is probably more controversial but we believe it is an option — is that there be an open season. Why is there not an open season for kangaroos, with the same regulations and rules that any other game species has, in which we would be allowed to hunt kangaroos for a certain period of the year? They are a great source of meat and a great source of protein. I enjoy kangaroo quite a bit.

**Mr Dalidakis** — Very lean!

**Mr YOUNG** — Yes, it is very lean meat. It is good for you, and it is really healthy meat. We might as well

use that resource. I hope the government is willing to enter into conversations with my party on this issue.

### **AUSTRALIAN DIAMONDS**

**The PRESIDENT** — Order! I did not want to make a statement as such, but I note that in the two sitting days we have had so far this week no-one has, to my knowledge, referred to the Australian netball team, the Australian Diamonds, which was successful in the Netball World Cup. I wish to acknowledge this, and I note that representatives of the team will be coming to Parliament in due course; I will advise members when they visit. It is a terrific thing for women's sport to see their success. I am sure they have set a very fine example to many young girls and women in the community with what has been a remarkable achievement — a three-peat.

### **PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS) BILL 2015**

#### *Statement of compatibility*

#### **Ms PATTEN (Northern 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, I make this statement of compatibility with respect to the Public Health and Wellbeing Amendment (Safe Access) Bill 2015.

In my opinion, the Public Health and Wellbeing Amendment (Safe Access) Bill 2015, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill will insert a new section into the Public Health and Wellbeing Act 2008 that creates 150-metre zones of safe access around premises that provide reproductive health services. It also provides for an offence of intentionally distributing a recording of a person accessing, or attempting to access, premises at which reproductive health services are provided.

The bill is in line with the objectives of the Public Health and Wellbeing Act 2008, which are focused on the state's significant role in promoting and protecting public health and wellbeing, and the role of the state in assisting in responses to public health concerns of national interest. It has positive objectives to promote conditions of health, protect and prevent against illness, and reduce inequalities. These objectives line up effectively with the intention of this bill, which seeks to protect access to vital and lawful health services through a targeted amendment.

The act goes on to place an emphasis on the principles of evidence-based decision-making and primacy of prevention, which suits well measures that protect the mental and

physical wellbeing of citizens using lawful reproductive health services

### Human rights issues

#### *Freedom of expression*

Section 15(2) provides that every person has the right to freedom of expression. The right covers expression regardless of whether the content or ideas are regarded as offensive or shocking, and is not limited by the manner or form of the expression.

Section 185B(1) of the bill creates an offence of engaging in prohibited behaviour within a safe access zone. Prohibited behaviour is defined in the bill to include a range of activities, from besetting, harassing and intimidating, to communicating in relation to reproductive health services. Section 185B(1) may limit the right to expression to the extent that, within a safe access zone, certain behaviours associated with expression (including oral communications and written signs) are prohibited.

Section 15(3) of the charter act provides for an internal limitation of this right in limited, proscribed circumstances. In my view this is one such circumstance, and this bill places a lawful restriction that is reasonably necessary to protect the rights of other persons per section 15(3)(1).

The provision of a safe access area is a critical component of this bill, as the activities reported outside of these clinics (including threats, harassment, verbal abuse, and singing loudly so as to be overheard in consultation rooms while women are receiving medical advice and treatment) heavily infringe of both the rights to privacy (section 13(a) of the charter act) of clients and staff, and the protection of public order and public health (s15(3)(b)).

I believe that this restriction is also in line with section 15(3)(2) of the charter act, which provides for such restrictions on freedom of expression for the protection of public health, as the activities outside these clinics represent a traumatising occurrence for women seeking lawful health services, as well as for the staff working at such a clinic. Reports of these issues deterring women from seeking health services further support the need to protect public health, and as such this is a proportionate, limited response designed to uphold the objectives of the Public Health and Wellbeing Act 2008.

Impeding access, or intrusively interfering, with individuals as they access lawful health services is both an infringement of privacy and an obstruction of public health. This limitation reasonably restricts the right in order to achieve its purpose.

As such I believe the limitation on freedom of expression to be reasonable and justified under section 7(2) the charter act.

#### *Freedom of religion*

Section 14 of the charter act provides that every person has the right to freedom of thought, conscience, religion and belief. This right includes having or adopting a religion or belief of choice, and demonstration, observance, and practice thereof.

Section 185B of this bill could be suggested to limit this right, in that 185A defines prohibited behaviour so as to include 'communicating in relation to reproductive health services'.

Communication of this nature may include prayer or religious discussion if it pertains to reproductive health services, or if it was intimidating, harassing, or otherwise prohibited under section 185A of the bill.

In my opinion, these rights are not relevant to the provisions inserted by the bill in relation to communication, as the bill does not seek to limit freedom of religion, but rather prevent harassment and intimidation of individuals accessing health services. Views on bioethical considerations are not limited to the religious. The behaviour prohibited by the bill is injurious to public health and wellbeing, and infringes on the rights of women to access medical health services.

While it is deemed acceptable to restrict freedom to manifest religion or belief if such limitations are prescribed by law, and necessary for matters such as public health and the fundamental rights and freedoms of others, I do not believe that this bill limits freedom of religion, in that the prohibition is targeted to behaviour not solely associated therewith.

#### *The right to peaceful assembly*

Section 16(1) of the charter act provides that every person has the right to peaceful assembly and freedom of association. Section 185B creates the offence of engaging in prohibited behaviour within a safe access zone, which may restrict the ability of some individuals to assemble and undertake such behaviour.

Section 16(1) is predicated on the word 'peaceful', and the behaviour described in section 185A of the bill (including besetting, harassment, and communication pertaining to private medical services) does not fall within this category. Nor is any such assembly permitted to limit the rights of others through impeding access to health services, or distributing recordings in regards to private medical information.

Preserving order in public places, and protecting the rights of others from infringement, will support the reasonable limitation of this right. I submit that this limitation is reasonable and justified, in that it does not prohibit assembly or association, but rather prohibits a set of behaviours that infringe on the rights of others.

#### *Freedom of movement*

Section 12 of the charter act provides that every person has the right to move freely within Victoria. In my opinion, this right is not relevant to the provision under section 185B of the bill, as there is no intention to restrict movement within an access zone. The restriction is on prohibited behaviour in such a zone, and this does not restrict the ability of an individual to enter or leave a safe access zone.

#### *Property rights*

Section 20 of the charter act provides that a person must not be deprived of his or her right to property other than in accordance with law.

Section 185D of the bill provides police with the power to seize material related to an offence under section 185B or 185C of the bill. This may include video cameras, posters, or documentation. Such a seizure is required in order to cease the offence.

Without the ability to seize material, an offence could continue to be carried out, to the ongoing detriment of the people within an access zone. In the case of a recording, this seizure is necessary in order to avoid a possible distribution of information that would violate a person's right to privacy under section 13(a) of the charter act. Publishing or distributing a recording of someone accessing or attempting to access a reproductive health service may reveal private medical information, and as such a seizure would be justified.

For this reason I believe the limitation to be reasonable and justified under section 7(2) of the charter act.

### Conclusion

For these reasons, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Fiona Patten  
MLC

### *Second reading*

**Ms PATTEN** (Northern Metropolitan) — I move:

That the bill be now read a second time.

I rise today to speak to the Public Health and Wellbeing Amendment (Safe Access) Bill 2015.

The bill is designed to create safe access around premises offering reproductive health services, in order to protect and promote women's reproductive health. It's about medical privacy and the rights of women who are accessing a legal medical service to do so without fear of intimidation or harassment.

This bill, the first I have proposed since becoming elected to this place, won't be a surprise to anyone coming from me. It is an issue the Australian Sex Party campaigned heavily on at the last election. Safe access to reproductive services is something that I have championed for a long time, and I am proud to be able to bring this bill forward to the house today.

This amendment to the health and wellbeing act is quite simple. It inserts a new part that creates safe access zones of 150 metres around reproductive health clinics wherein prohibited behaviour can be met with criminal remedies including financial penalties and imprisonment. Prohibited behaviour is to include distribution and display of materials pertaining to reproductive health services, communications — yelling, singing, chanting, and what some call 'counselling' — harassment, intimidation, threats and recording of any variety.

This is all behaviour that everyone in this house should seek to stamp out. It is our job as lawmakers to help protect the people of Victoria from such threats of intimidation and violence.

For decades, women and their supporters, as well as staff and residents of areas around such reproductive health centres have faced an array of behaviour by individuals outside the clinics.

Women have been known to delay attendance for essential health care and follow-up appointments because they have been so apprehensive and scared of who they will face when they attend the health centre. The consequences of such delays and lack of follow-up pose a serious threat to women's health and wellbeing.

Women with a history of domestic violence or mental ill health can feel particularly threatened.

This is a significant problem for individuals who may be traumatised and face depression and anxiety in the face of stigmatisation, and staff who may fear coming to work, a valid fear considering a staff member was murdered — yes, murdered! — in Melbourne due to their work in one of these centres.

This level of violence is extreme, but violent threats continue to be faced by clients and staff entering clinics, up to and including this year. This problem and these issues are highly specific to premises offering reproductive health services such as advanced contraception and terminations, and as such a targeted approach to create safe access zones is required.

Currently, Victoria Police and councils can issue on-the-spot notices for breach of council by-laws for obstruction and public nuisance.

The variety of options includes infringement offences such as causing nuisance; affecting amenity of a public place and interfering with the use or enjoyment of a public place or the personal comfort of another person. These are contained in a number of different legislative instruments.

But the fact is that these current arrangements simply have not been working and are now all too often rarely used when it comes to this ongoing decades-old problem.

This myriad of infringement possibilities is a piecemeal approach and fails to address the specific issues at hand, such as equitable access to health care, right to privacy, or safety and wellbeing of women and their supporters.

It places an enormous amount of strain on Victoria's police services, and there has been discussion from Victoria Police advising a preference for specific legislation to provide clarity — exactly what I am proposing here.

I have met with Victoria Police as part of my investigation into drafting this bill, and it was police officers that told me that they desperately wanted legislation that was simple and easy to understand to try and combat this problem.

The current activity by so called ‘kerbside counsellors’ also places a strain on council resources, with some councils having to send out representatives two or three times a week.

A more comprehensive, targeted approach than disconnected interventions and infringements is required. This would not only recognise the highly specific, gendered nature of this kind of offence, but also provide clarity for enforcement, and avenues for remedy.

Access to lawful medical treatment can be so clearly linked to gender equality, economic and social stability and mental health. It requires a targeted approach to ensure clarity of objective and enforcement.

And there is precedent for such legislation. Several overseas jurisdictions have similar laws. Tasmania has a similar type of legislative arrangement providing for 150-metre safe access zones similar to what I am proposing today — and it works. The Australian Capital Territory government is currently considering a similar bill.

In 2008 the Victorian Law Reform Commission stated:

The safety and wellbeing of women using abortion services, and any other medical facilities, is a matter of significant importance (8.271, p. 139).

There is understandable community concern about safety and wellbeing of staff and patients at the hospitals and clinics where people protest or stage vigils because of their views about abortion. The commission encourages the Attorney-General to consider options for a legislative response to this issue. (8.273, p. 140)

So this isn’t new and nor is it really controversial — it’s just common sense.

We shouldn’t let hysteria and misinformation cloud the argument. The fact is that individuals have a right to medical privacy and the right to go about their lawful business without fear of intimidation or shame.

This is the right thing to do.

The bill does not seek to impede anyone’s right to protest. It only seeks to prevent people being harassed and intimidated. I welcome the daily debate with people who greet us at the car park gate each morning.

We as a society should not tolerate this type of intrusive interference. It violates women’s sense of safety. It violates her privacy and in such a way that would not be tolerated in any other circumstance.

I ask that over the next few weeks, before this matter is brought to a debate, fellow members search their consciences and ask themselves the question, regardless of their religious or other views — ‘Is it okay that women of this state are harassed and intimidated every day on my watch when I have the option to do something about it?’. The answer is surely a resounding ‘No’. I commend this bill to the house.

**Debate adjourned for Ms SYMES (Northern Victoria) on motion of Ms Pulford.**

**Debate adjourned until Wednesday, 2 September.**

## PRODUCTION OF DOCUMENTS

**Debate resumed from 5 August; motion of Mr RICH-PHILLIPS (South Eastern Metropolitan):**

That in accordance with standing order 11.01 there be provided to the Council, by noon on the Monday immediately preceding the next sitting Tuesday following the adoption of this resolution, any reports, briefings, presentations or analysis provided to the Department of Economic Development, Jobs, Transport and Resources pursuant to the following contracts as identified on the tenders.vic.gov.au website —

- (1) contract 338524 with the Boston Consulting Group Pty Ltd; and
- (2) contract 335886 with KPMG.

**Mr MULINO (Eastern Victoria)** — I rise to speak to a motion that is seeking the delivery of documents in relation to two consultancies undertaken by the Department of Economic Development, Jobs, Transport and Resources. It is important to provide a degree of context around these two consultancies because I believe this motion and the discussion around this motion from those opposite, who are calling for the production of documents in relation to these consultancies, misrepresent what these consultancies are about and also set an environment in which I believe the production of those documents will be not for the purposes of trying to dig further into the important issues that those consultancies are looking into but rather to try to superficially misrepresent that work as being overpriced or politically motivated, which it certainly is not.

I am going to explain during the course of my contribution today why it is that those two consultancies are so critical to delivering the government's agenda. I want to set the context by saying that the government was elected with a set of policies in relation to economic development that were very timely because unemployment had been rising significantly in the lead-up to the last election. It was significantly higher than it was at the beginning of the previous term. It was a matter of great community concern, and economic policy was one of the key issues at the last election. Labor, when it went to the last election, had a whole suite of policies. It had a series of policies in relation to getting employment going. It had back-to-work policies. It had Project 10 000 in relation to delivering major infrastructure projects, not just for the direct employment they would generate but also for the longer term productivity gains that those infrastructure projects would deliver.

This suite of economic policies is very complex. It involves a lot of policy innovation. It involves the need for the government to understand a very fast-moving and complicated policy environment. It also involves a significant amount of organisational change, and that is one of the issues that have been raised at the machinery of government hearings undertaken by the Standing Committee on Legal and Social Issues, of which I am a member and Mr Rich-Phillips, the mover of this motion, is a participating member. A new government had come into power with a suite of policies in a very complicated and fast-moving environment, and it needed to very quickly get to the point where it could sensibly implement those policies.

I will deal with each of these consultancies in turn. What does the KPMG report look at? We have had a new government establish the Department of Economic Development, Jobs, Transport and Resources to look at ways in which the government's economic agenda could be implemented in order to boost productivity and employment by creating the conditions necessary to sustainably develop the Victorian economy. KPMG was engaged by the department to support each of the lead members of the executive within that department, to map out the existing structure, functions and capability of the department and to identify opportunities to better structure and align the department so as to deliver in that critical area of economic policy.

It is worth taking a step back to look at what KPMG was tasked with doing, because it was not just your ordinary, run-of-the-mill organisation design project. In a past life I worked in a consulting firm which undertook those kinds of projects — organisation

design, capability reviews or whatever you might call it. I have worked on those kinds of projects before, and there is a significant range of complexity. This project was very much at the higher end of the complexity range because we had a new organisation being formed which had new tasks of great complexity and tasks that required a great deal of innovation. KPMG was tasked with helping the department move towards new ways of working which were in alignment with best practice and which were capable of delivering in this very fluid and complex environment.

One of the key elements of the new department is that it has brought into the same structure many areas of economic policy that had previously been spread out across a number of departments. We now have areas such as industry, employment, small business, innovation and trade, major events and the creative industries together under one umbrella. When one looks at all of those disparate areas one sees that they have many similar policy issues — that is, all of them relate to employment, all of them relate to productivity growth and all of them relate to those broader economic themes that I identified. Clearly there are lots of advantages to those very disparate policy areas — industry, small business, innovation and trade, major events and creative industries — being under the same umbrella so that one can take advantage of the interdependencies between those different areas.

Another area that is worth identifying separately is that public transport, roads and road safety, and ports are now under the same umbrella. With infrastructure and Project 10 000 being so central at the election and to the government's economic agenda it is critical that we maximise communication across those areas of the department and achieve synergies. There is no better example of that than the level crossings delivery. It has a rail component and a road component, and it is critical that those different parts of the department work together.

Another critical dimension of the transport challenge is making sure that roads and rail interact appropriately with our various ports. Our transport system is a huge, complex and interdependent network. It is not just a matter of making sure that all the different road elements work together and that the rail network hangs together well but also a matter of looking at it as a multilayered network. We need to make sure that the roads, the rail and the ports interact with each other. Bringing all these different elements of the transport task under the same umbrella is going to give the government an opportunity to deliver on our transport promises in a far more coherent and effective way.

Then we look at something like training and skills, which again has been brought under a broader umbrella. Training and skills is critical to some of the different policy areas within the economic sphere. If we are going to deliver in the broader industry policy space, if we are going to deliver in relation to innovation and small business and if we are going to achieve employment outcomes, our training system needs to function far better than it was when we came to government, and that is why we are prioritising investment in that space.

It is important to identify in this motion that KPMG is looking to make sure that from an organisational point of view we maximise the capacity for synergies from training and skills being under the same departmental umbrella as industry, as small business and trade and as employment, because we are going to drive employment outcomes when the training sector, whether it be vocational education and training (VET) or higher education, is feeding people into the employment market in such a way that they can readily fill jobs gaps.

Another area which I want to identify separately is the whole space of agriculture and regional development, which we have brought together not just under the one umbrella, which is critical and something which people in my electorate welcome, but also under the broader departmental umbrella of economic development. Agriculture and regional development are clearly critical in that our agriculture industries, which contribute so much to our state economy, have the potential to contribute so much more under the right economic circumstances and have the potential to be real export drivers. But clearly to achieve that, they need the right skills and the right transport linkages coming into the sector. Of course this is stating the obvious, but it is critical to note in this context that agriculture exports are only going to be possible if agriculture sectors can get access to our ports and our airports over road and rail links. It is critical that our agriculture and regional development policies are linked appropriately with our transport policies.

There are many interdependencies. I have highlighted only the key ones; there are others, of course. In a world where policy is complex in each of these and where the macroeconomic environment is so fluid, we need to make sure that we maximise the capability for policy development that reflects all of these interdependencies. Like any organisation, a department faces the tension of internal silos where people tend to be expert in particular subject matters and where different silos within the department report to individual ministers, and that kind of expertise and accountability is

important. But like many large organisations — and certainly large public sector organisations that I have worked in — there is also what one might call a matrix dimension within a department where, in order to take advantage of synergies, one needs what are often reflected in organisational charts as vertical silos of individual, sectoral or topical expertise.

There will also be capacities across the organisation as a whole which one might develop and which would also need to be accessible by each of the vertical silos. For example, one might have areas of expertise in transport, industry development, small business and major events, but there will also be areas of expertise such as economic modelling, project evaluation and strategy, and one would want those kinds of areas of expertise to be accessible across the department.

At the machinery of government hearings, the secretary of this new department talked about the fact that the department is going to establish areas of expertise across the whole department. There is going to be a strategy and planning unit that will operate across all of these different sectoral and policy areas that will have responsibility for policy development and coordination for reform, intergovernmental relations and strategy. It is critical in this new department that each of these areas of sectoral expertise can also draw upon a critical mass of people, expertise and experience within the department and that in drawing upon that each area can enhance its own capabilities to deliver.

That is one of the key things for us to think about. We have brought all of these different areas of economic policy under this overarching umbrella. We need to make sure that the department is structured in such a way that these different areas talk to each other but also that within the department we can develop areas of expertise in policy, strategy and economic thinking that each of the areas in the department can draw upon.

Another area worth talking about in this context is that, when one develops a new large department such as the Department of Economic Development, Jobs, Transport and Resources, it is critical that that department is able to interact effectively with other state departments. A lot of what it does is very closely related to what departments such as the Department of Planning and Community Development and the Department of Environment, Land, Water and Planning do, because we want economic development to occur according to sensible planning constraints and to achieve sensible planning outcomes. We want economic development to occur in a sustainable way, so it is absolutely critical that the department responsible for economic development talk to the

department responsible for environment to make sure that it is sustainable and that it can take advantage of that department's expertise in environment. It is critical that these departments have the capability to talk to each other. We have KPMG working on those kinds of capabilities as well. This is the challenge.

I just wanted to make it very clear, based upon some of the observations that I have made, that this is not some kind of superficial task that KPMG is coming in to do to help the government superficially tick off that it has delivered its promises. This is not some exorbitant, extravagant expenditure of money that is not in proportion to the task at hand. It is critical to put in context what it is that KPMG is doing and the critical nature of that task to the capacity of the government to deliver its economic agenda.

I also want to make a couple of observations about the task being undertaken by the Boston Consulting Group (BCG). It is again in the context of statements that have been made in a number of areas which seemed to suggest that the government had identified six sectors in the lead-up to the election — which it had — and that somehow a \$2 million engagement is outrageous or remarkable when the government has already identified those six sectors. They also suggested that somehow identifying the six sectors is enough and that there is no further work to be done. That is quite a misunderstanding of the task of developing and implementing policy in this context.

Yes, the government had identified six sectors in the lead-up to the last election. Of course these six sectors were not our only area of economic policy development; we were not going to implement policies in those six areas to the exclusion of the rest of the economy. However, we said from the outset that we thought there were particular opportunities in those six sectors. What we are now doing is starting to flesh out how we are going to develop and implement particular policies across those six sectors.

Just to put a bit of context on that industry development task, the government came into power with very specific plans, which had been given a very big tick by the electorate at the last election. Re-energising the labour market was one of them, given the very unhealthy trajectory that unemployment had been on up to that point and given the various risks to employment that our economy was subjected to. I just want to note that we passed the Back to Work Bill 2014 as one of our very high priority first bills. That legislation is going to support the creation of a large number of jobs and, importantly, is focused on some of the most vulnerable people — either in or out of the labour

market — including people who are seeking jobs, young people, people who have been retrenched and the long-term unemployed. This is a very worthwhile initiative, and I am very proud that the government prioritised that very early on.

There are a number of very targeted funds that the government has already established, including the Premier's Jobs and Investment Panel, the Future Industries Fund — —

**Ms Wooldridge** — On a point of order, Acting President, Mr Mulino is well off the topic of a documents motion. He did speak to it in the beginning, but clearly now he is seeking to expand beyond the terms of the motion.

**The ACTING PRESIDENT (Mr Eideh)** — Order! I ask Mr Mulino to focus on the motion.

**Mr MULINO** — I will just note those policies and return to the BCG report, which is the subject of the motion at hand. The point that I am putting to the Council is that what we have had put to us in this motion is that somehow — and I am quoting here — it is an 'extraordinary engagement' and that it is extraordinary for the Boston Consulting Group to look at these six sectors. The six sectors are the medical technology and pharmaceuticals sector; new energy technology; food and fibre; transport, defence and construction technology; international education; and professional services.

The point that I wanted to make in relation to the BCG report is that it is not at all extraordinary that the government would bring in expertise to help it to develop the very detailed policies in relation to those six sectors that are necessary in order to take advantage of the opportunities that it identified in the lead-up to the election. In relation to these opportunities we see that there is a great deal of complexity and policy innovation required for the government to be able to generate the kind of productivity growth and employment growth that is needed.

These six sectors are very different from each other in some ways, but in other ways they face very similar challenges. They face the same macroeconomic environment and risks. All six of the sectors that BCG is looking at require a skills policy and a skills sector — a VET sector and a higher education sector — that is feeding into those sectors people who are able to work in new jobs that maybe did not even exist 5 or 10 years ago as well as jobs that have not existed until now and which are facing real challenges in relation to complex areas like research and development.

It is worth noting that BCG is not looking at some kind of superficial identification of where it is that economic activity is occurring in our economy; it is looking at the complex challenges around how we get to best practice: how does Victoria move into far more innovative, cutting-edge industry policy that will allow us to generate the high productivity growth that is needed?

A look at the six sectors immediately puts on the radar how our economy can move to higher productivity and competitiveness at a sectoral level. This brings into play all kinds of policies we see in other parts of the world around clusters and innovation districts. It brings to mind the spillovers that we get. It brings to mind the fact that — —

**Ms Wooldridge** — On a point of order, Acting President, this is a very narrow motion about the provision of two documents. It is not a debate about the content of the subjects of the motion, which neither the Parliament nor the public has seen because the documents have not yet been provided. I ask you to bring the member back to the debate about the provision of documents.

**The ACTING PRESIDENT (Mr Eideh)** — Order! We have some of the documents available, and the member can talk about that broadly.

**Mr MULINO** — Thank you, Acting President. I will definitely keep my comments to the BCG document that is being talked about.

Finally, I want to provide a little bit of context. I will not dwell on this; I will finish up soon. I simply want to observe that some of the comments that have been made about this need to be corrected. It has been suggested that somehow spending money on expert consultants in developing detailed policy is extraordinary. I do not see it as extraordinary at all; I see it as necessary and entirely appropriate. Those opposite are trying to score cheap political points out of these consultancies. That is really at the heart of this motion, and that is what I am trying to rebut by providing a bit of context.

I am arguing that there are complicated issues at stake here. If we are going to develop industries, if the government is going to partner with universities, industry, not-for-profits, hospitals and education providers and if we are going to do a lot of the things that other countries around the world are frankly in some contexts doing better than we are — and we need to move towards best practice in some areas of economic policy — we need to understand what is working overseas. We need to do an audit of best

practice and then we need to start putting in place those policies.

It is important to note that that is the motivation. We already have a number of discussion papers we are seeking feedback on very broadly in relation to those six sectors. This work is complementary to that stakeholder engagement process. There is all sorts of research out there into the ways industry policy can take advantage of spillovers, of positive externalities. Achieving a better understanding of that complex policy environment is what we are talking about.

It is important that we put these two consultancies into context. It is really not appropriate to focus on the headline costs and then just assert that they are out of proportion or that they are extraordinary. That is the context we find ourselves in here. I was present at the machinery of government changes where some of this discussion occurred. It is important to put on the record that these consultancies are proportionate to the task at hand and are critically important to the government delivering on its economic agenda. That is the context I wanted to provide regarding those two consultancies. There is nothing more critical at the moment in terms of economic policy than boosting productivity and generating employment. These consultancies will be important in helping the government deliver on those priorities.

**Mr BARBER** (Northern Metropolitan) — I just heard 25 minutes of how great Mr Mulino's government is; I did not hear that we are getting the documents though. With this motion we are not asking for Mr Mulino to tell us what is in the documents or why they are good. I suppose he could have read the documents into the transcript if he had had them available, and that might have been a worthwhile use of 25 minutes, but the purpose of this motion is to get the government to commit to providing these documents. We will be seeking a number of other documents just like them today, and it would be good if we all voted on these motions as quickly as possible.

**Motion agreed to.**

## PRODUCTION OF DOCUMENTS

**Debate resumed from 24 June; motion of Mr RICH-PHILLIPS (South Eastern Metropolitan):**

That this house —

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

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

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

**Mr HERBERT** (Minister for Training and Skills) — There has been a lot of debate on this really silly motion, quite frankly.

*Honourable members interjecting.*

**Mr HERBERT** — No, it is absolutely true. I have been in politics for a long time. I can remember what happened with Kennett and previous Liberal governments when it came to closing the doors on openness and transparency in this state. What we have here is nitpicking and grubby. It is about getting into issues that members opposite know are absolutely sensitive. It is trawling. I know the Greens would not support trawling for scallops in Port Phillip Bay and at Lakes Entrance, but in here they are experts at trawling. They have turned this chamber, which ought to be used for legislation and doing things for the betterment of the Victorian people, into a grubby little house with a trawling exercise — a little anti-green, anti-environmental exercise. It is a grubby thing, and that is what this whole debate is about.

We can talk in detail on every item in this motion, but the truth of it is this government is releasing more documents and being more transparent than any government we have seen. I am proud that we are the government and the Labor Party is the party that champions freedom of information. We might want to look back at the history of that. I am sure there are some in this chamber who know very well that history and about opening up the state's books to transparency.

If we look at what happened under the former government, we see the absolute hypocrisy of some of the debate we have heard in this chamber. I remember the contracts. We can go right back to transparency and documents under then Premier Kennett and Treasurer Stockdale — and I am sure the Greens would support me on this one — when they did the Crown Casino deal. Do members remember that one? Do they remember when there was a grubby little side deal done during the contract negotiations?

**Mr Ondarchie** — On a point of order, Acting President, it did not take long, did it? The minister is just 2 minutes and 36 seconds into his contribution and he is already talking about a previous government. I ask you to ask him to come back to the motion on the table.

**Mr HERBERT** — On the point of order, Acting President, the motion on the table is about how government deals with sensitive documents, about how government deals with a range of information, about what should be publicly released and about whether this is simply a witch-hunt. Of course you have to look at the practices of the state in dealing with this motion. It is ridiculous to say that you should not.

**The ACTING PRESIDENT (Mr Eideh)** — Order! It is very early in the minister's contribution. I ask Mr Herbert to continue.

**Mr HERBERT** — Let us go back to Kennett and Stockdale, because they are a good example of what should and should not happen when it comes to government. Everyone knows that governments enter into sensitive negotiations, but what we saw with that government was that those sensitive negotiations were overtaken by the private office of the Treasurer. A deal was done with Crown Casino — despite its bid being lower than Sheraton's, which was the only other big bidder — with a side deal for an extra hundred-and-something gaming machine licences. I do not want to go over that ground, but let us have a look at the history to understand the hypocrisy of what we are hearing from those on the other side of the house. I could stomach it when Sheraton left the state and said it would never come back. I love Crown Casino, it is

doing a good job, but when it came to transparency, there was an iron door in front of anything to do with that stinking contract, as there has been for so many other contracts simply because of poor process.

I could stomach this motion more easily if opposition members got up and said, 'We admit that in the past our governments had closed doors on transparency and accountability, but we have seen a new light. We are going to abscond from the sins of the past, and we now recognise that we were wrong — that the Baillieu government was wrong, that the Napthine government was wrong and that the Kennett government was wrong in the way they approached transparency in this state'. I urge members opposite to get up and say that. They should not come here with this sort of hypocrisy.

This is about a range of documents being sought. Many of them are in the public domain, many of them are to do with sensitive negotiations going on now and many of them are before committees of this very chamber, like those relating to the port of Melbourne. There is an inquiry into the port of Melbourne, and we all know the story around that. We want to make sure the inquiry is completed quickly, and we have some pseudo recognition from the other side that the committee has to report so that we can put the leasing arrangements in place this financial year for the start of the next financial year. However, we know that the real game is probably to stifle the lease of the port of Melbourne to force it into the next budget cycle, and this production of documents motion is all part of the game. It is all part of the game to frustrate the government's agenda for the port of Melbourne.

There is a request for the West Gate distributor documents. This is another incredibly important piece of infrastructure and one that was started under the previous government, so I am sure members opposite probably have most of the documents in a little safe somewhere. Quite frankly I would not be surprised if they did. We all know the history of the West Gate distributor. This is just sour grapes over the dud east-west link tunnel. It is sour grapes because members opposite could not get it done. The western distributor is an incredibly important piece of infrastructure and there are sensitive negotiations ongoing with the commonwealth about its funding. We all know how governments operate when it comes to these matters, so this is just about frustrating that process.

The motion requests documents relating to the grand prix. I have been to the grand prix once, but it was not my cup of tea, to be perfectly honest — and I love sport and I love big events. However, this event has been

going on for a long time and members opposite have signed most of the contracts for this race. We know that what they want is what they themselves would not give. It is straight hypocrisy when it comes to the grand prix; that is for sure.

The motion also demands documents for the Cranbourne-Pakenham rail corridor project. What a great, important project it is. We are working through it. These are projects in situ. These are projects that are happening. They are in the middle of sensitive negotiations and they are of vital importance to the state.

We all know this motion is not about transparency. This motion is about trawling. It is about trawling to frustrate the agenda of an elected government trying to get on and do the job it was elected to do. We ought to be up-front about exactly what it is. We all understand politics, and this is nothing but a grubby trawling exercise. If those opposite were fair dinkum, if they were really genuine, they would use the channels they have available to them rather than move this motion. I think we wrote to Mr Rich-Phillips about this, and indeed there has been a heap of correspondence about it. We have freedom of information and a whole range of avenues for them to do it. Members opposite should use the proper processes of transparency and accountability in the state. They should go through the processes that are enshrined in law and that have been enhanced by this Labor government rather than waste the time of this chamber.

This chamber ought to be talking about the betterment of Victoria and about legislation and laws. It is not as if we do not have problems in this state and it is not as if we do not need more laws to protect it. It is not as if this chamber could not take a really strong, positive approach to running this state to make Victoria better. There are a lot of things to do, but in truth this motion will not do any of them. All it does is continue the same tired old political claptrap that people are sick to death of. It is about trawling. It is about trying to undermine an agenda. It is about grinding the state to a halt. That is what this motion is about. That is why we are on this side of the chamber and those opposite are on the other side. I personally have a straightforward agenda, which is to try to fix the training and skills settings of this state, which were devastated. I intend to do that.

Let us be clear: we have already produced documents on request. We have produced documents regarding the West Gate distributor, the Cranbourne-Pakenham rail project and the port of Melbourne. We are producing documents. It is an ongoing process. Negotiations are ongoing, and it is all happening as part of those. We are

not going to produce documents before it is all finished. We are not going to produce documents that are just going to be there to be trawled through. That would make it harder to get these projects up. We will produce documents according to the laws and expectations of this state, not according to the grubby political trawling exercise undertaken by those opposite to undermine those projects, undermine the government and undermine the integrity of operations in this state. We do not intend to do that. We are doing every single thing that should be done by an open and transparent government. We are releasing documents. We have a strong FOI system. We need to acknowledge that this is not about that. This is about grubbiness.

Frankly, we have a lot of support out there in the business community, whether it is from the Victorian Employers Chamber of Commerce and Industry (VECCI) — —

*Honourable members interjecting.*

**Mr HERBERT** — Now those opposite are laughing at the views of VECCI. It is incredible. What on earth has happened to this opposition? Those on the other side of the chamber are laughing their heads off at VECCI. Can you believe it? When I seek to raise the views of the Victorian Employers Chamber of Commerce and Industry, those views are ridiculed. My goodness! What can one possibly say about that?

We have a solid and proud agenda, and we are going to progress that agenda enormously. We are going to build the West Gate distributor. We will release the documents — as we have already released documents — as is appropriate and as should be done under the laws of this state. It is a complex thing. Transurban has submitted a proposal for the western distributor in full accordance with the government's guidelines. We will be doing everything we should do in terms of transparency. We are supported by VECCI in the work we are doing on that. The chief executive of VECCI — and hopefully we will not get any more ridicule here — described the process as a transparent, robust process where private parties can directly approach government with new ideas on infrastructure projects and services. There is appropriate transparency in that which safeguards the intellectual property that has been put to government and also respects the accountability that we know is so important in government.

We are not going to be fooled by this sort of nonsense. We will respect transparency. We will respect intellectual property, and we will respect government relations on these very big and substantial projects. We

have provided documents. A member of the Greens asked me about this. We have provided documents on the vast majority of these projects, and we will continue to do that as is appropriate. There is FOI and all sorts of mechanisms in place. However, this is the Legislative Council of Victoria, and we have a mandate to try to be positive about getting Victoria moving and improving the lives of people. Whether it be through environmental projects, transport projects or major events, we ought to be out there fixing things. I agree that there is a need for transparency and accountability. You will never hear me saying that that is not incredibly important. However, there is a difference between that and a grubby political exercise to undermine major projects in this state.

Major projects rarely happened under the previous government as it was caught in a morass of do-nothingness. Those opposite would seek this government to be caught in a similar web, but the government has no intention of letting that happen. We have no intention of being caught up in indecision, inaction, internal squabbling, failure to get any project happening or watching our infrastructure spend decline. When it comes to putting in the provisions that this state needs, whether it be in schools, major transport, hospitals or a whole heap of community facilities, we have no intention of letting the grubby political tactics of those opposite stifle our agenda and drag us back to the do-nothingness of the last four years.

We will not be coming up with a dodgy tunnel to try to dig our way out of the appalling morass that the state sank into in terms of providing infrastructure for our growing community. Our community grew by 1 million people in seven to eight years, and it is predicted to grow by another million. This state does not have the time for these sorts of grubby games. This state needs to get on with it. We have one of the most transparent and accountable systems anywhere in the world and certainly anywhere in Australia. Maybe the Greens would like to acknowledge that fact rather than constantly being negative about what is happening out there.

I am proud of what we are doing with the West Gate distributor. I am super proud of the Cranbourne-Pakenham rail project. The plan of those opposite was an absolute con job. The absolute ludicrousness of the former government's proposal — the uncooked plan, the thought bubble, the lack of rigour — has been gone over time and again. There was nothing transparent or accountable about that dodgy process; that is for sure. There was absolutely nothing in it.

If there is a commentator who is harsh on governments of every political persuasion, it is the Public Transport Users Association. Maybe it is not so critical of the Greens, but it has certainly been critical of the mainstream political parties. When it comes to the Cranbourne-Pakenham line and the documents those opposite want, Tony Morton said Labor's rescoped — rescoped; I say vastly improved — Dandenong line upgrade project was superior to the coalition's version. Even those who have been so critical of governments on this side of the chamber, as well as of governments who are at least out there being open and transparent, are saying, 'This is a better project and is going to deliver what it should because it is better thought out'.

**Mr Mulino** — The other one was a rip-off.

**Mr HERBERT** — The other one was an absolute rip-off. It was absolute nonsense. We have a very solid framework for the disclosure of documents. I mention the Australian Formula One Grand Prix. Personally I am not a fan of motorsports — it is not my thing. I love sports and I love major events, but motorsports are not my thing. But it brings \$1.8 billion a year into Victoria. It is important. It is not something that you muck about with. Yes, we should have the debate about whether or not it is good value for the taxpayer. That is okay, but let us not get grubby on these things. Let us use the transparency and accountability processes and do it properly. Let us not drag this chamber into a grubby process over this. If there has been a debate in the community about any major event, it has been about the grand prix. I do not think anyone can say that the contract and its value to the state have not been gone over, but in the end most sides say, 'It's value for Melbourne. It is important that Melbourne keep it'. It is important that we have the capacity to negotiate on a level playing field with all the other states and countries that want to steal it and that are putting big incentives on the table.

**Mr Mulino** — Like Sydney.

**Mr HERBERT** — Like Sydney; like countries around the world. There are any number who are desperate to get the grand prix and are doing all sorts of negotiations. We are pretty transparent about its value to the state and about the contracts, but there are some things that you have to protect the state's interest in. We are not going to let those opposite undermine the capacity of this state to have those negotiations to win those contracts for those great events — whether it be the Melbourne Winter Masterpieces series, the grand prix or any of the things that Melbourne is proud of, passionate about and that make our city better for having.

You can count on one hand the cities around the world that are great. They are not great necessarily for their buildings or because they are modern metropolises; they are great because of the lifestyle of their people. Melbourne has once again been voted the most livable city. It is one of the world's most livable cities because it has good public transport, and we need to keep that so people can get from their home to their work and get around the city — it is a big city. It is a great city because we have major events here that ordinary people can go to and enjoy themselves and their passions. It could be the clay shooting world championships; I am sure that we would get some support from the Shooters and Fishers Party of Victoria on that. If we have to go out there and negotiate for that, and if it is good for the state, then I am sure that many people who are shooters would love us to get on up there and do it. But they know we have to provide a strategic advantage and we have to be able to negotiate for the good of Victoria.

We have robust processes. We have the Department of Treasury and Finance. I do not know how many on the other side of the house have been involved in treasury and finance. I was chief of staff for a former finance minister, and I can tell you that these things are hotly debated at treasury and finance through the processes of government. A business case has to be made. If anyone thinks that is not the case, I can tell you that under this government it is absolutely the case. It is a rigorous process. Maybe those on the other side do not know this because they did not have any major projects or anything to debate. I do not know why they did not just close down treasury and finance and the advice it gave on business cases for major projects because they certainly did not have much work to do. It is no wonder they are sweating out there now — they have been cranked into action with this government's project to get this state moving again.

I am not going to go over old ground. I have been speaking for some time now on what is really a ridiculous motion. But I urge the house, I urge those opposite, I urge the crossbench and I urge the Greens to stop playing these games. Yes, Wednesday is a day for them. I would be absolutely delighted to have some real debate here. Instead of carping, whining, moaning and trawling, instead of being grubby on the ground and trying to undermine the agenda of the government, I would like to have a debate about ideas during their time. What are their ideas? What do they think the state should do? What would be great for this state?

The Greens can talk about protection of the bay if they want to. I would be happy to talk in a debate on forests. I would be happy to talk about law and order. I would be happy to talk about ways in which we can improve

our economy, the ways we can tackle the scourge of unemployment in this state, the ways we can tackle the demise of regional Victoria under the previous government, the ways we can lift our school system to be the best in the world and the ways we can restore our training sector so we are the pinnacle — the jewel in the crown of Australia’s training sector. How can we fix our health system — what should we do about medical research in this state? How can we link our industries with education and our communities?

They are things that those opposite could use Wednesdays to do. They are things they could do that would be positive for this state. They need to get their minds into gear and start thinking about what Victoria needs and what they would like to do and what their agenda is. They should get in there and prove they are worthy of sitting in this chamber and worthy of the votes that Victorians gave them. But they should stop their carping, undermining, negative trawling exercise that is so bad for this state and which this state has seen too much of.

**Mr ONDARCHIE** (Northern Metropolitan) — What an interesting contribution by the underprepared Mr Herbert! It could be best summarised by saying, ‘Excuses, excuses, excuses’. Mr Herbert called this a silly motion. So the government’s view is that anything to do with transparency and accountability is silly? Why are we not surprised by that? This documents motion has been on the table for some time, and since then there has been some evolution, so it is my intent to move amendments to this motion and speak to them now.

I move:

1. In subparagraph (1)(c) omit “and”.
2. After subparagraph (1)(d) insert —
  - “(e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
  - (f) 5 August 2015 in respect of Peter Mac Private hospital documents;”.
3. In the final paragraph for “(1)(a) to (d)” substitute “(1)(a) to (f)”.

I ask that the amendments be circulated.

Mr Herbert in his contribution surprisingly said, ‘This is not about transparency’. He said, ‘We’re getting on with the job. This is not about transparency’. Actually, it is. What surprises and shocks me is that the government thinks, by way of Mr Herbert’s contribution in response to this very important motion, that the Australian Labor Party in government is bigger

than the Parliament itself. Mr Herbert talked about the election. We acknowledge the result of the election and the resultant democracy that exists. The democratic process says that this Parliament is ultimately the decision-maker — not the Australian Labor Party, not the government, but the Parliament. Mr Herbert is saying, ‘We will deny transparency and accountability from the government, because we think it doesn’t matter what the Parliament says — we’ll make our own decisions’. Victorians would be shocked by that — although maybe not surprised. My learned colleague Mr Finn nods. They would be shocked by this.

This is a very simple motion. It asks the government to produce documents relating to projects that it has put forward to the people of Victoria. In relation to the port of Melbourne, Mr Herbert banged on about this being a request for documents that is stifling — that is in the way. In fact all we are asking, on behalf of those who elected everybody in this place, is ‘Tell us what the plan was. Tell us what you are planning to do at the port of Melbourne’. But, no, those documents have not come forward. We asked the government to produce documents relating to Transurban’s idea to build the West Gate distributor — not the government’s idea, but Transurban’s idea.

**Mr Finn** — Theirs was the shovel-ready West Gate distributor. Transurban’s was the western distributor.

**Mr ONDARCHIE** — As Mr Finn says by way of interjection, Transurban’s project was the western distributor and Labor was calling it the West Gate distributor — call it by any other name. Picking up on Mr Finn’s injection, this clearly demonstrates that this government is bereft of ideas. Mr Herbert said in his contribution that the government has responded to requests for documents associated with the West Gate distributor. If the government thinks that it has provided a fulsome response that holds it to account and that satisfies the needs of the people of Victoria, it is sadly mistaken, because what it offered was extremely limited in terms of what it was asked for. No business case was provided — the documents clearly state that there is not one. A memo requests staff resources to be allocated to prepare a business case.

Why are we not surprised that the government has headed off down the road without a business case? The Labor Party in government in this state has form. It has form on this. It heads off down the road on a thought bubble and then says, ‘Let’s work out how we do it — let’s work out how we pay for it’. Victorians are reminded every single day when they fork out \$1.8 million for interest payments on the Wonthaggi desalination plant that is not operating. Victorians will

be doing that every day for the next 28 years, irrespective of whether water is taken out of the desalination plant or not. That is an example of heading down the road without a business case on a thought bubble and then trying to work out how to do it afterwards. What has the Labor Party done? Essentially it has willed to generations to come payments for that plant — my children, my grandchildren and beyond.

**Mr Finn** — Stolen from future generations.

**Mr ONDARCHIE** — It has borrowed from future generations.

**Mr Finn** — No, stolen.

**Mr ONDARCHIE** — Mr Finn interjects with ‘stolen’. The Labor Party has taken money. We are invoicing kindergarten kids now for the desalination plant.

With the myki ticketing system, \$1.55 billion was spent on a ticketing system that did not work. The Labor Party was offered turnkey solutions by companies overseas, and it said, ‘No, we’ll just do our own, thanks very much’. As the Auditor-General said, that is another example of a project started with an incomplete business case.

The north–south pipeline was probably the Labor Party’s biggest white elephant in this state — a pipeline that was not going to do anything. The government wasted millions of dollars on that project.

The Premier’s own project when he was Minister for Health was HealthSMART. It is a bit of an oxymoron really. The HealthSMART project, that the Premier launched when he was health minister, failed. The Auditor-General’s report said it moved forward without a business case — without appropriate due diligence and rigour.

The electronic gaming machine licence auctions were rushed out by the Bracks and Brumby governments, and the Auditor-General said this cost Victorians \$3 billion in potential revenue.

The Royal Children’s Hospital was built without an IT funding model. I was at the Royal Children’s Hospital this morning because my grandchild is in there. The Labor Party built that building without funding for an IT system. Can you believe it?

Labor provided some funding for the Olivia Newton-John Cancer and Wellness Centre in Heidelberg when it was in government — but no money for the fit-out. What did it propose? ‘Move

inside these concrete walls, and good luck’. Then the government had the audacity to say this morning, by way of Mr Herbert’s contribution, ‘How dare you ask us to be held to account? How dare you ask us for transparency? How dare you do that?’, when the Labor Party has a litany of projects that it has failed on. The Labor Party has just rolled them out, time and again, and finally the Parliament of Victoria has determined that it would like the Labor Party to be held to account for this. What has the government said when the people’s Parliament, which was determined by way of democratic election, has said, ‘We would like you to be held to account. Can you produce these documents?’ The government said, ‘Go jump. We’re not going to do it’ — because the Australian Labor Party in government thinks it is bigger than the people of Victoria.

Mr Herbert has confirmed by way of his contribution today that he does not affirm the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975 or the power to make standing orders under section 43 of that act. He does not affirm that today. He does not say that the Council, as a part of the Parliament of Victoria, has the power to do this. He is an apologist for the government today, or maybe he is the spokesperson of the government saying, ‘We think we are bigger than the Parliament of Victoria so we are refusing to do this’.

He talks about transparency and accountability, yet when he was put to the litmus test this morning he flipped the Parliament of Victoria the bird.

*Honourable members interjecting.*

**Mr ONDARCHIE** — He flips the bird to the people of Victoria and says, ‘It doesn’t matter what you think, it doesn’t matter how democracy works in this state, we think we’re bigger than you and we’ll do what we decide’.

**Mr Herbert** — On a point of order, Acting President, the member has been going for 10 minutes. I am pretty thick-skinned, but the fact that we have had 10 minutes of the member attacking my contribution without really going onto the motion shows that everything I said was true, and I ask you to call the member back to the motion.

**Mr Finn** — On the point of order, Acting President, I think what we just heard from Mr Herbert was a continuation of his contribution to the debate. There is clearly no point of order. Mr Ondarchie has been speaking about the very matters that go to the core of this motion, and no amount of bloviating from

Mr Herbert can change that. I ask you to rule the point of order out of order.

**Mr Mulino** — On the point of order, Acting President, I would just like to reflect on this point of order discussion in light of some of the comments made in the previous discussion around motions and people being relevant to them. It is clear there is nothing of the most tangential relevance to this motion in what is being put forward. As Mr Herbert said, 10 minutes in there are far more reflections on his character and the performance of previous governments than anything to do with the specific documents being requested. I was called to be more relevant to the documents in the previous — —

**The ACTING PRESIDENT (Mr Eideh)** — Order! What is Mr Mulino's point of order?

**Mr Mulino** — Relevance, and just supporting what Mr Herbert said.

**Mr ONDARCHIE** — On the point of order, Acting President, how incredible it is that in his contribution Mr Herbert opened a wideranging series of matters in this debate. He talked about his role around training and skills, but it does not even feature in this motion today. He opened the door for wideranging debate. I ask you to rule his point of order out of order.

**The ACTING PRESIDENT (Mr Eideh)** — Order! I ask the member to continue his contribution to the debate.

**Mr ONDARCHIE** — Further, in his contribution Mr Herbert confirmed to the people of Victoria that he thinks the right of the Council to require the production of documents does not exist. He does not think it exists. He thinks members of the Parliament of Victoria, as stewards for the people of Victoria, do not have the right to require documents to be produced. Mr Herbert is not of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability from the government. He has rejected that this morning. If Mr Herbert does not understand his responsibilities to the people of Victoria, he should perhaps go and find retirement somewhere. He also does not note that if resolutions of the Council are not complied with, the Council reserves its right to find the Leader of the Government guilty of a contempt of the Council and impose the appropriate sanction until the resolutions are complied with.

The Australian Labor Party in government in Victoria is in complete denial. Its members tend to not — —

**Mr Mulino** — You're in denial about the last election.

**Mr ONDARCHIE** — I take up Mr Mulino's interjection. He said I am in denial about the result of the election. No, I am not. I fully concur with the fact that the people of Victoria have decided how they want their Parliament to be structured, because they understand that the Parliament is the ultimate decision-maker in this state — not the Australian Labor Party.

*Honourable members interjecting.*

**Mr ONDARCHIE** — Not the Australian Labor Party! I support democracy in this state, I say to Mr Mulino, and I acknowledge and respect the decision of the people of Victoria: why will he not? Why will he and the Australian Labor Party in government not respect the decision of the people of Victoria, who say that the Parliament of Victoria is the ultimate decision-maker? The Parliament of Victoria has requested the government produce these documents, and the government has said, 'Go jump!'. It has said no. The government is pitching itself as beyond the people of Victoria. There are countries around the world that replicate what the government is doing. If Mr Mulino wants to be an apologist for that system of government, he should stand up today and say so.

To take up Mr Mulino's interjection, which should offend every member of Parliament here, when he said we do not respect what the people of Victoria decided on 29 November 2014, we do. The opposition acknowledges that the Parliament of Victoria is the ultimate decision-making body in this state, but the government will not do that. The government will not acknowledge it.

My amendments talk about documents relating to the Peter MacCallum private hospital at the Victorian Comprehensive Cancer Centre — a private hospital that has been knocked back by the government. The government has said, 'We don't want your private money when it comes to cancer research and support. We don't want you to be a part of this'. This is about private money adjoining the public system for the betterment of Victorians and those associated with cancer and their families, and the government said, 'We don't want it'.

But that is not surprising, because this private money, as the Premier calls it, is probably coming from 'these business types'. Let me touch on that for a moment, because Mr Herbert did in his contribution when he

said, 'The government is supported by business'. I do not agree.

*Honourable members interjecting.*

**Mr ONDARCHIE** — I do not agree it is supported by business. When it came to the regulatory impact statement associated with the two new public holidays, out of 105 publicly available documents 103 said, 'We don't want the public holidays'. We know the government is not strong on arithmetic, but by any measure 103 out of 105 saying no would indicate that business is actually not supporting the government.

**Mr Finn** — That's a fair majority. I would be happy with that; I really would.

**Mr ONDARCHIE** — Mr Finn interjects, 'That's a fair majority'. It is well and truly a fair majority. Let us put it another way: 2 out of 105 did not say they did not want the public holiday. Some 103 out of 105 said they did not want it, and the government says today, 'Business supports us'.

**Mr Herbert** interjected.

**Mr ONDARCHIE** — I say to Mr Herbert: stop misleading the people of Victoria. Stop telling the people of Victoria these fibs. Business is not supporting the government. Businesses are not getting behind the government.

As Mr Dalidakis, the minister for small business, said in this Parliament — the people's Parliament; the ultimate decision-making body in this state — in the last sitting week when it came to the regulatory impact statements, the submissions that come in do not matter because the government makes the decision anyway. So why does the government ask for them? Why does it seek submissions? Government members would say, 'We sought submissions because it is part of the process'. So the process is more important than the outcome, and we are seeing that here today when the government tells the people of Victoria that its members decide what happens, not the Parliament.

Let us be very clear about this, as I refer back to my amendments seeking the support of this Parliament. As I speak to these amendments and the substantive motion I say that the government has made a very important statement today to the people of Victoria, to the voters of Victoria and to the democratic process that the government says is so important. Government members talk about it, but they do not believe it. They have said today, 'It doesn't matter what you say in Parliament. We'll make our own decisions'. The Labor government in this state — the Daniel Andrews Labor

government — is not governing for the people of Victoria; its members are governing for the Labor Party, and that is an embarrassment to this state. That is an embarrassment to the people of Victoria who turned up at the ballot box, who campaigned for whatever political party, who went out and supported the Greens in Melbourne and who went out and supported the Greens in Prahran. The Labor Party — the government — is saying to those people who came out and stood for their political parties or turned up on the day to vote, 'It doesn't matter what you say; we'll make our own decisions'.

**Mr Finn** — They're telling them to get stuffed. That is what they are doing.

**Mr ONDARCHIE** — Mr Finn has a particular phrase, which I choose not to use today, but it does reflect on the two-word message that they are giving to the people of Victoria, and I say it is unacceptable. If that is the position government members take to the people's Parliament of Victoria, maybe they should go and get another job, because that is not what they were elected to do. The Parliament of Victoria is the ultimate decision-making body in this state, and the government speakers who will follow in this debate will stand and tell me that is not right. They will stand and tell me their view is, 'No, the government is bigger than the people of Victoria'.

The Parliament has decided, the Parliament has requested and today government members have said, 'No, we don't accept that'. They are saying, 'We don't affirm the privileges, the immunities and the powers conferred on the Council. We don't confirm that the Parliament has the right to request the production of documents. We don't confirm that the Council is fully entitled to scrutinise the activities of the government and demand accountability from the government'. Government members are saying no to those things, so the people of Victoria hear this message from the government today: 'It doesn't matter what you think; the government decides its own way. The government doesn't care about democracy or about the ultimate decision-making body in this state being the people of Victoria'. Government members are saying, 'It's our call, and we don't care what you say'.

I commend the motion and my amendments to the house.

**Ms DUNN** (Eastern Metropolitan) — I rise to speak on this motion and the amendments before us on the non-production of documents. Let me say at the outset that the Greens support the motion in front of us today; we think the role of this house in terms of the right to

require production of documents is important. After all, this is a house of review and a house that is charged with scrutiny of government, and it is completely appropriate that this house require the production of documents. In fact we should be working towards open, transparent and accountable democracy, and the production of documents plays a very important part in that.

I refer to amendment 2, which inserts subparagraph (e) in respect of the Advanced Lignite Demonstration Program documents. This house considered a request for those documents and resolved to seek them on 10 June this year. We have been advised that the deadline of 22 June, as requested, did not allow sufficient time for the government to respond to the Council's resolution. That was near on two months ago, so one must ask: how long does it take to get documents? I would have thought that two months was plenty of time to get those documents in front of the house.

As to the Advanced Lignite Demonstration Program, it is of great interest to Victorians. It is a program that looks at how to keep Victoria in the Dark Ages and reliant upon fossil fuels, rather than seizing the opportunity of the jobs-rich renewable industry. We have a right to know what is in those documents, and we have a right to scrutinise them. We should be getting out of coal.

I draw members' attention to an article on the *Age* website that was published on 18 August at 7.09 p.m. headed 'Power giant tells state government it should close brown coal generators'. It states:

Victoria should consider setting emissions or age limits on power plants as a way to progressively shut down the state's highly polluting brown coal generators, power giant Origin Energy has told the Andrews government.

...

The four brown coal power stations operating in the Latrobe Valley are the most greenhouse gas intensive in Australia. Phasing out brown coal power would 'deliver the biggest impact on reducing emissions in Victoria and Australia', the Origin submission said.

In terms of coal — and this goes to the heart of why we want the documents in relation to the Advanced Lignite Demonstration Program — coal burning is the primary source of greenhouse gas emissions. Coal burning has been shown to be the dominant source of coarse particle pollution, which is known as PM<sub>10</sub> — particulate matter 10 micrometers or less in diameter. Coal companies reported 435 000 tonnes of PM<sub>10</sub> in 2013–14, 47 per cent of the national total. This represents a doubling of PM<sub>10</sub> emissions in just five years.

Coalmining is Australia's leading source of particle pollution, and Victoria's Latrobe Valley is home to Australia's four highest emitting coal-fired power stations. PM<sub>10</sub> emissions from electricity generation increased in the valley by 28 per cent during the last five years, and PM<sub>2.5</sub> — dangerous fine particle matter, for members — emissions increased by 27 per cent.

We need to remember that air pollution contributes to the premature death of over 3000 Australians every year, with coal a major contributor. The Victorian government should be moving away from coal, not finding more creative ways to exploit it. The list of reasons we should be moving away from coal is well known, but clearly the Labor government needs a reminder. It needs reminding that the four coal-burning power stations in the Latrobe Valley are the most greenhouse gas intensive in Australia. It is the burning of brown coal in particular that is bad. Brown coal burning emits nearly two times as much carbon dioxide as natural gas and much more than black coal. Apart from being the primary cause of global warming, burning coal is also the leading cause of toxic air pollution and acid rain.

The dream of clean coal is just that compared with the demonstrated benefits of renewable energies like solar, wind and thermal solar. The public deserves to know exactly how the government is pinning its hopes to a coal future. The public needs to know how captive the government is to coal interests and be able to scrutinise how investment in coal stacks up against investment in demonstrated renewable technologies. Victoria has more energy than it needs. The average age of its power plants is a staggering 40 years. With Victoria hosting the dirtiest energy in the country, this is a unique chance for the state to make a national contribution to dramatically reducing Australia's emissions and set up Victoria for the jobs-rich energy mix of the future.

I turn now to some of the comments made by Minister Herbert, who suggested that this is a silly motion — that it is a ridiculous motion. There is nothing silly or ridiculous about the scrutiny of government; in fact it is a key operation of this house. Mr Herbert suggested that this motion seeks to trawl. We are not trawling; we are seeking information on behalf of the people we represent in Victoria. It is our role to scrutinise, and calling it trawling diminishes the important role scrutiny plays in government. We do not want to see the delivery of more documents with more redactions; we want to see documents that inform the public and inform this house about the interests in relation to each of these matters in this motion.

I sit here and listen to the debate and hear about how bad the opposition was in government from the members on the government side of the house and vice versa. This is not about history; it is not about past practice. This is about the current government and the scrutiny of the current government now. History is history. What we want to see are documents from this government. We want this government to be transparent. It should be providing the house with the documents, and the Greens and the crossbenchers have a particularly important role to play in the scrutiny of those documents. I agree with Mr Herbert that they might be important projects, but that does not give the government the exclusive right to hold onto those contracts. Because they are important projects and because they impact on the lives of Victorians, it is important that they have that scrutiny.

I can only hope that the government will provide the documents, certainly in relation to the Advanced Lignite Demonstration Program. It is taking its time. I hope that in terms of the Legislative Council's resolution of 10 June and this motion today we will actually see some movement on that and see some documents come to the house that are not redacted and are informed. There is nothing wrong with scrutiny of government. It is not grubby and it is not negative. Scrutiny of government is important. Scrutiny of government is not silly. Scrutiny of government is not ridiculous. It is not trawling; it is not trolling. Scrutiny is a critical and important role, and it is the right of this house to scrutinise the activities of government.

**Mr LEANE** (Eastern Metropolitan) — I would like to respond to and speak on Mr Ondarchie's amendments, which I did not have an opportunity to speak on when the substantive motion was introduced weeks ago. I say in response to Mr Ondarchie's amendments that I know they are along the theme of the substantive motion but they introduce some other items of interest to the chamber. It is a good opportunity for the government to give a clear response to Mr Ondarchie on his amendments and, seeing as he has introduced a new aspect to the motion, to have a chance to respond to the new aspect of the motion and the contribution Mr Ondarchie made in putting forward his amendments.

I understand that these are added items calling for the production of documents the opposition has previously called for in previous motions and that this is time sensitive, as the opposition sees it. However, in fairness to the government and this chamber and with respect for this chamber, I say that governments — especially the Labor Party since I have been in this chamber — have been consistent, whether Labor or Liberal, in these

production of document debates. In government and in opposition we have said the same thing: that we understand that for a government to be able to operate it needs to be able to get advice and receive documents which are cabinet in confidence and commercial in confidence. For a government to operate, it needs to be able to receive advice without fear or favour, and that is essential.

As we have said on both sides of the chamber — when in opposition and in government — we respect that a government cannot release documents that are deemed to be commercial in confidence and cabinet in confidence. It would be impossible for departments, expert advisers and those who assist government in making decisions to give advice freely and without fear of ramifications if their advice is not accepted, amended or taken up. It would be impossible for those people to give advice freely, knowing that their advice, which was given without prejudice, would be released to the public and that they would be exposed to questions and ridicule around what was supposed to be in-confidence advice to the government. Some of that advice, as Mr Herbert would know, is preliminary advice which helps the cabinet of the day to make important decisions. Cabinet can ask the people who give that advice to amend it in certain directions, and it can receive more advice until a final decision is made. That is the process a diligent government would undertake.

Jeopardising what has been a tradition for every government will only jeopardise the interests of the people of Victoria. This motion jeopardises the ability of a government — whether it be a Labor government, a Liberal government, a coalition government of the Liberals and the Greens, or whatever concoction may present itself in future — to make good, important decisions for the people of Victoria. The Labor Party has raised this concern time and again, with the rider in debates on production of documents motions that it fully accepts that Parliament has the right to call for information. We accept that right fully, we understand it and we have no disagreement with the sentiments expressed in this chamber. But for a long time we have accepted the right and the ability of the government to function, and any decisions made in here which impede that right and that ability show disrespect for the people we represent in this chamber — the people of Victoria. I think that matter needs to be balanced.

Obviously the motion is directed at ministers with the appropriate portfolio responsibilities. It could put those ministers in a position where they would be acting in a way that was contrary to their ministerial oath to serve the people they represent and to advance the interests of all Victorians. Ministers could be put in a position

whereby the release of certain documents may be contrary to those interests. This motion could put ministers in a compromised position.

**Mr Ondarchie** interjected.

**Mr LEANE** — Absolutely. Do the ministers who have been given carriage of those responsibilities make the decision that the release of what might be cabinet-in-confidence or commercial documents could have an adverse effect on Victorians or, as there are 40 members in this chamber, do they adhere to the 20 plus 1 rule when they are compromising their responsibilities as ministers and the oath they took?

As I have said, Labor has always respected the position that the government needs to be able to do that. It is a shame the opposition has taken a contrary view. I understand that if this motion is not adhered to it may have ramifications for the Leader of the Government, some sort of 20-plus 1 penalty for not adhering to the substantive motion and amendment. I understand that because I recall what happened in this chamber in 2006 when the then Leader of the Government was penalised — suspended from this house — in a very similar situation. It related to very different documents at the time, but it was the same situation.

I understand that this might be a political ploy by the opposition. It might see this as resonating with the electorate that this government is not the transparent government it actually is. This is a false action because the motion tries to portray this government as not transparent.

I have to say that if this is the opposition's ploy, I am not too sure how much political capital it will get out of it. I remember in around 2008 the then Leader of the Government was suspended from the house for exactly the same situation as is being presented to us today. I cannot even remember — I am happy to be proven wrong — that it even made the evening electronic news, because I think that people — —

*Honourable members interjecting.*

**Mr LEANE** — Absolutely. Mr Mulino and Mr Herbert are exactly right. People are only interested in real news — —

**Mr Ondarchie** — Like a new logo? Like spending \$20 million on a new logo? That is a real story.

**Mr LEANE** — Let me take up Mr Ondarchie's interjection. Mr Ondarchie may be critical of the current actions of the government. Every person he represents in his electorate and in Victoria has the right

to be critical of the government's actions. We know that; we understand that. The government's actions are an example of what is news, not what happens in here, the political argy-bargy. I can guarantee Mr Ondarchie this: I have seen this before and there was no political currency for the players in that game. It did not make the electronic news, like the new logo did — —

**Mr Ondarchie** interjected.

**Mr LEANE** — Mr Ondarchie might be surprised to know that I for one have to disagree with him. I think putting a new focus on Victoria is a fantastic thing. I think putting a new focus on the things that Victoria delivers — to take up Mr Ondarchie's interjection — is fantastic. There are a lot of good things to focus on. Melbourne is the world's most livable city. I think we all enjoyed it when that announcement was made. It shows that we are lucky to live in such a fortunate place. It shows that we are lucky to have a very good government that is making sure that everyone outside the state is focused on what a fantastic place this is to live — —

**Mr Ondarchie** — And a new logo.

**Mr LEANE** — And a new focus, Mr Ondarchie, on what a fantastic place Victoria is. It is back on track, it is focused, it has a new government that is getting things moving. There are going to be level crossing removals, for which we can see activity on a daily basis. The Melbourne Metro rail project is on track. The previous speaker, the Minister for Training and Skills, is getting on top of what training is all about by getting rid of bogus companies and getting focused. That is a perfect example of the great new focus on which we have been lucky enough to deliver in recent weeks.

Getting back to the point I was making, that is the news that people want to debate — —

**Mr Ondarchie** interjected.

**Mr LEANE** — It is a debate; it is a fair debate, Mr Ondarchie. You might think a certain thing about the logo, but other people might argue that it is a great thing that is being delivered and a great new focus on what is a great state, one that is getting greater every day.

I understand the points Mr Ondarchie tried to make about the Peter MacCallum private hospital documents. I understand his angst and opinion — and I suppose I will add his consistency — on that issue, but I think the Labor Party has had a consistent position on that project as well. It is a wonderful project. It is going to be a wonderful hospital and a wonderful legacy that we will

all leave. It is similar to the new Royal Children's Hospital. It will be a wonderful legacy. We are lucky that we are part of a Parliament and a government that can see these sorts of great projects that mean a lot to a lot of people come to fruition.

I understand Mr Ondarchie's angst on this, but there should not be any angst about this project at all. This project is going to leave a wonderful legacy for Victoria. Peripheral to that, I have had discussions with the Leukaemia Foundation and similar non-government organisations which are also looking forward to this project coming to fruition.

Speaking of the Leukaemia Foundation, quite a large apartment building is being built across the road from the Peter Mac site and one of the levels in that apartment building is going to be occupied by the Leukaemia Foundation, which will complement the fantastic work Peter Mac does. It will be a whole level of apartments where families, partners and parents can reside when one of their loved ones is getting treatment at this new facility. It is a fantastic initiative of the Leukaemia Foundation, and it would be great if we could all get behind it. I have had a number of discussions about what the Leukaemia Foundation would like it to be. I also appreciate the discussions I have had with the government around what a supplementary project would mean to the hospital. I cannot compliment it enough.

It is easy to find fault in things that are being done; it is hard to find fault in nothing. This is a government that believes in doing. It is easy to find fault in something with a lot of activity because with a lot of activity it is easy to perceive and to blow things up into problems. The initial inertia created by the previous government only opened it up to the criticism that it was not doing anything. There was nothing else to criticise. There were no projects to criticise until there was a panic. A change of Premier caused that panic. Then there was only really one project that the government decided it would champion. Therefore it dug itself into a bit of a hole. I know that is a bad pun, but it dug itself into a bit of a hole electorally. By the time the people of Victoria went to the ballot box, all you could see was the top of government members' heads and dirt flying above them.

We are proud of these projects. As a humble government backbencher I for one want my ministers to fulfil the oath that they took. Part of that oath is to further the interests of the people of Victoria, who they represent. This chamber, with the 20 plus 1 rule, is considering putting them in a position that could compromise their oaths. If they do not release certain

documents, the 20 plus 1 rule in this chamber will penalise them. If they do release the documents, they could be breaking that oath to further the interests of all Victorians in their portfolios. I would hate to be in that position. It is unfair. It is an ugly bit of politics that is being played in this chamber. It has been played in this chamber in a previous term, and it is being played out again this term. For the information of Mr Herbert and Ms Shing, who were not in this chamber during the last term, it was not played out in the last term. They would be surprised.

**Mr Herbert** interjected.

**Mr LEANE** — No, the opposition in the last term went nowhere near it.

**Mr Herbert** interjected.

**Mr LEANE** — I am sorry to have to tell Mr Herbert this, but maybe the high standards are over, unfortunately. Last term there was not one of these motions to penalise a minister for not, as I said, going against the oath they made as a minister by producing — —

**An honourable member** interjected.

**Mr LEANE** — It is inconsistent. I have to say I am proud of the Labor Party's consistency. I reckon Mr Viney, a former member for Eastern Victoria Region, was on a loop in 2006. He would usually talk on the documents motions and say, 'The government is fully prepared to hand over any document other than the ones that they see as being cabinet in confidence or commercial in confidence, where their release might affect the ongoing viability of government projects and services'. I remember sitting where Mr Elasmar is now when Mr Viney was running late to put on the tape recorder in his head for one of these debates. I had heard Mr Viney speak on these motions so many times that when he did not arrive I jumped up and channelled him. It was completely apparent what our government's position was.

Then last term, when I sat where Mr Ondarchie sits, I took up Mr Viney's role in talking on production of documents motions that came from the Greens party. Even though Labor was in opposition, I would say exactly the same thing. I said the opposition completely supported the motion for the production of documents but on the understanding that for the government to be able to function some documents may fall under cabinet in confidence or commercial in confidence. I challenge anyone to look up *Hansard* — I might do it at lunchtime, because my lunchtimes can be a bit lonely — —

**Mr Drum** — Want a hand? I will step you through it.

**Mr LEANE** — That would be nice. It would be nice to have the company. I might go through the *Hansard*, and after lunch I might speak about the number of times Mr Viney made that particular contribution —

**An honourable member** interjected.

**Mr LEANE** — I will. I will talk about the number of times Mr Viney made that contribution and the number of times Mr Leane made that contribution, sitting over on the other side of the chamber. Members will notice I spoke of myself in the third person; that was a bit weird.

**Mrs Peulich** — Like the Queen.

**Mr LEANE** — Yes, a bit like the Queen. I thank Mrs Peulich; that was helpful.

It is unfortunate that it is as if we have gone backwards in terms of the standards of this chamber and the brutal politics of doing whatever it takes to damage a government, even if that has an adverse effect on the good people of Victoria. Opposition members are putting politics and their parties before the people they represent by putting ministers in a compromised position they should not be put in.

All members of this chamber have been around for long enough to have a good understanding of and respect for the fact that no matter who is in government, they need to be able to operate in a certain fashion. They should not be compromised. The people who give them advice should not be compromised. They should not be put in a position where any advice or documents — no matter how cooked or uncooked that advice or those documents are — can be released on the whim of 20 plus 1 people in this chamber. It is just ridiculous. There needs to be a complete rethink of the whole chamber.

Major parties come into government and go out of government, some of them quicker than others. I do not think we are doing anyone in this chamber a favour by moving these motions, given that the government has been responding to the calls for documents. Hundreds of documents have been handed over, but because a couple have not come across, the opposition wants to use that politically to try to do whatever it takes, as I said, to put the government into a compromised position where it would be seen to be doing the wrong thing by the people it represents — the people of Victoria.

I am at a loss to understand what political capital the opposition thinks it will gain by this. With all due respect to the Leader of the Government, no-one will really care if he is penalised or booted out for not handing over documents. I will actually be proud of him. No-one will care. It will not get a run on the TV news. There might be a little paragraph in one of the mainstream papers. What Victorians really care about are services. They care about the items that are mentioned in this particular motion. They care about the removal of level crossings. They care about new hospitals and new facilities. They care about new roads. They care about public transport. They care about new schools. They do not care about the political games played in this chamber.

Members opposite might think they are being clever and that it is all fun and games in here, but no-one out there cares. They have no political capital and they are wasting their Wednesdays with constant calls for documents when they know some of them cannot be delivered. They were in government a blink ago, and some of them were ministers, so some of them know that they would never have released a cabinet-in-confidence document or a commercial-in-confidence document that could jeopardise their government's projects and services. They know that, so what they are doing now is wasting every Wednesday by following this plan. Big deal if it comes to the point where those opposite penalise one of the ministers in this chamber. The same thing happened in 2008 or 2009, but no-one cared. I was here and I cannot even remember it being on the news. No-one cared. It might have been planned by the then opposition leader, Mr Davis —

**The PRESIDENT** — Order! In accordance with standing orders we will proceed to questions without notice. I might just caution Mr Leane that I think he was moving into some territory in his contribution that was beyond the motion. The motion is fairly narrow. I understand his references to past practice being relevant to establishing his case, but I think he was going a little further — perhaps to get us to 12 o'clock, I am not sure.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Kangaroos

**Mr YOUNG** (Northern Victoria) — My question is for the Leader of the Government in his capacity as the representative of the Minister for Environment, Climate Change and Water. Can the minister explain the

process to apply for a permit to cull kangaroos in the state of Victoria?

**Mr JENNINGS** (Special Minister of State) — I am trawling back through my memory bank relating to my previous responsibilities as Minister for Environment and Climate Change that may relate to this matter. There would need to be an authorisation made to remove wildlife, and that would be subject to an administrative action within, in my day, the environment department. Circumstances may have changed through administrative arrangements of recent times. Mr Barber has encouraged me — —

**Mr Barber** — Just apply and get one. It's simple!

**Mr JENNINGS** — Mr Barber is trying to assist me in completing my answer quickly rather than floundering around through my memory bank to say that those administrative arrangements still continue to this day. Mr Barber is obviously well versed in this and believes it is a straightforward administrative process. I would have to take advice as to whether those administrative arrangements have changed. I am not able to confirm or deny Mr Barber's answer to Mr Young's question at this minute.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for his answer, and I look forward to hearing the specifics of that. Can the minister explain why an animal killed under the appropriate permit may not be taken for personal consumption?

**Mr JENNINGS** (Special Minister of State) — Mr Young is taking us from the way in which wildlife can be taken, or killed, and treated within the state of Victoria, which is one discrete area of administrative responsibility, and into an area dealing with safe handling and food consumption practices and restrictions that may apply on the killing of livestock, the processing of that and the regulations that apply to the consumption of animal products in Victoria. They are subjected to a different regime of controls under, I assume, the primary industries portfolio or the agriculture portfolio.

The simple answer is that the responsibilities under law are administered in different ways; they are not necessarily harmonised to enable that outcome to occur.

**Questions interrupted.**

**DISTINGUISHED VISITORS**

**The PRESIDENT** — Order! I take this opportunity to acknowledge a former minister of this house, Mr Theophanous, who is in the gallery this afternoon.

**QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

**Child protection**

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is to the Minister for Families and Children. This morning in this place we tabled the Commission for Children and Young People's report on its inquiry into the sexual abuse and exploitation of young people in residential care. The 130-page report is incredibly damning of this state's record of protecting our most vulnerable children. Finding 1 is that the current system actually creates opportunities for sexual abuse of young people. The commissioner for children and young people, Mr Bernie Geary, OAM, has a lot of experience in this sector and is an eminently sensible person with a lot of practical experience. My question to the minister is this: will the minister commit to implementing all nine recommendations of the report and to publishing a time line for doing so?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. As the member has correctly identified, tabled in Parliament this morning was the report by the commissioner for children and young people, Mr Bernie Geary, on the inquiry relating to the issue of sexual abuse and exploitation of children in our residential care system. I welcome this report. In fact I called for the inquiry as the shadow minister last year. It is a very distressing report to read. It raises a number of concerns. In particular it confirms media reports last year of predators preying on, targeting and grooming vulnerable children in our state's residential care system. We have to remember that these are the most vulnerable children in our community. They have extremely traumatised backgrounds, and they have been abused and/or neglected in their very short lives.

Victoria is not alone in experiencing these issues. These are issues that are occurring in other jurisdictions here as well as overseas. The incidents in this report relate to the period between March 2013 and March 2014. The vast majority of those allegations relate to the issue of external predators preying on children. This is an issue that came to light last year. We know — and the report confirms this — that we have situations where predators are making contact with children through

social media. They are offering children drugs, money and gifts like mobile phones in order to exploit these children.

There are a number of recommendations in this report, and some relate to a range of issues around quality of care concerns and the critical incident reporting system. I want to make it clear to the house that I support all the recommendations in principle. In fact I did not wait for this report to be tabled in the Parliament. As I indicated, the inquiry started in March of last year, and many of these issues came to light last year. We have moved very quickly in government, and I as the minister have moved to take action on these matters. Many of the recommendations highlighted by Mr Geary are already being implemented.

I want to stress that this government is strongly committed to properly resourcing the child protection system. I am very proud of the fact that in the budget we have provided a 17 per cent increase in spending in child protection compared to last year's budget, with new funding right across the continuum of care. There is a particular focus on early intervention and prevention as well as improving our out-of-home care system and our foster care system. There are many things that are already underway ahead of this report, but I particularly want to stress that earlier this month I announced Roadmap for Reform — Strong Families, Safe Children, which is a project to drive systemic reform of the system, address demand pressures and reduce the number of children in our residential care system. That work is now commencing. I announced it earlier this month, and that particular project will drive how we respond to these issues and how we intervene early and support vulnerable families so that we stem the tide of children coming into the child protection system in the first place. When children do come into the state's care, we will provide appropriate support for those very vulnerable children.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. I note that recommendation 6 calls for a review of the current structure of the Department of Health and Human Services in relation to children in out-of-home care. In particular the recommendation calls for the protection of the best interest principle. However, earlier this month the government rejected amendments proposed by the Greens which would have restored some of the Children's Court's powers lost in last year's amendments to the Children, Youth and Families Act 2005 to make decisions in what it considers to be the best interests of particular children in particular

circumstances. If the Children's Court is not to be the arbiter of a particular child's best interests, what is the minister's plan to ensure that the best interests of children are protected when the department clearly cannot?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. In fact recommendation 6 goes to a range of issues, and the heading for recommendation 6 is 'Review the departmental structure'. I can inform the member that the Secretary of the Department of Health and Human Services, Dr Pradeep Philip, announced a restructure of the department last week, so we are implementing this particular recommendation already. We are looking at how we can strengthen accountability mechanisms within the department. We have also commenced an overhaul of the critical incident reporting system, which is identified as a particular issue of concern in this report. As I said in answer to the substantive question, we are already doing a lot of work to implement many of these recommendations, and I am proud of the fact that we restored the oversight role of the Children's Court.

**Youth employment**

**Mr PURCELL** (Western Victoria) — My question is to the Minister for Small Business, Innovation and Trade in his capacity representing the Minister for Employment. In south-western Victoria we have a very high rate of youth unemployment. In Warrnambool alone the rate rise is greater than 20 per cent, and in the Geelong area it is even higher than this. This is a very real issue that has significant community ramifications. What initiatives has the government implemented to support our young people to obtain meaningful employment and reduce the high levels of unemployment?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I will say in the first instance that what the Andrews Labor government has attempted to do to assist the youth to find employment is to assist in repairing the damage that has been done to the TAFE sector. Our first priority is to reinvest in those areas in which people can get skills to then obtain jobs. This is a serious issue. We on this side of the chamber believe investing in our young people is not something we will necessarily reap the rewards of today but something that we will reap the rewards of tomorrow.

The first thing is that we are investing in the TAFE and skills sector. Above and beyond that we have our *Back to Work* plan, which aims to provide a stimulus for

those people who have been unemployed for a long period of time and to encourage employers to take advantage of the government program to employ those people and assist them as well. Beyond that we have a range of other government programs where we are trying to encourage economic activity, such as the Future Industries Fund. There are a range of other industry funds, including the rural fund that Minister Pulford is looking after, that would have specific relevance to Mr Purcell and his region.

Above and beyond that, when we came into government unemployment was near 7 per cent. It is steadily decreasing. Confidence is increasing. Unemployment is decreasing, and this government makes no apologies for having jobs at the core of what it does in terms of its priorities. We will continue to work with all members, including Mr Purcell, and have consultation about the programs that members believe we can further expand, develop or even implement that will assist people in their regions when it comes to job opportunities. We on this side of the chamber appreciate that having a job creates a sense of purpose and identity and helps those young people to have a future.

*Supplementary question*

**Mr PURCELL** (Western Victoria) — I sincerely thank the minister for that explanation, and I think some of the items he has identified in the short term will certainly help, but I ask him whether there is any action being taken on the longer term aspects of the growth of some of these programs and how, in the longer term, that will be effected.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I refer in particular to the *Back to Work* plan, because I think in trying to alleviate long-term unemployment, especially in the youth area, that is one program that we have identified as being able to assist long-term job creation, giving people experience and a new skill set that they may not have had otherwise. Again, my colleague the Minister for Training and Skills, Mr Herbert, is looking after the reinvestment in the skills and TAFE sector, which was unfortunately ravaged by the previous government. We are steadily working through those issues, especially in the south-west. I am happy to make my time available to Mr Purcell to find what we can do to support businesses in his area above and beyond our existing programs. I also suggest that he speak to my colleague the Minister for Regional Development, Ms Pulford, in relation to the Regional Infrastructure and Jobs Fund that he and his businesses in the south-west may take advantage of.

**Freedom of Information Commissioner**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Special Minister of State. Will the minister detail the circumstances surrounding the sudden resignation of the Freedom of Information Commissioner?

**Mr JENNINGS** (Special Minister of State) — The house will be aware of two or perhaps three things. The incoming Labor government has made a commitment to reinvigorate and improve the community's expectations about the release of information through freedom of information. We will introduce through the Parliament legislation to improve public access to information and to reinvigorate the role previously played by the Freedom of Information Commissioner. That commitment is maintained and sustained by this government. It is our intention to do so, I think probably through legislative means, early in 2016.

The Parliament is already aware of this issue. In fact it was subject to consideration at the Public Accounts and Estimates Committee hearings and it has certainly been the subject of a line of inquiry previously during question time about a range of administrative matters, procedures and protocols that were undertaken within the office of the Freedom of Information Commissioner during the course of this year. It was an investigation that was undertaken under the auspices of the public service commissioner. That work was completed some six to eight weeks ago.

In light of the recommendations about improved administrative practices that would be expected to come out of that review to be implemented, the government through the public service and the Department of Premier and Cabinet had discussions with the Freedom of Information Commissioner about the transitional requirements and expectations of the emerging role and what the administrative undertaking should be in accordance with the review. The commissioner was involved in active conversations with the head of the Department of Premier and Cabinet about the way in which that transition could best be given effect to and how every party could be confident about the outgoing practices within the office of the Freedom of Information Commissioner in that transition. As a conclusion of those considerations and those discussions the Freedom of Information Commissioner determined that given her contract was likely to conclude by November she may seek to leave that position prior to the conclusion of her contract.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his answer. As part of those discussions with the Department of Premier and Cabinet and prior to her resignation, was the FOI commissioner advised that she would not be considered for appointment to the public access counsellor role?

**Mr JENNINGS** (Special Minister of State) — Certainly no conversation that I have been party to would have given her the clarity and the linear connection that the member is asking me to transmit to the Parliament today. I am not aware of any conversation that would have placed those issues in the context that he raises, but clearly the conversations that took place were about the range of matters that I have already put on the public record in the substantive answer.

**Freedom of Information Commissioner**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is again to the Special Minister of State. The minister in his response to the first question indicated that the FOI commissioner's office was subject to an investigation under the auspices of the public service commissioner. Given that the FOI commissioner is an independent office of the Parliament, why were concerns about the FOI commissioner's office not referred to the Accountability and Oversight Committee of Parliament for investigation?

**Mrs Peulich** — A very good question!

**Mr JENNINGS** (Special Minister of State) — It is a very good question. In fact it is not the first time that the question has been asked in this session. If we were going to apply the rules of Parliament, we could ask whether the question should be asked more than once. But let me give the member the benefit of the doubt by saying that I am happy to answer the question again, as I have already answered it. In fact earlier this morning, because it was attached to another question that I was reviewing, I had a look at that question and the answer I provided at that time. The answer I provided at that time dealt with the nature of the administrative matters that have been raised with the public service about the performance of the office of the Freedom of Information Commissioner and the scoping of those issues that took place between the Department of Premier and Cabinet and the commissioner about the appropriate way in which those things should be best assessed. Undertakings were made by both parties that

the course of action was appropriate and commensurate with the activities that were going to be within the scope of the inquiry.

If there had been any matters within the scope of the consideration that related to an abrogation of the statutory requirements for the connection between the office and the Parliament, and if that was the view of either the Department of Premier and Cabinet or the Freedom of Information Commissioner, then a reference may have been made to the Parliament in relation to the way this issue should have been dealt with. But that was not pursued by either party as being necessary to deal with the matters raised within the scope of the investigation.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his response. The minister is effectively saying that the government, through a government process with the public service commissioner, has intervened in the operation of the FOI commissioner's office and matters around the FOI commissioner's office. Given this is an independent officer of the Parliament, I ask the minister: has the government had the courtesy of providing the Accountability and Oversight Committee with a copy of the report that was finished some six to eight weeks ago?

**Mr JENNINGS** (Special Minister of State) — I would have to take advice on that matter. But again, in the spirit in which I have not withheld information sought from me on these matters — as I have done again today — I am totally prepared for relevant information to be transmitted to the relevant accountability framework within the Parliament.

**Mr Rich-Phillips** — Who determines what is relevant?

**Mr JENNINGS** — I am not predetermining what that may be. I will take advice not so much on whether the information should be released but the wisdom and the appropriateness of it being released. When I am advised on that I will respond to the Parliament accordingly.

**Public holidays**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Small Business, Innovation and Trade. I refer the minister to the *Victorian Guide to Regulation*, which states:

Any regulatory proposal needs to be scrutinised carefully to assess whether it will have an adverse impact on the ability of firms or individuals to enter and participate in the market.

I therefore ask: is it the minister's advice that the regulatory impact statement on the public holidays addresses the significant concerns raised by Victorian businesses that operate close to the Victorian borders?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for his question. In relation to the regulatory impact statement, we undertook consultation as part of that process because that is the process that is required under the Subordinate Legislation Act 1994. Section 12C of the act requires that consultation occur with the public on matters of economic or social impact. Following that consultation, the minister — in this case, myself — publishes a notice of decision. I signed that notice on Monday night. It was published yesterday. The gazettal will occur either tomorrow or within the next day or so.

*Honourable members interjecting.*

**Mr DALIDAKIS** — That deals directly with the question. Members opposite might not like the answer. However, let me remind those opposite that in 2011 the then Andrews opposition went forward with this as an election commitment — that is, should we be successful, we would implement it. That is what we have done through the regulatory impact statement. That is what we have done through the process. We undertook consultation through that process. We have come to the end of that consultation process and — guess what? — we are committing to our election commitments. We are implementing them. The question that 3 million working Victorians would like to know the answer to is: is the coalition going to rip those public holidays away from them should it be successful in 2018?

**Ms Wooldridge** — President, I raise a point of order in relation to the relevance of the response. It is clear the minister has a possible parliamentary question draft which he is reading in detail. The question actually went to the very fundamental issue of the cross-border issues and whether the cross-border issues of Victorian small businesses have been appropriately satisfied and addressed. I ask you to return the minister to answering the question, not reading his prepared response.

**Ms Shing** — He has still got 2½ minutes to go.

**The PRESIDENT** — Order! The minister does have 2½ minutes remaining in his answer, and I am sure he is going to address the substantive question that was raised by Mr Drum. I concur with the synopsis of that question, if you like, that it was about businesses in border areas with other states and the impact on them specifically. The minister, to continue.

**Mr DALIDAKIS** — Thank you, President. I appreciate your ruling. The fact remains that we undertook a submission process. We undertook a consultation process. Whether people chose to participate in that process was a matter for them. I would have thought that the Leader of the Opposition in this place, having previously been a minister, would understand that our jurisdiction goes to our border. That is where it extends to. Our jurisdiction does not extend to asking people in South Australia or New South Wales, on the other side of the borders, whether they think what we are doing in Victoria is a good outcome. I would have thought that it was incumbent upon the Leader of the Opposition to either make herself aware of that fact or remember where our border lies.

**Mr Drum** — On a point of order, President, my leader stood up to raise a point of order. I have been sitting patiently here, giving the minister the opportunity to come back to actually answering the question. Even following your lead, President, the minister has refused to answer the question. He has attempted to try to muddy the water by saying somehow or other that Victorian businesses near the border are in fact over the border — thinking that the question went to businesses in New South Wales or South Australia. We at least need the minister to attempt to answer the question.

**The PRESIDENT** — Order! Mr Drum tended to debate the point of order rather than bring to my attention the actual point of order. At any rate, I indicate that I am not able to instruct a minister exactly how to answer a question. The minister did go to the point of the borders with other states. I am conscious from my 23 years in Parliament that sometimes when a minister does not answer a question, that is a pretty good answer.

*Supplementary question*

**Mr DRUM** (Northern Victoria) — What is the advice from the Andrews government to the many thousands of Victorian businesses that operate on the state borders that are now forced to either close or compete against businesses just a couple of hundred

metres away — businesses in New South Wales and businesses in South Australia — that will not be burdened by the grand final parade public holiday?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I relish the opportunity to answer this question because I can say to Mr Drum that given that New South Wales has a public holiday on the Monday after that grand final Friday public holiday, it will be an opportunity for them to take business off New South Wales, if that is his concern. But ultimately what this government is about, and the answer that he can give to his constituents, is that it honours its election commitments.

### **Rail passenger safety**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a question for the Leader of the Government. I note that the Homesafe project will only have protective services officers (PSOs) at premium stations, therefore abandoning his pre-election commitment that PSOs would be at every station from 6.00 p.m. until the morning services. How can the government guarantee commuter safety on platforms and in railway station car parks without PSOs during the Homesafe trial at places such as McKinnon, Chelsea, Hallam, Montmorency, Burwood and Lynbrook?

**Mr JENNINGS** (Special Minister of State) — I thank the member for his question.

**An honourable member** — Thank Mr Herbert again.

**Mr JENNINGS** — No. Mr Herbert may have actually been willing as a participant on the government bench to augment any information that I may or may not know on this subject. What is wrong with that? What is wrong with a team acting as a team within the Parliament? There is no bar to it; there is no impediment to it.

On the spirit of the election commitment that Mr O'Donohue has reminded us of, yes, we gave an undertaking to the people of Victoria that we would introduce a trial program that would have a look at the effectiveness of providing transport systems throughout the weekend throughout the year to enable people to come home at all hours of the day in a way that would actually increase the availability of public transport and, as an associated commitment, have a look at the way in which safety could be guaranteed through the provision of that service.

Within the announcement the government made there was a significant undertaking in relation to the acquittal

of the presence of PSOs within the system — actually a system where in fact there has been a reservoir of goodwill in the community about PSOs being on the public transport system. The government does recognise that. The government seeks to reinforce that.

Those opposite may take some reflected pride in the fact that the PSO scheme has actually been well accepted by the community in many ways as being about an effective provision of safety support within the public transport system, and the government is certainly building on that and looking at ways in which it can provide that level of support as it rolls out the year-long trial of how Homesafe would work. Within that there is a commitment undertaking in relation to the number of PSOs who will be on the system, augmented by transit officers, who will be providing a roving capacity across the system to augment that effort. So we will actually see over 100 PSOs on the system.

**Ms Wooldridge** — Transit police are on the trains, not on the platforms. It is a percentage.

**Mr JENNINGS** — There will be an opportunity in general business for those opposite to talk about these significant issues rather than interrupting the flow of question time. If this is an issue for them, maybe they should use their time productively rather than not terribly productively in relation to general business. If they are so eager to use their Wednesdays productively, they should look at some productive areas to use Wednesdays for, may I suggest to them.

**An honourable member** — We love your responses!

**Mr JENNINGS** — This is the most enthusiastic those opposite have been about any response. I am indicating to the chamber that, yes, we have committed to PSOs; yes, we are restating our commitment to Homesafe; yes, we are interested in increasing the number of public transport opportunities for people to come home over the weekend; and yes, we will have a year's program to have a look at the effectiveness of providing those services and the way in which community safety can be provided for. PSOs will be an essential part of that system, as they will be augmented by transit security officers who will be available on the system to keep people safe so they can come home safely, 24 hours a day, over the weekend.

### *Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — The minister referred to the community confidence that exists in the PSO program, and I agree with him that there is community confidence in the PSO program.

Central to that is having two PSOs at every station from 6.00 p.m. until the morning services begin. Now that the minister has abandoned that central component of the PSO program, how can the community have any confidence that he will not now take PSOs from other stations on weekdays and seriously diminish commuter safety?

**Mr JENNINGS** (Special Minister of State) — The great problem with Mr O’Donohue yesterday after I gave him an undertaking to provide him with whatever information was available to me was that he instantly tweeted in the public domain using social media that I was unable to answer the question or I was avoiding answering the question.

*Honourable members interjecting.*

**Mr JENNINGS** — He instantly did that. And today there is entrapment in his supplementary question to not only indicate the prism of the arrangements for Homesafe but now extrapolate to hypothetical scenarios about the reduction of services at other times during the course of the week. Of course the instant that I do not rule those out he will be on social media causing mischief and causing alarm in the community.

What I am concerned about is providing the ability for Homesafe to occur, and the government is not resiling from its commitment to make sure that the system is safe throughout the week.

**The PRESIDENT** — Order! I thank the minister.

**Ordered that answer be considered next day on motion of Mr O’DONOHUE (Eastern Victoria).**

### **Start-Up Victoria**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I note that Labor’s plan for innovation will establish Start-Up Victoria — an independent statutory authority that will support start-ups. Has the government contacted or been contacted by the registered not-for-profit organisation of the same name, Startup Victoria, which organises some of the biggest tech start-ups in Melbourne and has more than 4500 members, about potential copyright infringements and using their registered business name for its new authority?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for the question. It is a good question, because it is one that we on this side of this house would be very mindful of. In my second week as minister — that is, last week — I

met with the founder of Startup, the not for profit. We had a meeting, and I made it very clear to them that we would not be using the name in any way that would be an infringement upon their not-for-profit enterprise. In fact I had a lengthy conversation with them about how I could support their not-for-profit enterprise in the work that they do in incubating other start-up companies around Melbourne and across the state.

I also said to them at the end of that meeting that I looked forward to going out and visiting them on site and speaking with some of the businesses that are housed on their premises so that I can learn from the information that they can provide to the state and learn how we can assist them in encouraging other businesses to grow Victoria and improve access to quality high-skilled jobs and also how we can encourage them to do what they are doing and have been doing for a great number of years, and we look forward to continuing that relationship.

### *Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — I thank the minister for his answer and also acknowledge that the government has abandoned its election commitment to create Start-Up Victoria.

I refer the minister to the revelations of today, which also impact upon his portfolio, that Daniel Andrews illegally used copyright music for Visit Victoria advertisements, and I ask: is the minister aware of any other breaches or infringements of copyright by the Andrews Labor government?

**Ms Shing** — On a point of order, President, the supplementary question bears no relevance to the principal question.

**The PRESIDENT** — Order! The link is on copyright infringements in the use of other people’s intellectual property, and to that extent I think the supplementary question is valid.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — What Mr Ondarchie has proved is that he can read the *Age*. Above and beyond that, the article very clearly shows that he has reflected very poorly on the Premier, because that article states that there had been no breach of copyright whatsoever, that in fact they had purchased the rights to that song and they had uploaded a draft copy of the video instead of the final product. The article very clearly makes that point, and I request that the member withdraw his insinuation that the Premier acted in bad faith, because that is not what happened, and it reflects poorly on Mr Ondarchie.

**The PRESIDENT** — Order! In his response Mr Dalidakis has asked for withdrawal of the comment in respect of the Premier. I have given consideration to that, and in terms of the explanation Mr Dalidakis provided I think he has put a position in respect of the comment that was made as part of the supplementary question, and that is enough to settle the matter on this occasion.

### Public holidays

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer to *Government Gazette S 225*, dated yesterday, which outlines that written submissions in response to the regulatory impact statement were received and all were considered for the grand final parade public holiday. Given that 100 out of the 105 public submissions strongly advocated against the introduction of the grand final parade public holiday, what exactly did the minister consider from the submissions?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for her question. I simply reiterate to this house that we stand by our election commitments. This was one that was made in 2011. We are going about implementing all of our election commitments, of which this was one.

In relation to the regulatory impact statement process, I answered this question a little bit earlier, and I will happily reiterate the same points I made, that as part of this process we were required to undertake a consultation through the regulatory impact statement. It is required under section 12C that that consultation occur on public matters of both economic and social impact, which we have done. Part of that process is that the minister in question — myself — consider those submissions. I took a briefing from the department, I considered those submissions and in light of those submissions, given that there are 3 million Victorian workers and only 109 submissions that were made, I think it was overwhelming to say that we will continue on, and that is why we are gazetting these public holidays.

I will say in ending that Ms Wooldridge needs to come clean to the Victorian people and tell them whether those opposite are going to steal those two public holidays away from them at the next election. If those opposite cannot be honest with themselves, they should try being honest with the Victorian public.

### Supplementary question

**Ms WOOLDRIDGE** (Eastern Metropolitan) — There were not many, but three of the organisations supportive of the public holidays were a Labor Party think tank, the Shop, Distributive and Allied Employees Association's Victorian branch and the Victorian Trades Hall Council, and I ask: as the minister who is responsible for assisting and growing opportunities for Victorian small businesses, what does the minister now say, given that he has gazetted the public holidays, to the hundreds of thousands of Victorian small business owners he has abandoned in favour of implementing policy which is clearly payback to the Victorian union movement?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — What I say to the business community — small, medium and large alike — is that this government has already seen unemployment drop from nearly 7 per cent under the former government in the last term to 6.4 per cent seasonally adjusted at this point. We are investing over \$1.2 billion in economic policies to try to get Victoria moving again. In relation to the figures that Ms Wooldridge tried to quote, let me tell her that there are 532 000 small businesses in Victoria, and of those 62.6 per cent are mum-and-dad businesses or sole traders with no employees.

What we are doing is trying to grow the economy and get people into jobs, because when people have disposable income they spend it. When people are unemployed they do not have an income to spend.

**The PRESIDENT** — Order! I thank the minister.

## QUESTIONS ON NOTICE

### Answers

**Mr JENNINGS** (Special Minister of State) — I have answers to the following questions on notice: 590, 645, 681, 703, 708, 709, 721, 770.

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** — Order! In respect of today's proceedings in question time I indicate that I expect an answer from the Leader of the Government, Mr Jennings, in respect of Mr Rich-Phillips's supplementary question in respect of whether or not the report had been supplied to the Accountability and Oversight Committee, and I think we can expect that one tomorrow.

**Mr Drum** — On a point of order on an associated matter, President, at the start of this Parliament we were led to be of the belief that ministers' answers had to be pertinent and relate to the issue, not just talk about the issue. While we are sitting here and the minister is talking around the issue but refusing to answer the question, we believe that the minister is going to get to the point and at some stage will attempt to answer the question. If we do the right thing by you, President, and wait for them to get to the pertinent aspect of the question and then the minister sits down — —

**Mr Dalidakis** — You're reflecting on the President.

**Mr Drum** — No, I'm reflecting on you. President, we are in a difficult position, because we were led to believe that some things were going to change in this Parliament, and now we seem to have reverted to type of the last 20 or 30 years.

**The PRESIDENT** — Order! In terms of the approach to question time in this Parliament, the government did take the initiative and indicated that it wanted ministers to be more responsive to questions that were raised in the sense that responses needed to be factual, they needed to be relevant and they also needed to be succinct, which really captures that position of not debating matters but providing a relevant answer that is apposite to the question.

A minister is not necessarily in a position to provide an answer that is going to satisfy a member on every question. As I indicated in my response to the earlier point of order, there are times when as a member of Parliament I would actually be delighted not to have an answer to a question, because whilst I do not use social media, I would be able to tweet such a fact and use that to some advantage in terms of a position I wanted to put. So a minister runs a risk if they do not actually address the question in a way that provides satisfaction to the house, if not to the member, in relation to the matter that has been raised.

In respect of today's question time, and indeed for most question time debates in this session, I believe ministers have addressed the matters quite fairly. In most instances, if not all instances, where they have not, I have sought to have written responses, sometimes on the basis of encouragement by members of the house who were not satisfied with those answers or felt that those answers did not go to the matters they really wanted to explore. I have taken that into account in making those directions where written answers were required.

At the end of the day, notwithstanding the changes in the sessional orders applied in this Parliament, I am still not in a position to direct a minister on exactly how they should answer a question. The matters I take into account are that they are relevant to the question and that they are factual to the best of what judgement I can make.

Of course in many cases, as we have seen with Ms Dunn's questions to Ms Pulford, there is a perspective that each of those individuals has on a particular matter, in this case the matter of employment in the timber industry, and no matter how many times the question has been posed and answered we have not been able to reach an agreed position between those two members of the house. But the point is that the minister has provided answers to those questions and sought to try to inform the house of the position as the government sees it. From my point of view, I cannot judge whether the minister's position or Ms Dunn's position was accurate in terms of the factual nature of those questions, but I rely on the best endeavours of ministers to comply with that part of the sessional orders. As I said, for the most part I am relatively satisfied that that is occurring.

**Mr Drum** — I appreciate your clarification on that, President. Further to the clarification, we still have confusion on the opposition benches given some of your rulings earlier this year in relation to then Minister Somyurek where an answer was not apposite to the question that was asked. A narrow, specific question was asked of a minister and, having not been happy with the original answer, you were then able to instruct that minister to get to the point and answer the specific question. Today you were able to pull Mr Dalidakis up halfway through his answer and let him know that whilst he was talking about the issue, he was not talking about the actual question. He then refused to answer that question and sat down, and we do not know where we stand with our ability to get the answer out of him.

**Mr Dalidakis** — You stand in opposition.

**Mr Drum** — Thank you — I didn't know that!

**The PRESIDENT** — Order! It would be difficult to draw a precedent, generally applied, on my handling of the questions related to Mr Somyurek because they were in very special circumstances, and I judged those circumstances and made my judgements accordingly, notwithstanding that there is some suggestion that I was a hostile President at the time. Nonetheless, coming to today, whilst Mr Drum may not like his answer, Mr Dalidakis did in fact provide an answer. He said that all businesses in Victoria had had an opportunity to put

in submissions. Whether they did was up to them, not something that Mr Dalidakis could specifically require of them, and to the extent that he felt that he had satisfied a consultation process with — —

**Mr Drum** — That was in answer to another question, President.

**The PRESIDENT** — Order! I thank Mr Drum. To the extent that Mr Dalidakis indicated that there had been a consultation process, he suggested to the house — I think fairly — that there was an opportunity for businesses in border towns to participate in that regulatory impact statement process. Whether they did was up to them. To that extent he did answer Mr Drum's question.

## CONSTITUENCY QUESTIONS

### Southern Metropolitan Region

**Ms FITZHERBERT** (Southern Metropolitan) — My constituency question is to the Minister for Environment, Climate Change and Water, and it concerns a matter raised with me by a constituent on Monday. On 2 December 2013 Parks Victoria announced that a new Albert Park master plan would be developed. This was to be a 20-year vision for the park and work proceeded through 2014 with community consultations. According to the government's communication on this issue, the planning process is still only at stage 3 of the 10-part process, which is the stakeholder engagement issues identification stage. The planning process was at stage 3 under the previous government, and I have seen notices of public consultations held in 2014. If there were any public consultations on this in 2015, they were very quiet.

I ask the minister: is it not true that the master plan has been put on hold by the government while it works out how to create a new school at Albert Park? In relation to the proposed school site, has there been any progress on finding new homes for Parks Victoria and Orchestra Victoria since the Deputy Premier said in May that neither had found permanent homes?

### Western Victoria Region

**Ms TIERNEY** (Western Victoria) — My constituency question is to the Minister for Aboriginal Affairs. There is a strong desire amongst my constituents in Western Victoria Region to promote local Aboriginal culture, and I am fortunate to have a number of Aboriginal groups and organisations within my electorate, which are a proud and active part of the community. Registered Aboriginal parties in particular

play an important role in protecting, managing and promoting Aboriginal cultural heritage. They provide self-determination and employment opportunities.

Two local government areas in my electorate, Colac Otway and Surf Coast shires, have small Aboriginal communities compared to other parts of the region, but they are strong and have very proud histories. The Wathaurong Aboriginal Co-operative is one of the registered Aboriginal parties that covers parts of the Surf Coast local government area. Can the minister inform me of the interactions she has had with the Wathaurong Aboriginal Co-operative registered Aboriginal party and what the government is doing to strengthen existing registered Aboriginal parties and promote new ones, particularly in Western Victoria Region?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My constituency question is for the Minister for Public Transport, and it relates to Shepparton once again being overlooked by the Andrews Labor government for additional public transport services. Shepparton constituents are greatly disappointed that the minister has not included Shepparton as a location for the Homesafe shuttle trial, despite other regional cities such as Ballarat, Bendigo, Geelong and Traralgon being included.

This transport snub is further proof that Labor and the minister have no real intention to improve public transport for Shepparton. The snub cuts even deeper considering the announcement came only one week after the Shepparton public transport forum, where local residents clearly articulated the need for additional rail services, but neither the minister nor the member chairing the review turned up to the public transport community consultation. Following the forum the minister said:

The message from the Shepparton community that they want more rail services has been heard absolutely loud and clear and I share the view that Shepparton needs more train services.

Why is the need for Shepparton residents to get home safe not as important to the Andrews Labor government as the needs of residents of Ballarat, Bendigo, Geelong and Traralgon?

**Sitting suspended 1.01 p.m. until 2.02 p.m.**

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. I refer to a complaint I received from a constituent regarding the condition of the pedestrian crossing at the western end of the Montmorency railway station. The photos I have seen of the pedestrian crossing show a complete absence of any appropriate barriers or gates to prevent access to the railway line when a train is approaching. Further, the handrails that are present are very tightly spaced and likely to make wheelchair or pram access very difficult. A disabled person, a parent approaching the railway with small children, or somebody not paying sufficient attention may be at significant risk of death due to the current inadequate design of the pedestrian crossing. Will the Minister for Public Transport arrange for the pedestrian crossing at the Montmorency railway station to be upgraded to a higher safety standard?

**Mr Herbert** — And put some shelter and some toilets for the pedestrians there too.

**Ms DUNN** — We will take whatever upgrade you can give, but safety is of the highest importance.

### Western Victoria Region

**Mr MORRIS** (Western Victoria) — My constituency question is directed to the Minister for Public Transport. There were farcical scenes in Ballarat yesterday when the 7.39 a.m. Wendouree–Southern Cross train took the absurd route of Wendouree to Ballarat, Ballarat to Wendouree, Wendouree to Ballarat and then on to Melbourne. The Ballarat *Courier*'s front-page headline today was 'Backtrack'. The *Courier* then exclaimed:

The laughable regional rail link Ballarat services became even more ridiculous on Tuesday morning.

It went on to say:

The latest setback saw Ballarat station commuters sent in the polar opposite direction to their destination — Melbourne.

Ballarat is going backwards under this Labor government. If it were not so serious, it would be funny. Commuters thought the announcement was a joke, that the train surely could not possibly be going back to the station from which it had just come, but unfortunately the only joke here is the Labor government and the current minister. My question is: what is the Minister for Public Transport going to do to fix the problems on the Ballarat train line?

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) — My constituency question is to the Minister for Roads and Road Safety. My question arises from the very successful Bellarine listening posts I have conducted every fortnight as a shadow member for Bellarine, and it refers to the poor state of Geelong-Portarlington Road. The coalition government funded upgrades along Boundary Road but constituents have advised me of — and I have seen firsthand — the rapid deterioration of the road around the Scotchmans Hill area. There are considerable works being carried out on cabling and wire ropes, which I assume are being funded by the Transport Accident Commission, but I see no works identified on the VicRoads website for future upgrades and maintenance of the Portarlington road. I would normally seek information from the regional manager of VicRoads, but I understand that department managers have been advised not to engage with opposition members of Parliament. My question to the Minister for Roads and Road Safety is: what action is being taken to repair, maintain and upgrade Geelong-Portarlington Road to provide a safe carriageway for those who want to travel through the Bellarine?

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is for the Minister for Public Transport. I refer the minister to the website of the member for Essendon in the other place, which on 20 March this year said:

Essendon residents are tired of the traffic congestion around Essendon station as a result of the Buckley Street level crossing. People can lose 15 minutes in peak hour just trying to get across the railway line. The people of Essendon deserve better.

I could not agree more with that. It continued:

That's why I am pleased that an Andrews Labor government is removing the Buckley Street level crossing. This promise is fully costed as part of our centrepiece policy to remove the 50 worst level crossings in Melbourne.

Five months later I must now ask: when does the government intend to replace costings with funding and remove the Buckley Street, Essendon, level crossing?

### South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. Yesterday I asked how the Homesafe program, which will provide 24-hour public transport,

catering in particular to young people returning home following nights out, with a trial scheduled to begin in December this year and to run for 12 months, was going to get young people home safely, especially at non-premium stations along the Frankston line such as Seaford and Chelsea. Clearly it would be very difficult to guarantee anyone's safety if there were no protective services officers on the non-premium stations. My question to the minister is: how will commuters using non-premium stations get home safely under the Homesafe program?

## PRODUCTION OF DOCUMENTS

### Debate resumed.

**Mr ELASMAR** (Northern Metropolitan) — I rise to contribute to debate on this motion. I am absolutely amazed at the hypocrisy of the coalition. When those opposite were in government, we received no information from them; we were completely stymied. Those opposite lost the confidence of the people of Victoria. They lost government and then had the gall to endanger major projects. Now they decide to go on a fishing expedition and grandstand on the sensitive issue of providing confidential documents to this house and in so doing jeopardise the economic future of this state.

The Leader of the Government has indicated to the house that the Andrews government has made a commitment on accountability and transparency and it takes that responsibility seriously. I agree with the Leader of the Government on this issue. We take jobs seriously and we take continuing to provide our state with a strong economic future seriously. We have stolen nothing — —

**Mr Finn** — Hey?

**Mr ELASMAR** — We have stolen nothing, Mr Finn. We have the confidence of the Victorian electorate. We stand by our election promises. It was the people of Victoria who voted out the previous government. They did not want the east-west link and they showed their displeasure by voting accordingly. The executive government will not be harangued, bullied or insulted by this house. We will continue to strive to work hard for the people of Victoria.

It does not surprise me that the Greens have joined the baying pack. They never cease to disappoint with their simplistic arguments against progress. If they had their way, if they were ever elected to govern — anywhere, Mr Finn, anywhere — we would all be plunged back to the 18th century, where people did not matter to government or to the very wealthy. Their arguments

and the amendment being put forward by the coalition — supported by the Greens — is utterly unacceptable.

When the coalition was in government it told us and the people of Victoria nothing about the confidential documents on the projects it had planned for Victoria. Now it is in opposition it seeks to put ridiculous strictures in place that will endanger economic activity and productivity. The coalition will stop at nothing to sabotage our plans to enhance the lives of ordinary men and women of Victoria. It is critical to our future that confidentiality be respected.

The Andrews government charged us with implementing projects that will make Victoria the best place to live in the world. Let us keep it that way. It is really quite shocking what those opposite are trying to do. It is very entertaining, I am sure, but it is not productive. It will not get this great state more jobs or remove one level crossing in Victoria. I feel sorry for opposition members. They are truly suffering relevance deprivation. It is sad to see some very smart and intelligent people on the other side indulging in grandstanding. We are not in this place to be amused or entertained; we are elected to represent the people and do our very best for them.

Commercial-in-confidence documents mean just that: they are confidential. In his contribution Mr Leane said that we have gone backwards in this chamber, and I am sad to say that he is right. Members opposite have been given the privilege of representing the voters of Victoria. It is a shame that valuable time is being wasted on a filibuster motion that has no merit.

**Ms SYMES** (Northern Victoria) — I am also pleased to rise to speak on the motion from the opposition regarding the non-production of documents. I am quite comfortable with paragraph (4) of the motion, which affirms the right of the Council to require the production of documents. Of course it is the right of this chamber and the people in it to call on the government to produce documents that are within its possession and indeed in the possession of government departments and their agencies. Much of this power is explicit. A provision in the constitution allows Parliament to request those documents. We also have pretty clear standing orders, including an entire chapter that provides for the production of documents. As we all know, document motions are not new. If you review the number of documents that the former Labor government produced — that is, in the period 2006 to 2010 — in response to the production of documents motions, you will see that it was many thousands of pages.

However, despite the fact that I agree that the Council has the right to demand documents, this is not an unfettered power. It has to be carefully scrutinised and it has to go through appropriate processes. It is vital that we accept that in certain circumstances it would be completely inappropriate and sometimes dangerous to table documents. It would be dangerous to the economic affairs of the state and dangerous to the public's confidence in the government being able to do its job.

In that sense it is also an accepted principle that a government should in certain circumstances withhold the disclosure of documents when responding to an order. We have seen many documents released in this Parliament, and some may be withheld for very good reasons, which I will come to. Confidential communications whose release could adversely affect the operation and procedures of the government need to be protected, and the potential impact of their release needs to be examined.

I note that the motion requests documents regarding the port of Melbourne, the West Gate distributor, the grand prix and the Cranbourne-Pakenham rail corridor project, and in addition to that Mr Ondarchie's amendments request documents regarding the Advanced Lignite Demonstration Program and the Peter Mac Private hospital. These are significant projects. As members can imagine, copious numbers of contracts and communications underpin these large projects.

I want to touch on executive privilege. It is not a default position to refuse to produce documents. The documents that have been tabled to date are testament that it is not the Andrews Labor government's intention to refuse to publish documents; in fact it has been the opposite. But executive privilege and its associated privileges and conventions cannot be thrown away. They are a necessary component of effective government. They recognise that it is important for political leaders to be able to receive candid advice.

Executive privilege considerations include whether a document is commercial in confidence. As I understand it, that involves assessing whether the release of a document would be detrimental to a business and would lead to the inability of that business to work with our government or any other governments, whether they be in Victoria, Australia or abroad. It is also important to consider whether the documents reveal sensitive personal information that may lead to the identification of people and in turn cause them or others harm. We also have to be careful about disclosing information that may include details of court cases or

cases that are yet to reach the courts. Governments would not want to be seen to interfere with the processes of justice and the independence of the courts. There may also be matters of national significance in terms of security and protections to consider.

Cabinet in confidence is spoken about in this chamber often as if it is just something that gets in the way or something that is used as an excuse for governments not to be full and frank, but I think the confidentiality of cabinet deliberations is a fundamental feature of democracy, particularly in Australia. The cabinet table is surrounded by ministers with varying views. They should be given the opportunity to canvass those views without the impediment of the risk that those views will be made public. Dissenting views and compromises can produce the best public policy, so I would not want to see a situation where ministers hold back and feel restrained in their contributions to important government decisions because they fear that what they say may be made public and later taken out of context or used to give the impression that they disagree with government policy when in fact it is part of a valued process to produce something that the government decides on.

In response to Mr Ondarchie's amendment regarding the documents associated with the Peter Mac Private hospital project, I take this opportunity to put on the record my support for the new Victorian Comprehensive Cancer Centre. I am proud that Victoria will be home to the cancer centre. In 2009 the then Victorian Labor government nominated tackling cancer as one of the government's top priorities. The then Minister for Health, now Premier, Daniel Andrews, worked to secure \$1 billion towards the new Victorian Comprehensive Cancer Centre project. The cancer centre will be a world-class, comprehensive centre that accelerates the translation of discoveries, trains cancer specialists and provides a centre of excellence for people affected by cancer.

There are few people who have not been touched by cancer. It can be cruel and devastating, but it is an unfortunate reality of many people's lives. Every Victorian therefore appreciates that the Victorian Comprehensive Cancer Centre will be able to treat more patients and provide better patient experience and outcomes than ever before in our state. It is hoped that it will drive the next generation of cancer breakthroughs that so many families are waiting for.

When we look at cancer we see a changing landscape. The Victorian government is proud that this centre will be an example of how we rise to respond to this challenge. Peter Mac will be the engine room of the

new Victorian Comprehensive Cancer Centre. It will be a large hospital delivering more care to more patients, as well as delivering world-class research. I am proud that this will belong to every Victorian. It is a fantastic project that will benefit many, and I understand that there is immense interest in it. This interest is not dissimilar to that in many other important large projects, particularly some of those that are the subject of the motion before us today. Therefore people are interested in the documents that underpin it, and I can understand that interest. However, what we have at the moment is a process that has to be undertaken to examine some of the concerns I raised earlier in my contribution relating to commercial in confidence and other privileges that may apply to documents. It is not because we want to keep these documents secret; there are just good reasons for withholding certain pieces of information.

In fact I do not even know that we will be withholding information in relation to the Peter Mac hospital documents. As I understand it, the request for documents was submitted on 5 August, and it is now 19 August. Considering a project of this magnitude and the copious amount of contracts, documents and communications that would be the subject of a request of this nature, I think it is hardly reasonable to expect a process to examine those documents and apply the appropriate rules to decide what may or may not be in the public interest to be completed so soon, and it is therefore a little bit early to move a failure to produce motion. A more realistic time frame in relation to this matter would be appropriate.

I will finish on that. I say again that I am really proud of the cancer centre that is going to be operational in Victoria. I think it is something that has long been wished for by many in our state, particularly those who are struggling with cancer diagnoses and treatment. To know that they have a government and a Parliament that put such high priority on this new facility is a good thing. After that positive note I will conclude my contribution on a less positive note and say that I will not be supporting today's motion.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I rise to speak on the amended motion before this house. The last time I had a chance to speak to the issues before us I was aghast at the pure politics being played by those opposite in putting forward the motions. I felt that because I found it somewhat hypocritical that these motions were being put forward given that in the previous Parliament these very issues were not dealt with by the then government.

I have a range of concerns, and for the benefit of those in the gallery I will reiterate them. I will start, as is always the best way, at the beginning. In the motion moved by Mr Rich-Phillips — and I am sorry that he is not here, because I am now unable to seek his interjections, which would of course be unruly, so his advice — the first paragraph states:

That this house —

- (1) notes the failure of the government to comply with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
  - (a) 11 February 2015 in respect of port of Melbourne documents ...

The reason I am somewhat amused that this is the first item in this motion is that in the previous Parliament — and I would have relished the opportunity to have been a member at the time, though Mr Lenders, who preceded me, was a fine and upstanding member of this house and a wonderful representative of the Labor Party — the then Labor opposition went forward with a policy for the lease of the port of Melbourne. That policy was put forward and furnished with the view that the proceeds of the lease of the port of Melbourne would be used to proactively fund dispensing with the 50 most dangerous and congested level crossings. This is a policy that has significant and widespread support across the community, and rightly so — it saves lives and increases productivity because people are not left at the level crossings stuck in traffic, particularly during peak hours.

How do I know this? I know this because I have a large number of level crossings in my electorate of Southern Metropolitan Region. I am happy to say that, owing to the government's commitment to remove certain level crossings, works are already underway on the removal of four crossings in my electorate: the Gardiner station crossing on Burke Road in Glen Iris, the Ormond station crossing on North Road in Ormond, the McKinnon station crossing on McKinnon Road in McKinnon, and the Bentleigh station crossing on Centre Road in Bentleigh. The removal of those level crossings is long overdue. When you consider that in other cities such as Sydney people have no idea what a level crossing is, we have a long way to go to catch up in terms of the removal of the entire level crossing infrastructure in metropolitan Melbourne and regional Victoria. The point about regional Victoria is an important one.

**Mr Ondarchie** — On a point of order, Deputy President, I remind the house of the President's ruling just prior to the commencement of question time where

he asked speakers to be relevant to the motion before the house. Minister Dalidakis is talking about level crossing removals, and I fail to see where that is referred to in the motion before the house. I ask that you ask him to come back to the motion.

**Mr DALIDAKIS** — On the point of order, Deputy President, the motion before us talks about the port of Melbourne. What I am getting to is talking about the government's position in relation to the port of Melbourne and the connection between our position on the port of Melbourne and the projects we are undertaking in government.

**The DEPUTY PRESIDENT** — Order! I ask Mr Dalidakis to direct his comments primarily towards the amendments that were proposed by Mr Ondarchie given that he spoke on the substantive motion earlier today.

**Mr DALIDAKIS** — Thank you, Deputy President. I will certainly abide by your ruling and come back to the amendments in just a moment. The point I will finish making is that the government's plan for the lease of the port of Melbourne will specifically provide funds for much-needed infrastructure spending within the state of Victoria. In keeping with our election promises, it is important for us to acknowledge that contract with the electorate. The reason I laboured that point is that I think it is important to make sure that the electorate — the citizens who voted for a change of government — has an appreciation that we on this side of the chamber are interested in keeping our election commitments.

It is interesting that I talk of election commitments in relation to this motion, because to jump ahead to paragraph (2) of this motion and the reference to the 'commitment to proper accountability to Parliament by the executive', I note that in the lead-up to the 57th Parliament the now opposition made a range of promises to make changes to standing orders and the way the chamber would conduct itself. As a consequence of winning the election and securing control of the chamber we are now standing in, the now opposition then chose to backtrack. It chose to turn its back on those election commitments.

We on this side of the chamber have only 14 members out of 40, but we remain committed to transparency and accountability, and we remain absolutely committed to ensuring that the executive is held accountable. We moved a motion to establish sessional orders, and what happened? All of a sudden Mr Ondarchie and his colleagues found their voices for accountability and moved their own sessional orders. That was okay. I

welcomed their newfound enthusiasm for accountability.

We are talking about the opposition's motion in relation to the production of documents, and the previous speaker, Ms Symes, started to touch on an issue that I wish to expand upon if I may. It is the issue of unfettered access to documents. We do not have unfettered access to documents across government. One only needs to look at legislation such as the Freedom of Information Act 1982 to understand that it is not a free-for-all system with open access to all areas. That is not to say that documents should not be released where appropriate. There needs to be a level of appreciation — I think Mr Ondarchie has this level of appreciation — that the government must act in accordance with the best interests of the state at all times. Sometimes documents are withheld for commercial-in-confidence reasons, executive reasons or any of a number of reasons that lead the executive to deem their release to be a risk to the citizens of Victoria. It may be an economic risk. It may be a social risk. A range of factors may be considered.

Mr Ondarchie's amendments indicate that he wants to get rid of the word 'and' in paragraph (1)(c) so he can insert a couple of lucky dip options. The Liberal lucky dip, as I call it, is an opportunity for those opposite to have another go after losing the election on 29 November last year. They are fighting on. I respect the fact that Mr Ondarchie is here fighting on behalf of the Liberal Party constituency. I respect that. I do not agree with the fight that he is putting up. I do not agree with his comments or his arguments, but I respect the fact that in this wonderful world of democracy in which we are participating he has the right to put them forward. He has the right to make his arguments.

Specifically Mr Ondarchie wishes to add two subparagraphs to this motion: subparagraph (e) and subparagraph (f). Much to my disgust, the date of the documents motion mentioned in subparagraph (e) is not my birthday; Mr Ondarchie will remember the last time we talked about 25 February. I note that the two document motions he is looking to add to the motion were debated on 10 June and 5 August this year respectively. This moves away from the three out of four motions referred to in the original motion having occurred on 25 February. Alas, that is a minor point within this debate.

Mr Ondarchie has requested to make amendments.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Settle in, Mr Ondarchie, because I look forward to having a lengthy discussion with you in relation to the amendments you have moved. We are contributing to and participating in an important part of the democratic process. It is only through the ability to contribute and participate that the people of Victoria get the benefit of all of our contributions.

We will start with paragraph (1)(e) and the 10 June 2015 motion in respect of the Advanced Lignite Demonstration Program documents. I want the member opposite to know that the government will consider that request. We will consider that request because this government believes in accountability. We moved to establish sessional orders, as I have said, despite not having the numbers in this chamber to pass those sessional orders ourselves. Contrast that with the previous government which did have the numbers to move sessional orders and standing order changes as it committed itself to but chose not to. We will overlook that hypocritical part of this procedure because we are having this debate in good spirits and good faith at this point. What I will say is that we have said we will consider the member's request.

I wish to extend that courtesy to not just the member who moved the amendments, Mr Ondarchie, but also to the Honourable Gordon Rich-Phillips, who was the original mover of the motion. I want Mr Ondarchie to know that given the original motion and the amended motion were from two very different people that the spirit of bipartisanship and friendship includes the consideration of both.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — I welcome the opportunity to talk about democratic principles. I welcome the opportunity to put into *Hansard* my great desire to be held accountable to this Parliament and my great desire to ensure that should any of the people of Victoria suffer from insomnia and need to read *Hansard* that they do so and understand that I respect their right to read it. I hope they learn something that elucidates the debate we are having today about this motion and its amendments.

Alas, Deputy President, I apologise that I have strayed somewhat from the amendments before us and I wish to come back to them. As I have suggested in a previous contribution, the Advanced Lignite Demonstration Program has contracts that are commercial in confidence, which will be subject to appropriate consultation with the proponent prior to release. That is also how freedom of information laws work when third

parties are dealt with in documentation that is being sought to be released. I appreciate that in previous debates and discussions we have had in this chamber that the argument put forward by those opposite is that the standard within Parliament is very different from the standard applying to freedom of information, and that our accountability to the executive has a much higher threshold of which we need to be held to account than that which is held to account by FOI. I understand why those opposite would have that view because the Liberals put Tony Nutt into a freedom of information role because they so highly regarded freedom of information as an important role within the democratic process.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — The more points of order that are raised the longer I keep going, so let them keep putting them.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — The last time I spoke about this issue I was a humble backbencher — some would say I was not so humble. This time, as a minister, I can assure the chamber that if I had the opportunity to be focused on small business, innovation and trade, that would probably be my preference, but the democratic process means that I owe it to this chamber to speak to the motion before us.

**Mr Ondarchie** — You owe it to the government.

**Mr DALIDAKIS** — I owe it to the democratic process. I owe it to my role and the serious nature in which the government considers the motion and the amendments put forward by those opposite. I again draw myself back to the amendments posed.

**Mr Ondarchie** — This is your preamble, isn't it?

**Mr DALIDAKIS** — I will respond to the interjection. I am not quite at the preamble yet. I am hoping to get to the preamble by somewhere around the 45-minute mark. These are just my introductory remarks.

I seek your guidance, Deputy President, because at this point I would like to talk specifically about the Advanced Lignite Demonstration Program in concert with the other items in the original motion. Subparagraph (a) of paragraph (1) refers to port of Melbourne documents; subparagraph (b) refers to West Gate distributor documents; and, most importantly, subparagraph (c) refers to Australian Formula One Grand Prix documents. I note specifically that the

previous government signed an extension of that contract and yet the coalition opposition is seeking documents in relation to the grand prix.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Mr Ondarchie is being completely unruly, but I put on the record — and it is already in *Hansard* — that even though there are people in Southern Metropolitan Region who may not be happy with the grand prix at Albert Park Lake, I support the major event happening in Melbourne at Albert Park Lake.

**Mr Ondarchie** — In contrast to Mr Herbert?

**Mr DALIDAKIS** — We are not told what we can do by Mr Abbott, as they are in federal Parliament. Let me just think about this for a moment. I will tell you what is very funny. I find it very amusing that I have already been lectured to on numerous occasions, not by Mr Ondarchie, I might add, but by people opposite on how apparently Labor Party members must adhere to whatever our caucus room tells us to do. Yet funnily enough in the last week alone the great party of liberalism and individual freedoms over the majority has seen the federal Liberal Party be held to Tony Abbott's 1930s view of the world in relation to same-sex marriage.

**Mr Ondarchie** — On a point of order, Deputy President, by way of favour to you and in keeping you awake during this wonderful speech by Mr Dalidakis, I wonder if we can ask him to not try to cure insomnia in this place and perhaps get back to the motion before us.

**The DEPUTY PRESIDENT** — Order!  
Mr Dalidakis, I do —

**Mr DALIDAKIS** — To save me from that ruling, Deputy President, I totally agree with the point of order as well.

**The DEPUTY PRESIDENT** — Order! That is excellent.

**Mr DALIDAKIS** — I will bring myself back to the motion. It is okay for us to have slightly different views. Just to reconfirm that in spite of being a member for Southern Metropolitan Region and acknowledging the concerns and complaints of locals very near the track at Albert Park, as well as those slightly further afield, and respecting their views not to support the grand prix, I personally believe it is a wonderful investment and a wonderful part of the Melbourne major events program. It is a wonderful part of the range of products that the state of Victoria offers the

world. It is also part of why just yesterday Melbourne was voted once again as the greatest city in which to live in the world — the no. 1 city.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — I will not take up that interjection, Deputy President, because otherwise I will stray from the topic and I presume there will be another point of order raised.

Anyway, the point is that in the last Parliament — and this is in direct relation to the amendment before us — the government signed an extension of the grand prix contract but it did not release it. The previous government chose not to release it because it decided that the commercial-in-confidence grounds on which that contract was signed were so great that if the government were to release the contract, that could potentially damage the state's chances of either being able to procure future major events or being able to negotiate an extension when the current contract expires. Why is this relevant to the amendment before us that Mr Ondarchie has put forward? Because — guess what? — the contracts for the Advanced Lignite Demonstration Program were negotiated and signed by the previous coalition government. I tell you: you could not write this in a script for *Frontline*, *The Hollowmen* or *Yes Minister*. You could not write about this as a screenplay for a TV program or a movie and have it accepted by any of those people. Nonetheless it is true. I am waiting for Mr Ondarchie's comments across the chamber about how he was involved in procuring and signing those contracts.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Alas, he was not. Maybe it was Mr Davis who signed these contracts on behalf of the previous government. Was it Mr Davis who signed these contracts?

**The DEPUTY PRESIDENT** — Order! Through the Chair.

**Mr DALIDAKIS** — I apologise. Thinking aloud, I wonder whether it was Mr Davis who signed these contracts in the previous government. Nonetheless these contracts for the Advanced Lignite Demonstration Program were negotiated and signed by the previous coalition government. Mr Ondarchie wishes to amend the motion before this house to ask for the very same documents that the previous government signed. I do find that somewhat amusing — ironic, even hypocritical. The coalition has access to those documents from its previous corporate knowledge — from the people who signed those documents. In fact

those people opposite would have a very good understanding of what was in those documents, and they chose not to release them either.

The reason I went back to the grand prix documents is that they were directly relevant to the situation before us. They relate to the examples by which I have demonstrated that members of the previous government, in the 57th Parliament, had direct knowledge of and control over the documents — by handling and signing them — that they are now seeking access to. I may not be the one to use words like ‘grandstanding’ and ‘hypocrisy’, but maybe I will use them just for the moment, because what we have before us is an opposition that is attempting to potentially damage our state. As a patriotic Victorian I think that the motion and its amendments that those opposite are putting forward have the potential to do damage to our commercial in confidence, our way of doing business, our way of attracting new business and our way of attracting new major events to Victoria.

People who operate within our jurisdiction are being put to the sword by those opposite, who wish to play political games. It scares me, and it actually upsets me. I am fearful about what may happen if those opposite ever return to government, because if they are prepared to call for the release of documents in opposition, goodness knows what they would do if they got their hands on the levers in government. It is frightening. It is like watching a re-run of *Fright Night 3*, *Halloween* or *Gremlins* — or all of the above. We could be watching a movie called ‘Predator versus Terminator’, ‘Predator versus —

**Mr Mulino** — The sequel.

**Mr DALIDAKIS** — The sequel — yes, horror movies. What may amuse us all is that it will be the only time that Mr Ondarchie is a leading man in a movie. I acknowledge that I do not have the attributes of Brad Pitt, but in a horror movie Mr Ondarchie and Mr Gordon Rich-Phillips would be the leading men.

**Mr Ondarchie** — Listen to Borat over there, will you?

**Mr DALIDAKIS** — I am still not quite yet at the end of my preamble. I remain greatly concerned at the fact that these representatives of the public would choose to play politics in the worst way. This is the most egregious behaviour that this chamber could countenance — a request for the release of documents that those opposite themselves authored, that they themselves signed, that they themselves put forward as government policy. Here they are some 9 or 10 months

later wishing to somehow release those documents when they chose not to do so when they had the opportunity. They are doing so for only one reason: to try to cause great disruption to government.

I am not even quite sure what kind of politics those opposite are wanting to play, because all they are seeking to do is obtain the release of documents that I presume were signed off by Mr O’Brien, the former Treasurer. They could be trying to embarrass the former Treasurer. That could be exactly what they are trying to do. It could be about internal Liberal Party politics, which would make the politics of the Labor Party look like child’s play. We need look no further than the motion that we had to debate previously in relation to the production of documents for the east–west link. One of the comments I believe I made in this chamber at the time was that it appeared that the shadow Treasurer had retained some of those documents, because he held a press conference in which he spoke to them and released some of them to the media.

**Mr Mulino** — What a stunt.

**Mr DALIDAKIS** — It was a stunt of the worst type — to try to cause fiscal damage to the state of Victoria and reputational damage to the state of Victoria. Most importantly, it dragged all of us as members of Parliament down to the level of those opposite, and we need to elevate the level of debate here in this chamber.

I welcome Mr Ondarchie’s contributions in this way because I believe Mr Ondarchie is trying to elevate the level of debate. I believe he is seeking a higher purpose in this chamber and he is here for good reason, and I think he serves the public with the right intentions. We might disagree, and at times viciously, on the policy of the debate, but I believe Mr Ondarchie’s intentions are pure.

I move to deal with the proposed amendments to the motion before us. I point out that to date no funding has been provided to the project proponents — and I wish to specifically reference the Advanced Lignite Demonstration Program, specifically ALDP, for the benefit of *Hansard* and those who will be reading it down the track — because no milestones have actually been reached. The documents being sought by those opposite were contracts negotiated by them and signed by them, yet the milestones have not been met, which I find peculiar. Those opposite, who maintain a sense of indignation in relation to the release of these documents not occurring forthwith, nonetheless signed a document with a proponent that has not even been able to reach milestones.

**Mr Mulino** — But you're not surprised.

**Mr DALIDAKIS** — Sadly, I am not surprised that they would have signed for such milestones. It is a bit like the milestones they signed for with the east–west documents four weeks before they went into caretaker mode. They just decided to hand over a blank cheque to the proponents of the east–west link at the time, with no oversight or guidance of public policy.

However, back to the Advanced Lignite Demonstration Program. The first step for the Advanced Lignite Demonstration Program project requires the proponents to secure private sector investment by the end of 2015 to ensure commercial interest and viability. Given that I have just prefaced that comment by saying that as yet a milestone has not been reached, it is important to labour that one point. The proponents have until the end of 2015 to ensure commercial interest and viability. Obviously it is clear to all in the chamber that if they have until the end of 2015, it effectively means they have around three and a half months to secure that funding and private sector investment to ensure that they meet that milestone of commercial viability and that that commercial interest, that project, continues forthwith.

What I find quite amazing is that the project the opposition put forward, signed for and undertook when in government is the very project it wishes to endanger before the end of the contractual arrangements — to try to show all our good citizens, the good folk of the state of Victoria, that to secure commercial interests and viability they have until 31 December 2015.

I have to say I remain somewhat shocked that somebody of Mr Ondarchie's immense corporate and private sector experience would put forward an amendment that could endanger the viability of the Advanced Lignite Demonstration Program, given that it was a program that the previous government — Acting President, I welcome you to the Chair; what I was just saying — —

**Mr Ondarchie** — You're not going from the top, are you? Please say you're not going from the top!

**Mr DALIDAKIS** — I have it on good authority that the Acting President was intently listening from his office to make sure, so I do not need to go from the top.

*Honourable members interjecting.*

**Mr DALIDAKIS** — I have not even warmed up. What I was saying was that given the immense private sector experience of Mr Ondarchie, I am certainly alarmed and remain concerned. More than that, I

remain deeply troubled by Mr Ondarchie's attempt to put a project at risk, for nothing more than wanton political opportunism, by putting forward a motion because he is now in opposition. This is a project that those opposite — sorry, Acting President, I wanted you to note this point in particular. You and I came into this place in the class of 2014, so we were not members of the 57th Parliament, but in the 57th Parliament when those opposite were in government they signed this agreement. They put forward the proposal and had it signed.

The Advanced Lignite Demonstration Program was put forward by the then Napthine Liberal government. I think it was the Napthine government; it could have been the Geoff Shaw government or the Baillieu government, but I am pretty confident it was the Napthine government. The point I am making is that, given the milestone to be achieved to prove that that private sector investment can be secured is 31 December, the production of documents in the public — —

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — The Acting President needs to be very clear on this issue. The request for those documents now, prior to the finalisation of that 31 December milestone, puts the very project at risk. I remain flabbergasted that Mr Ondarchie would put his name — —

**An honourable member** — You were shocked.

**Mr DALIDAKIS** — I was deeply shocked before, and now I am flabbergasted.

**Ms Pulford** — Which one is worse?

**Mr DALIDAKIS** — I am not quite sure, Minister Pulford, which one is worse, 'deeply shocked' or 'flabbergasted', but I am going to rate them equally as disastrous. They are equally disastrous for the state of Victoria. More importantly, and on a very serious note, opposition members place Victoria at very real risk of fundamentally breaking that contract that we all know as sovereign risk. They signed the contract, which gave the proponents until 31 December 2015, prior to the election last year. Maybe they also signed this four weeks before being in the caretaker government mode; I am not quite sure of the exact time line.

*Honourable members interjecting.*

**Mr DALIDAKIS** — Maybe Mr Ondarchie has a smidge more integrity than the member for Malvern in

the Assembly, and he would not have signed that. Nonetheless, it was signed in the last term by the Napthine government. Opposition members are now putting at risk their own program for nothing more than a cheap political stunt — a nasty, cheap political stunt. They are putting at risk Victoria's commercial reputation, and they are putting at risk their own tattered and tarnished reputation. They are putting at risk the very lifeblood of investment in the state of Victoria by trying to sabotage no less a project than one of their own making. That is what they are doing. They are trying to sabotage a project that was funded by the Napthine government and that has until 31 December this year to secure private investment and prove that it can go forward. But that is not good enough for those opposite. They now want to blow the party up. They want to close the doors, take their grog back and turn off the music. They want to turn off the lights, take everything and go home.

**Mr Ondarchie** — What are you hiding?

**Mr DALIDAKIS** — But that is not how contracts work, Mr Ondarchie. Those opposite signed a contract with the proponent for the Advanced Lignite Demonstration Program, and they gave this project until 31 December — I repeat myself — to secure private sector investment and to ensure commercial interest and viability in that project. Those opposite, some of whom were members of the Napthine government and some of whom were not, gave the ALDP until 31 December, and guess what? Now those opposite want to take their bats and balls and go home.

I know Mr Ondarchie used to play cricket, and he will appreciate that analogy. Like me, he used to be a wicketkeeper, although hopefully unlike me he used to catch more than he dropped. Unfortunately he has dropped the ball on this occasion, because what he is trying to do now is just sabotage. He is trying to kill his own project. I do not quite understand why he is trying to cancel or kill his own project. I am not sure what he has against the people who are the proponents of the project. Maybe there is some kind of personal vitriol that we are unaware of. I do not think Mr Ondarchie would behave like that. I believe he is a genuinely honourable person, and I am going to give him the benefit of the doubt.

*Honourable members interjecting.*

**Mr DALIDAKIS** — And I will give Ms Crozier, Mr Dalla-Riva and you, Acting President, the benefit of the doubt. Even if you were not in the chair, I would give you the benefit of the doubt.

**Mr Ondarchie** — On a point of order, Acting President, I would like you to encourage the minister to come back to the motion. Whilst he is adorning us with praise about our capacities, and we appreciate that, I am worried he is going to celebrate by introducing an additional public holiday. Maybe you could ask him to come back to the bill.

**The ACTING PRESIDENT (Mr Morris)** — Order! I thank Mr Ondarchie for the point of order. I am perusing the amendments that are before the house at the moment. I note that Mr Dalidakis has previously made a contribution on the substantive motion. He is now speaking on the amendments proposed by Mr Ondarchie. I would appreciate Mr Dalidakis confining his comments to the specific amendments we have before us at the moment.

**Mr DALIDAKIS** — Thank you, Acting President. May I speak to the point of order, or have you made your ruling?

**The ACTING PRESIDENT (Mr Morris)** — Order! I have made that ruling. I think it is quite clear in that we have about 3 minutes to go.

**Mr DALIDAKIS** — I respect that, Acting President. I was seeking clarity, and you have provided that. I appreciate that, and I will move on.

As I was saying, by suggesting that Mr Ondarchie had dropped the ball, I was specifically referring to the amendment he has moved and which is before this house in relation to the Advanced Lignite Demonstration Program, which is directly related to what will be paragraph 2(e) in the motion before us if the amendment is agreed to. That is what I am speaking to. There can be no confusion among those opposite. I am honouring the very spirit, the very word and every single syllable of your ruling by addressing proposed paragraph 2(e) in respect of the Advanced Lignite Demonstration Program documents, which arises from an amendment Mr Ondarchie has moved. I am specifically addressing that right now.

What I am getting to rapidly is that I have tried to spend a great deal of time thinking about why Mr Ondarchie would move for the production of documents when that would endanger a program that he may have been a part of helping to get up during the term of the previous government in terms of assisting the previous Premier to support the contract signings for the Advanced Lignite Demonstration Program, because a condition of the signing of those documents was to produce financing before 31 December.

**Mr Ondarchie** — You already said that.

**Mr DALIDAKIS** — It bears saying again.

**Mr Ondarchie** — You're running out of material. That's the problem.

**Mr DALIDAKIS** — I will take up that interjection; I am not running out of material. I am labouring a very serious and important point. I appreciate the support from Mr Ondarchie on this point. I respect him — —

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Interrupt me and withdraw subparagraph (e). If you agree with the program, you should withdraw the amendment.

**The ACTING PRESIDENT (Mr Morris)** — Order! Through the Chair.

**Mr DALIDAKIS** — Sorry, Acting President. What I was saying was that I ask Mr Ondarchie to do the right thing — that is, to demonstrate to the people of Victoria that he understands that what he is doing is putting at risk not only the very state and nature of commercial in confidence but also the issue of sovereign risk. What Mr Ondarchie has done by putting forward paragraph (1)(e) is endanger the very project that his government signed contracts for and that has until the end of this year to procure funding.

I respectfully request that if Mr Ondarchie has an ounce of commercial decency in his political heart, he withdraw the amendment to insert paragraph (1)(e) into the motion before us, because to not do so would raise the very issue of risk — sovereign risk, commercial risk and political risk. I am not sure what the opposition would gain from demonstrating that its members remain unfit for office, but that is its issue. I hope that the opposition, including Mr Ondarchie as the mover of these amendments, sees fit to withdraw one part of one of the amendments he has put forward.

We on this side of the chamber wish to see new economic opportunities that make innovative use of our resources, but they must be done within the realities of global carbon constraints and market demand, which means that any future coal developments will need to demonstrate technical and commercial viability, meet environmental standards and achieve a social licence to operate.

I suggest to you, Acting President, that maybe in opposition members of the former government realise that this project may not do that, and that may be a reason for them trying to get the documents referred to in this amendment to blow the show up — take their bat and ball and go home — on the basis that they do

not want this project to be successful for fear of the legacy it may leave the Liberal Party and The Nationals for years to come. But that is mere speculation unless those opposite, including the mover of the amendments, Mr Ondarchie, wish to proffer that view. Again, I consider that musing for our thoughts.

I have spoken a lot about the Advanced Lignite Demonstration Program, as rightfully I should, because that is in the amendments proposed to the motion before us. By way of background, the Advanced Lignite Demonstration Program is a 50-50 state and commonwealth funded initiative to develop precommercial brown coal technologies that upgrade coal to higher value products.

A total of \$75 million was awarded to three ALDP projects, and the first part of that was a \$20 million grant to Ignite Energy Resources to support an \$84.3 million project to produce upgraded coal products for local and export markets. Why is this so important to me? Obviously jobs are at the heart of it, but also as the minister for the trade portfolio it is very important for me to support those businesses that are attempting to increase our trade, increase our level of exports and obviously ensure that wherever possible that is done within a social remit of environmental and social sustainability. It is not for me to pass judgement on whether that social remit is provided; I am sure I will get help from my friends in the Greens in making a decision on that process.

This is quite alarming: the shadow minister for trade is Mr Ondarchie, yet Mr Ondarchie is potentially putting this very project at risk and in great peril. He is the shadow minister for trade, and he is trying to kill a project that has export as the heart of its reason for being and the heart of its reason for receiving that state government funding. Unfortunately I have to once again question whether Mr Ondarchie truly understands the motion he is looking to amend in this house. I remain deeply disturbed, deeply alarmed and somewhat sceptical about what the motives are. Nonetheless that is the first of the three projects.

The second of those programs is a \$25 million grant to Shanghai Electric Australia Power & Energy Development that actually went towards supporting a \$119 million project for a demonstration plant at Loy Yang A power station in the Latrobe Valley. My colleague to the right — I am not sure that on some issues I could say he is to the right of me, but he is certainly to the right of me physically — Mr Daniel Mulino, represents the Latrobe Valley, and he does a fine job. I want you to know, Acting President, that when I try to model my own representation of Southern

Metropolitan Region, which I take very seriously, I use Mr Mulino as a yardstick against which I succeed or fail.

**Mr Mulino** — And vice versa.

**Mr DALIDAKIS** — I thank Mr Mulino. The point I am making is that in considering the Loy Yang power station and the Latrobe Valley we can see a significant project that is at risk in an area that suffered some troubling times recently under the previous government. It has suffered some troubling times economically as a result. Unemployment grew under the previous government in the Latrobe Valley, and it is something we have been trying to address since we came into government on 29 November last year, because we understand that the best way to give somebody hope and a future is to give them a job.

We remain deeply concerned that this motion Mr Ondarchie has tried to amend is putting at risk the very fundamentals we hold dear: jobs for those who wish to have them, a strong economy for future generations to enjoy, prosperity that can be shared and Treasury coffers that can be used for social programs to ensure that those people who need our help and assistance the most can actually access it and get it. That is the second program.

The third program is a \$30 million grant to Coal Energy Australia that went towards supporting a \$143 million project producing fertiliser, oil and high-value coal used in steelmaking. It is again a project that looks to create jobs, economic activity and potentially exports, of course, and it is something that we on this side of the chamber take very seriously. Even though it was a program signed off on by the previous government, it is nonetheless a project we want to support.

I was asked a question in question time by Mr Purcell in relation to jobs and employment activity within the south-west of Victoria. This would be the type of project Mr Purcell would welcome in his region. He would welcome a project that supported \$143 million of investment in his area. He would welcome a project that would support the production of fertiliser, oil and high-value coal used in steelmaking, given the Alcoa plant is also not far away in his electorate and he would welcome the opportunity of seeing people prosper by having employment and not being fearful of what tomorrow brings because they do not have a job. That is precisely at the heart of this motion before us. The very heart of Mr Ondarchie's amendments is to risk jobs, economic growth and prosperity. It is very troubling that somebody, apparently with a private sector

background, would actually imperil that kind of economic activity going forward.

I have talked about the programs and these agreements in their totality, but each of these programs is individually required to secure private investment by the end of 2015 in respect of their individual funding agreements. I point that out because we are not dealing with just one issue; we are dealing with three very different companies with very different ways of undertaking business in three different areas, predominantly I would imagine down along the east coast and through the eastern region of Victoria. Nonetheless each of them looks towards ensuring that economic prosperity is not put at risk by any of them. So let us consider the motion before us and Mr Ondarchie's amendment 2, which inserts proposed paragraph (1)(e).

**An honourable member** interjected.

**Mr DALIDAKIS** — I have not got to (1)(f) just yet; we are still dealing with (1)(e) at this point.

**Ms Shing** — Please be as thorough as possible.

**Mr DALIDAKIS** — Ms Shing has entered the chamber, and it is very important that she has entered the chamber at this point in time because she too is a wonderful representative for the very areas these funding agreements will create jobs and economic prosperity for.

**Ms Shing** — Are you talking about Gippsland, Minister?

**Mr DALIDAKIS** — Gippsland, the Latrobe Valley! In fact I know from private conversations — and I am very careful not to talk about private conversations on the *Hansard* record unless I believe I would have the consent of the other person — that this member for Eastern Victoria Region, Ms Shing, is so passionate about representing this area that she has asked me on no fewer than four occasions in the two weeks since I became minister to visit East Gippsland and Gippsland, in her region, to talk about job growth, economic prosperity and how the work of the Andrews Labor government can grow the pie for everybody.

We are all about win-win on this side. We are all about making sure that everybody has a future — except for some opposite, of course. We are happy with their future in opposition because we are fearful of what they might do if they ever again get their hands on the levers of government in Victoria. This motion proves that right now, some nine months into opposition, they are not fit to do so. This motion highlights that on

29 November last year Victorians got it right. ‘The punters never get it wrong’ is the saying, but in this instance when Mr Ondarchie is playing with fire — forgive the term, given that coal can obviously contribute to strong fire, given what happened under the previous government’s watch and the tragic consequences of the coal fire —

**Ms Shing** — The mine fire in Hazelwood.

**Mr DALIDAKIS** — in Hazelwood; thank you, Ms Shing. The point is we have three discrete projects. I want to come back to one of the projects that I spoke about before Ms Shing entered the chamber: a \$25 million grant under the Advanced Lignite Demonstration Program to the Shanghai Electric Australia Power & Energy Development that supported a \$119 million — I will just repeat that: \$119 million — project for a demonstration plant at Loy Yang, a power station in the Latrobe Valley.

That kind of economic investment, that share of economic prosperity, in an area like the Latrobe Valley is massive. I think the previous Ted Baillieu-Geoff Shaw and Napthine-Geoff Shaw governments, whichever one was governing at the time, may have been onto something with this Advanced Lignite Demonstration Program. That is not to say we may not have been able to do it better if we had been in government at the time, but we cannot second-guess ourselves in that way. Those opposite were in government. They supported this program. Those opposite set up the very program that they are trying to tear down. Those opposite are trying to play politics with people’s lives, with people’s jobs and with investment in the state of Victoria.

I remain deeply troubled and deeply concerned by this base level of politics. I have not seen this kind of political byplay since I was involved in student union politics back in the day at Monash University. But with Mr Ondarchie’s amendments before the house, I fear that is where we are going. We have three projects with a combined value of \$75 million awarded to three separate consortia by the previous government which the now opposition is looking to destroy. ‘Destroy’ is probably the harshest word I have used, and it is probably the most accurate as well. I remain very fearful for the other motions we will encounter in this house for the remaining three and a bit years of our government if the opposition is prepared to blow up its own legacy and history and play political games with — —

**Ms Crozier** — Just like you supported the east–west link when you were in government.

**Ms Shing** — Let’s talk about governments keeping promises, shall we, Minister?

**Mr DALIDAKIS** — I will get to that in just a moment; that is a good point. But when you consider — —

**Mr Mulino** — No rush to get there.

**Ms Shing** — No, we’ve got all the time in the world.

**Mr DALIDAKIS** — Again, Ms Shing, it is worth noting, and I am not sure whether you have had the opportunity to contribute to this debate yet.

**Ms Shing** — I am absorbing everything.

**Mr DALIDAKIS** — When Ms Shing gets up, she would do well to focus on the fact that all of these three individual contracts were signed by the previous government.

**Ms Shing** — How many of them?

**Mr DALIDAKIS** — Three of them. Again, \$75 million in projects were awarded to three proponents under the Advanced Lignite Demonstration Program. They were signed off on with the express milestone of being able to procure private sector finance by 31 December — do you know what year?

**Ms Shing** — Let me have a think about that, Minister. Could it be 2014?

**Mr DALIDAKIS** — No, not 2014 but 2015. We have still got over three and a bit months to go before the expiration of the contracts that they signed.

**Mr Mulino** — Four and a bit.

**Mr DALIDAKIS** — Four and a bit. I got so excited, and the time is flying so fast that I got ahead of myself. With four and a bit months to go before the time line that those opposite set expires, they want to blow it up, and I do not know why. I am hoping that, when I give them an opportunity to contribute, one of those opposite will actually endeavour to contribute.

**Ms Shing** — Would you hazard a guess at one, Minister?

**Mr DALIDAKIS** — I am only at 3 minutes; I have such a long way to go! I am fast coming to the conclusion of 2(e) only. I have got 2(f) to go — I have not even started on 2(f)! I am almost at the end of 2(e).

I implore Mr Ondarchie, given that I have spoken highly of him in this debate and given that I have

suggested and implied that his motives and spirit are pure, not to do this to the state of Victoria. Do not do this to our business community and do not do this to our contractual arrangements. I ask Mr Ondarchie to withdraw proposed paragraph (1)(e) from his amendments, because it does him a great disservice given his professional background. It does his political party a great disservice given it was the proponent of this program. It imperils the state of Victoria's commercial contracts going forward and is the very definition of sovereign risk

I will now move on to the second part of the amendments before us, proposed paragraph (1)(f). The production of documents motion to which it refers was debated not so long ago, on 5 August 2015 in fact, and was in respect of the Peter Mac Private hospital documents. What I want to say about Peter Mac will take some time. Right from the outset it is important to note that the new Victorian Comprehensive Cancer Centre (VCCC) was started by the Labor Party. I acknowledge the somewhat bipartisan spirit — if I can stretch that far — and that there was some degree of support for the Victorian Comprehensive Cancer Centre and the Peter Mac Private hospital, and the public hospital for that matter. It was started by Labor here in Victoria and of course Labor in Canberra.

Maybe those opposite have a bit of Labor envy. Maybe that is why they want these documents, because they are upset that neither federally nor from a state jurisdiction perspective were they involved in this wonderful, good, positive, warm, social, human initiative that looks to support people in their gravest time of need when they are suffering the terrible affliction of cancer. We all know of loved ones — friends and family alike — who have suffered and in some sad cases, as my family has experienced, had an unfortunate demise. Cancer can wreak havoc on those we love.

The VCCC — as we will call it in order to shorten my contribution rather than continually recount its full name — is a comprehensive cancer centre for the whole state. Whether you are a Labor, Liberal, Green, Independent or Shooters and Fishers voter, or a person who chooses not to vote, it is a project that will help everybody. It is politically blind and it is financially blind. Anybody who wishes to be able to access and use it will be able to do so —

**Ms Wooldridge** interjected.

**Mr DALIDAKIS** — I may need to go back to paragraph (1)(e).

**Ms Wooldridge** — Bring it on.

**Mr DALIDAKIS** — Let me continue with this first. The establishment of a floor of the site as a private hospital run by a private operator leasing a public hospital's name was not compatible with the vision on which we founded the project. Again, for the benefit of those opposite, the project was founded by state and federal Labor governments. We never envisaged that the facility would have a floor leased to the private sector. We have a degree of credibility when we talk about the Victorian Comprehensive Cancer Centre being a centre for every Victorian. We have been consistent about this since day one. From day one we have not deviated one iota from our goal for the Victorian Comprehensive Cancer Centre.

**Ms Shing** — We honour our election promises; that is what we do.

**Mr DALIDAKIS** — We honour our election commitments; we do what we say and we say what we do. During the original procurement for the VCCC project undertaken by the Brumby Labor government the idea of a co-located private hospital was raised. Guess what? That Labor government — led very ably, I might add, by former Premier John Brumby — prohibited commercial opportunities, saying it was inconsistent with the assessment framework published in the May 2010 tender specifications.

In pursuit of the public policy goal of consistency from the decision — which was obviously taken well before the tender was put out in May 2010; I suspect in 2009 — but certainly from the public tendering of those documents in May 2010, the tender specified that there would not be a commercial opportunity as it was inconsistent with the assessment framework that was published in that time line. Just to be clear so that there can be no doubt, in opposition — the long four years of opposition — we again opposed a private hospital as part of the Peter Mac at the VCCC.

I respect Ms Crozier and those others who have a different —

**Ms Crozier** interjected.

**Mr DALIDAKIS** — Unlike Ms Crozier, I respect that we may have different views on this matter. I do not need to be overtly political. I do not need to be accusatory in tone or words. The fact remains that from May 2010 — since the time of the Brumby government — the Labor Party was consistent and then it was consistent in opposition. Now it is back in government, guess what? It is consistent again. We have not changed our position once.

While in government the coalition put in a two-stage tender process to attempt to identify a suitable private hospital operator. Peter Mac was required to submit an updated business case and seek government approval prior to entering into any contractual arrangement with a preferred private hospital operator following that tender process. The business case for Peter Mac Private was submitted by the Peter Mac cancer centre to the coalition last year. If the then government wanted to sign off on the project, it could have. Guess what? The previous government signed off on the Advanced Lignite Demonstration Program. It signed off on that program for which it is asking for documents to be released, but it did not sign off on this program when it could have, yet it is asking for these documents too. It is quite bizarre. There is that wonderful song by the New Zealand band OMC called *How Bizarre*. I think it often plays at gatherings of Liberal Party members of Parliament.

**Mr Mulino** — They do not get the irony.

**Mr DALIDAKIS** — No, they do not get the irony, Mr Mulino. They do not get the irony at all. I get the irony. I think most Victorians would be aghast at the irony. It is somewhat lucky for those opposite that the vast majority of Victorians do not watch these proceedings in Parliament or read *Hansard*.

Nonetheless I will push on. The business case was submitted. The then government chose not to sign off on the project when it could have. It was a divisive issue, as we understand it, in the last cabinet. It could not be agreed to and it was left to a future government to deal with. Guess what? That future government has dealt with it and in a manner that is consistent with the policy beginnings of the Victorian Comprehensive Cancer Centre no less. It dates back to the tender specifications in May 2010 that revealed to everybody that we did not support a private sector entity operating in the public sector. We never did, not for one moment. We opposed it in the policy planning and in the policy release. We opposed it from opposition when it was the then government's policy, and guess what? Now that we are back in government we are changing the project and making sure that does not happen. There should be public funds for public access to the Victorian Comprehensive Cancer Centre.

This government made a decision that we on this side have been consistent about for the last six years: the Victorian Comprehensive Cancer Centre operates for and belongs to each and every Victorian across the state. It does not matter how much money they have, what postcode area or geographic location they reside in; if they wish to access the Victorian Comprehensive

Cancer Centre, we believe they should be able to do so. The tender documents of May 2010 showed we do not believe it should be available to those who have at the expense of those who have not. We do not believe in that. We believe in a public centre, funded by public funds, being available to the public. I know that is a difficult public policy position for those opposite to understand in relation to the Victorian Comprehensive Cancer Centre, but since May 2010 — or really for the six years since the policy was formulated — we have been completely consistent. You may not like our position, but it has been consistent.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Mr Ondarchie raises an important point. Let me reflect for a moment on the Victorian Comprehensive Cancer Centre. It is important to note that a previous Labor government in Victoria — that is, the government led so ably by the Honourable John Brumby — secured \$1 billion of taxpayers money to build this world-leading comprehensive cancer centre. I remember that those in the media very unkindly suggested that Premier Brumby was infatuated with Olivia Newton-John and that that was how he came to be such a big supporter. But I know John Brumby's history of supporting biotechnology and the synchrotron, and I know of his vision and his role in getting the Victorian Comprehensive Cancer Centre up. Importantly he understood that providing a world-class facility in Melbourne would provide an impetus for researchers to come to Victoria and Melbourne.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — I know John Brumby has a great policy brain, and he saw a great opportunity to invest in the Victorian Comprehensive Cancer Centre. He decided that the cancer centre should not have a private wing attached. It is great that we on this side, having come back into government, can deliver the project in the way that former Premier Brumby wanted.

Overall the long-term planning for the Victorian Comprehensive Cancer Centre's new facilities will provide an estimated 25 per cent future increase in cancer clinical activity at Peter Mac and the Royal Melbourne Hospital. At the new VCCC there will be a total capacity of 336 beds, a 22 per cent increase — —

**Ms Crozier** interjected.

**Mr DALIDAKIS** — A 22 per cent increase, Ms Crozier. The VCCC project will bring with it the prospect of exciting advances in cancer research. This is something that Premier Brumby understood

explicitly. He understood that having a world-class facility here in Melbourne would attract world-class researchers.

As a result of the work that John Brumby undertook and that we are hoping to continue, a cluster of world-class researchers in this medical-biotech industry — this centre of excellence — will be created. We are hoping to ensure the continued growth of jobs and opportunities in new industry sectors in Victoria, but we are also hoping for breakthroughs that will benefit people all around the world and also have direct and positive economic implications for us here at home. The VCCC facility will provide a further 18 per cent increase in research accommodation, providing capacity for up to 1200 cancer researchers.

**Ms Wooldridge** — On a point of order, Acting President, Minister Dalidakis has now been speaking for well over 1½ hours, and he has been given a lot of leeway in relation to his contribution, but what he is now talking about is not relevant to the production of documents motion at hand. I ask you to bring him back to the documents motion that we are debating.

**Ms Pulford** — Further on the point of order, Acting President, this has been a wideranging debate both today and before the amendments to the substantive motion were circulated.

**The ACTING PRESIDENT (Mr Morris)** — Order! Following on from my previous ruling on this matter, we have amendments before us at this point in time. I again make the point that Minister Dalidakis has made a previous contribution on the substantive motion and is now making a contribution on the amendments. I concur with Ms Wooldridge and uphold her point of order. I ask Minister Dalidakis to refer specifically to the amendments.

**Mr DALIDAKIS** — Thank you, Acting President, for the ruling. I thought that was exactly what I was doing — specifically talking about the Peter Mac Private hospital and documents associated with it — but nonetheless I respect your authority, Acting President, in its entirety.

Those opposite should get behind the Victorian Comprehensive Cancer Centre. I fear for the world-class research centre we are trying to establish should the documents in question be released, just as I fear for the grants for the Advanced Lignite Demonstration Program should its associated documents be released prior to 31 December, when there is the opportunity to have its funding secured by

private investors — a time line put forward by those opposite.

I want to end by saying that this government took — —

**Mr Ondarchie** — He is only on the introduction.

**Mr DALIDAKIS** — I am just finishing my preamble. What I wish to do in summing up my contribution to the debate on the amendments before the house is again respectfully request that Mr Ondarchie and his colleagues rethink their proposed paragraph (1)(e), specifically because under the agreement signed by the previous government the program has until 31 December to procure private investment, so I hope it is given that opportunity.

**Mr Ondarchie** — On a point of order, Acting President, I draw your attention to standing order 12.16, which talks about tedious repetition by a member in their contribution. Mr Dalidakis has already flagged with us today his view about proposed paragraph (1)(e), and I put to you that in relation to the almost 3 hours collectively he has spoken to this motion ‘tedious’ is probably an understatement.

**Ms Shing** — On the point of order, Acting President, I would put that rather than being tedious repetition within the definition of the standing order Mr Ondarchie is referring to, the minister has in fact been extrapolating on relevant information set out in the amendments with the specific objective of enabling the chamber to understand the extent to which we make our position known on these amendments.

**The ACTING PRESIDENT (Mr Morris)** — Order! I have perused standing order 12.16, which states that ‘Any member may call attention to continued irrelevance or tedious repetition on the part of a member addressing the Chair’, and I believe that after the approximately 55 minutes I have been in the chair Mr Dalidakis’s contribution may be termed tedious repetition. I request that the minister come to a conclusion to his contribution in the near future so that his speech is not discontinued.

**Mr DALIDAKIS** — Thank you, Acting President, for your generous ruling in which you have given me some time to wind up. ‘Near future’ are the words you used, and very wisely, I might add. I shall not abuse that ruling. I shall use that ruling — —

**Ms Shing** — Judiciously.

**Mr DALIDAKIS** — Judiciously, yes. That is a wonderful word. As I was saying, in summing up — and I am indeed on the home stretch — I request those

opposite to withdraw proposed paragraph (1)(e) because I fear that it potentially imperils the very nature of the investments that those opposite sought to create in putting together the advanced lignite fund — —

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — I am summing up, Mr Ondarchie.

**The ACTING PRESIDENT (Mr Morris)** — Order! I ask Mr Dalidakis to direct his comments through the Chair.

**Mr DALIDAKIS** — My apologies, Acting President. Through the Chair, I hope that proposed paragraph (1)(e) is withdrawn.

In relation to proposed paragraph (1)(f), I respectfully request that those opposite understand that the Andrews Labor government and the government of former Premier John Brumby, some six years apart, have been very consistent in their approaches to the Victorian Comprehensive Cancer Centre. Labor has been consistent across that whole period of time that it should remain public and be open to the public and be for the public. I suggest respectfully that the amendment put forward by Mr Ondarchie to add proposed paragraph (1)(f) to the motion for production of documents not be agreed to.

I therefore move on to amendment 3, which states:

In the final paragraph for “(1)(a) to (d)” substitute “(1)(a) to (f)”.

It simply gives clarity to the numbers and ordering of the motion itself. However, if the opposition agrees to withdraw proposed paragraph 1(e), it will obviously have implications for amendment 3.

With that, I thank members for their time and I thank the house for its indulgence. I respectfully request that the comments I have made during the previous 1½ hours on the debate on the motion and the amendments be considered by the house and all members forthwith.

**Mr MULINO** (Eastern Victoria) — I flag at the outset that there are certain aspects of Mr Dalidakis’s performance I will never be able to match. His thoroughness is one of them. I also flag to the house at the outset that I am going to try to do this motion justice, but I doubt very much that I will be able to delve into the detail — I do not have Mr Dalidakis’s depth of knowledge or physical stamina. While I intend to do these amendments justice, I flag that at the outset.

The amendments comprise two components. I want to focus on each of those components, flagging the approach we should take to the release of documents and outlining why it is that this broad approach suggests we should be very cautious in releasing documents in the manner being proposed.

In order to make a sensible contribution one has to have an understanding of at least some aspects of the two projects referred to in these amendments. The first is the Advanced Lignite Demonstration Program (ALDP) and the second is the Victorian Comprehensive Cancer Centre (VCCC).

I want to start by making some broader observations around the disclosure of documents. I will touch on some broader matters of principle which Mr Leane touched on when he made his contribution in relation to the amendments and to which Mr Dalidakis also made reference. What we are facing here is a balancing act. I agree with many of the observations made by those opposite, in particular Mr Ondarchie. I very much believe in the primacy and sovereignty of Parliament and in the capacity of Parliament to make claims on documents and to insist upon transparency of government. I also agree with observations made by Mr Ondarchie and by others on the crossbenches in this place that the Legislative Council has a particular role in holding government to account. However, as I have said in previous speeches on this broad topic of document production, I do not believe that is absolute. That is where we end up debating. We end up debating in the space where we balance competing interests.

We know there are a number of types of documents that governments are generally very cautious about releasing. One of them is cabinet in confidence, another is commercial in confidence and a third is national security. Another might be topics that are sub judice and where personal privacy is at stake. I think everybody in this place would agree that there are certain categories of documents about which we must exercise some caution. In certain circumstances it would not be appropriate for the executive to make documents in such categories public or even available to this house. In some circumstances there is a lot of difficulty in determining whether documents fall into those categories. In this instance it is clear that at least some documents fall into those categories. That is why I wholeheartedly agree with Mr Dalidakis’s contribution.

I will start with the Advanced Lignite Demonstration Program and explain why I believe commercial-in-confidence considerations mean that certain documents should not be disclosed at this point

in time. The disclosure of such documents would destroy the very program that the now opposition put in place. I want to start with some general observations. I think everybody in this place can agree that transparency and disclosure is a good thing as a general rule.

I have made comments on previous motions indicating that I support reforms made in recent decades where through legislation and other arrangements governments have made themselves more transparent, whether through freedom of information or review of decisions. There are all sorts of arrangements that one might point to. However, there also has to be an acknowledgement that as much as one might want to make governments more transparent and as much as one might want to reassert the capacity of this chamber to demand documents, there have to be limits. If there are not limits, I believe very passionately that government becomes unworkable.

Let me look at subparagraph (e) to be inserted by amendment 2. Let me look at the call for documents in relation to the Advanced Lignite Demonstration Program. This is a program that has funding from both state and commonwealth sources. It is a program which was initiated in the previous Parliament. It relates to a number of very important demonstration programs in relation to a sector of potentially critical importance for our economy. If it is possible to unlock aspects of our resource endowment in a way that is environmentally sustainable, that would be a very important development for our economy.

What we know to be the case with this program is that a total of \$75 million was awarded to three ALDP projects. I will not go through in great detail what those projects were, but I want to identify them. Twenty million dollars was identified for an Ignite Energy Resources project to support a project with a total of \$84.3 million in funding. This would produce upgraded coal products for local and export markets. Separately \$25 million was identified as a possible grant for Shanghai Electric Australia Power & Energy Development. This related to a \$119 million project for a demonstration plant at the Loy Yang A power station in the Latrobe Valley, which my colleague Mr Dalidakis correctly identified as being at the heart of a lot of the future economic prospects of the electorate that Ms Shing and I represent. Thirty million dollars was identified for a Coal Energy Australia project — a \$143 million project producing fertiliser, oil and high-value coal used in steelmaking. It is critical to focus on the process —

**Mr Barber** — I don't want you to tell me about the documents; I want you to release the documents.

**Mr MULINO** — I am not explaining the documents. I am explaining the process and where it is up to, because we are in the middle of negotiations around those three projects. That is what I am focusing on — the process, not the documents. These contracts are currently being negotiated. To date no funding has been provided for the projects because milestones have not been reached. The first step for all of these ALDP projects requires proponents to secure private sector investment by the end of 2015. There is a considerable amount of information already in the public realm on this, but if we had to produce every single document in existence in the middle of these negotiations —

**Mr Barber** interjected.

**Mr MULINO** — I have already identified a number of parties that we are negotiating with. What we are seeing is that if further information — all the information that Mr Barber is referring to — was put in the public realm, we would possibly imperil projects that at this stage still have a chance of succeeding. Each of these respective funding agreements could still secure the necessary private investment by the end of 2015. As my colleague identified, that is four and a half months away. We need to give these projects those four and a half months to see if they can get over the hurdles that have been put in place.

**An honourable member** interjected.

**Mr MULINO** — No, not at all. I want to explore whether we can move to cleaner modes of using coal. I am all in favour of looking at renewables. I am in favour of a multifaceted approach. I see renewables as the long run. What members will see is that these projects have the capacity to contribute to that.

We need to take a measured and balanced approach to these projects. If this house passes this motion, we will see the untimely demise of projects that have the potential to contribute to our economy, to trade and to new and innovative ways in which we use our resources. I believe this fits very clearly in one of the categories I identified at the beginning of my contribution — that is, commercial in confidence. There are a number of situations where governments get involved in partnering with the private sector, and this is one of them. What we would see in this instance is a destruction of that relationship before it has had a chance to get to the point where it could actually contribute.

We also have to acknowledge that we are not just talking about the direct damage to these particular projects. If we pass a motion requiring disclosure of documents that would damage these negotiations and end these projects, it would send a signal more generally that this government is not open for business with third parties and that this government is not to be trusted in these kinds of negotiations. It would imperil public-private partnerships (PPPs) more generally. It would imperil a whole range of transactions in the future.

It would be extremely dangerous for us to agree to a subparagraph such as proposed subparagraph (e) because it would disclose documents that are at the heart of commercial negotiations. It would seriously damage that particular transaction in the short run — which is what we are discussing when it comes to the production of documents in relation to subparagraph (e) — and I believe it would have serious consequences over the longer run. It would have serious consequences for the potential of this state to enter into positive PPPs where appropriate. I certainly do not believe that PPPs are always appropriate, but sometimes they are. In order to engage in PPPs in a way that represents value for money, we have to have the confidence of the private sector that commercially sensitive information at the heart of commercial negotiations will be kept confidential. That is why a commercial-in-confidence document is one of the categories of documents we have to be particularly cautious about. That is why we have to be very careful with proposed subparagraph (e). It is why we cannot release documents in such a way that the released documents will damage the very project the government is negotiating. Ultimately governments have to be responsible for the interests of taxpayers and the community; it is why we cannot imperil negotiations where taxpayers money is at stake.

Proposed paragraph (1)(f) is also very important. It relates to another project where we are negotiating with an external party in relation to a transaction that involves substantial amounts of taxpayers money. To publicly release all documents in relation to that project would imperil future negotiations in relation to potentially positive PPPs. It is worth dwelling on some of the specifics of the VCCC. As my two colleagues who spoke on this motion before me said, the VCCC is going to be a huge contributor to the direct treatment of patients in this state. It is going to lead to a 25 per cent increase in our cancer clinical activity, it is going to contribute 160 acute inpatient beds and it is going to contribute 36 intensive care unit (ICU) and high-dependency unit beds. There will be a total capacity of 336 beds.

**Ms Shing** interjected.

**Mr MULINO** — So just on those headline numbers it is significant. They are huge numbers. The VCCC will also have other critically important characteristics. It will have 78 medical haematology beds, 32 surgical beds, 20 clinical trial beds, 10 operating theatres and procedure rooms and 86 consulting rooms. This is also going to reflect a 50 per cent increase in radiation bunkers.

**Mr Barber** — Why don't you pull that from the coal fund?

**Mr MULINO** — I think there is a certain obsessiveness there when we have moved on to the healthcare sector.

**Mr Barber** — I am obsessed with climate change.

**Mr MULINO** — You are obsessed. I would say that you are certainly obsessed.

**Ms Pennicuik** — Through the Chair.

**Mr MULINO** — Through the Chair, I certainly concede the point that Mr Barber is obsessed.

I will go back to proposed subparagraph (e) after I finish with proposed subparagraph (f), if that is a desire of Mr Barber through his interjections. But let me finish on subparagraph (f) first, and I will return briefly to subparagraph (e) so I can take up a couple of those interjections, because I am certainly keen to answer Mr Barber's barbs.

**Ms Shing** — Mr Barber's barbs!

**Mr MULINO** — Yes. I have been waiting for months to do that.

I think with the VCCC it is important to note that this is a project of critical importance to our state. I have identified already that it is going to generate an immediate increase in the capacity of our healthcare system to provide high-quality service to people with cancer. It is also important to say that it is going to be a step jump in our capacity to undertake world-leading research in this space. It is going to be a multifaceted centre.

I believe it is worth looking at our healthcare sector as a cluster. I believe that in addition to looking at the capacity of our healthcare sector to provide services right across the state, in some areas like Parkville we can see that we have a multilayered series of synergies. In Parkville we have something quite special, where universities, healthcare providers and researchers all act

together to provide something that adds greatly to the productivity of our healthcare sector. So the last thing we would want to do is release documents that imperil the capacity of the VCCC to undertake its functions.

As the previous speaker said, we are going to consider what documents we can and cannot release in relation to that centre. That request is currently being considered. Proposed subparagraph (f) is certainly premature in that there is a letter to the Clerk indicating that consideration is already being given to the provision of documents relating to the VCCC.

As I said at the beginning when I set the context to my contribution, I believe transparency is important and I believe that documents should be provided where possible, but that certainly does not mean that absolutely every document that exists in relation to the VCCC should be put on the public record or should be provided to the Parliament; it is a balance. We are currently undertaking a thorough vetting of documents to make sure that as a government we provide as much as we can subject to governing in the interests of the community in a sensible way, but that we also identify in a careful and thorough way any documents where it is not in the public interest to provide those documents.

We are undertaking that process, and let us give that process just a few weeks to be gone through. Let us not be premature in passing a motion calling for a whole raft of documents when the government has not had a chance to work through that process. We on this side of the house have talked about the VCCC and how important it is. It is going to be a huge step forward in the provision of services in this very important area of the health system. It is a centre which is being provided in partnership between the public sector and the private sector, and it is a fine example of how that can work. As to whether or not certain documents should be provided, we need to go through a process, and that process needs to identify which documents we can provide, in the public interest, and which ones we cannot.

When responding to the two subparagraphs proposed by amendment 2 — (e) and (f) — we see front and centre that governments need to reaffirm the importance of transparency. They need to provide documents to the public and the Parliament for scrutiny. These are very important principles. But both of these projects, because at times they involve information that is particularly sensitive, due to partnerships with the private sector, also highlight how important it is that governments also provide documents in a way that is consistent with good governance, because that is the

ultimate test of whether or not such documents should be produced.

In making my contribution on the amendment, I highlight that I believe we should not provide documents at this point in relation to subparagraph (e) and that we should allow further time for the government to determine what documents should appropriately be produced in relation to subparagraph (f).

I hope the house acts in accordance with those general principles, that it does not imperil the Advanced Lignite Demonstration Program and that we only disclose information in relation to the VCCC in a manner that is consistent with the public interest.

**Committee divided on amendments:**

*Ayes, 24*

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

*Noes, 16*

Carling-Jenkins, Dr	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr ( <i>Teller</i> )
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Herbert, Mr	Shing, Ms ( <i>Teller</i> )
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms

**Amendments agreed to.**

**House divided on amended motion:**

*Ayes, 24*

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

*Noes, 16*

Carling-Jenkins, Dr	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr ( <i>Teller</i> )
Herbert, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Melhem, Mr ( <i>Teller</i> )	Tierney, Ms

**Amended motion agreed to.**

## LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

### Reference

**Mr BOURMAN** (Eastern Victoria) — I move:

That this house, pursuant to section 33 of the Parliamentary Committees Act 2003, requires the Law Reform, Road and Community Safety Committee to inquire into, consider and report no later than 30 June 2016 on the effectiveness of the existing gun laws in Victoria in providing public safety, and —

- (1) give particular consideration to the benefits of —
  - (a) registering firearms;
  - (b) the permit to acquire system;
  - (c) the firearms category and classification system;
  - (d) classifying firearms based on appearance;
  - (e) handgun regulation;
  - (f) legalising suppressors;
  - (g) ammunition storage laws;
  - (h) including paintball markers in the current licensing and registration scheme;
  - (i) the national firearms agreement and national handgun agreement; and
- (2) make recommendations that will have the least negative effect on law-abiding citizens of the Victorian community.

I have been after a review of the gun laws we have for quite a while. It is 20 years since we had the national firearms agreement forced upon us, and in my view it has not really achieved anything that it set out to do. What we have are bureaucrats running the country and telling the police ministers at the federal and state level what they want. At some point in time one must wonder, ‘Why do we have elected officials if they are never going to deviate?’. The inclusion of recreational shooters is more or less unique to the state level and is very much lacking at the federal level, but it still does not seem to stop what is going on.

What we have are law-abiding citizens afraid of the government. People such as myself, who have done nothing wrong, are now looking down the barrel — pardon the pun — of another change which will make them hand in something that is quite legal for something they did not do.

The national firearms agreement, despite the protestations of the federal government, has been under review for nine and a bit years, since 2005. There have been numerous changes. The one made in 2008 makes me most frustrated. A firearm can be reclassified based on its appearance. It does not matter what its function is, if it looks bad, the Chief Commissioner of Police has the ability to take it from a category A or B to a category D firearm, which is basically from a general-purpose firearm to something that you can really only have as a dealer. Yet its function may be no different to something that is a normal bolt-action or pump-action firearm, or whatever the case may be.

The issue of the Adler shotgun is almost certainly a smokescreen. Its technology has been around for 128 or more years. It is defined as a category A firearm pretty much everywhere in the country, and yet it was stopped at the border. If the Adler is going to be such a problem, why have we had no mass shootings with lever-action shotguns in the 128 years that they have been around? Why are they suddenly going to become a problem? That is the question. They are not new; there is no new technology. They look different, but they are still just lever-action shotguns.

Turning to specifics and the registration of firearms, Canada gave away the registration of sporting longarms in 2012 and I believe New Zealand gave it away in the 1980s, both due to the lack of benefit for the cost. In Victoria it costs about \$10.5 million a year, as I understand it, to run the licensing and regulation division of the police. Obviously there is a licensing component, which we do not want to be changed; that is not really the issue here. I will read from something I saw on the internet regarding the Canadian experience, which is probably more recent than the New Zealand experience. It reads:

To this day, it has been claimed that the registry is important in protecting women.

That is one of the reasons they used over there. It continues:

But in fact, there is no convincing evidence that registering firearms has been effective in reducing either homicide rates overall, or spousal murders in particular.

In Canada homicide rates have been falling since the 1970s. Our homicide rates have been falling since the 1980s and not 1996 as we have been led to believe.

It continues:

Another argument is that strict laws are required to monitor potentially dangerous gun owners.

The statistics in Canada show that anyone who legally obtains a gun is less likely to be murderous than someone who illegally obtains one. That is just logic. The third claim made is that:

... long guns are the weapon of choice in domestic homicides, and that registration can help to identify the perpetrator.

It is a long-held belief that registration will help identify a perpetrator, but rarely are licensing and registration needed to solve spousal homicides, for three reasons: in almost all cases the murderers are immediately identified, the firearms are not often used to kill the spouse and the firearms used by abusive spouses to kill their wives are almost all possessed illegally. Criminals who do these things do not bother to register their guns. We do not represent them; we are not trying to stand up for them. We are saying that registering firearms really only provides a benefit to the government so that if it wants to change something, such as the lever-action shotgun regulations, it knows where all such firearms are. There is no evidence that the registering of a firearm will help to solve a crime. I have asked this question in the house and I cannot get an answer, and if I cannot get an answer from the government, why are we spending \$10.5 million a year to register firearms?

I turn to the permit-to-acquire system, which is effectively that you ask the police if you can have a gun. You go through licensing and you go through your initial 28-day period where you cannot buy a firearm of any sort — this is aside from the months it takes to get a firearm — and then every time you want to buy one, even if you have one that is the same, you have to ask, 'May I have one?'. With category A, what are called the lesser firearms, you almost always must be given a permit; with category B firearms you are meant to show a genuine reason for wanting one. In the end the genuine reason is, 'I'm a law-abiding person. I haven't done anything wrong. I want one'. It is as simple as that.

In relation to the firearms classification system there are categories A, B, C, D, E and H. Categories D and E are generally the semiautomatic, centre-fire firearms and machine guns. That is not really what the proposed review intends to encompass, but a lot of the principles are the same. Category C firearms are what used to be

the .22 rimfires and the shotguns. They are the normal mainstay of farmers, recreational shooters and so on. As a professional shooter you can obtain a category C permit to shoot, but a professional and a recreational shooter, if they are shooting pests or whatever the case may be, are doing the same thing, but one is getting paid for it and one is doing it for free, or they are doing it as a favour for someone they know.

**Mr Barber** — One is doing a good job, and one is doing a half-arsed job.

**Mr BOURMAN** — Maybe we need a bit more training, Mr Barber — a bit more practice.

**Mr Barber** — Target practice.

**Mr BOURMAN** — If we had more people out there shooting with these category C firearms, possibly we could get a bit better by Mr Barber's standards.

In relation to classifying firearms based on appearance, as I understand it in Victoria there are four firearms that are being reclassified based on appearance — three pump-actions and one bolt-action or straight pull. Their function is the same as something that is made of wood or polished blued steel — that is, something your grandfather might own — but someone has made them out of black plastic and put a pistol grip on them. It does not make them any better, whether they are made of black plastic, have a pistol grip or are not shiny or whatever. It seems ludicrous that in this day and age something can be made harder to get — in fact put into the almost impossible-to-get category — because of what it looks like. There are plenty of firearms in that category. I do not see why you would reclassify it just because it looks nasty. Are we that squeamish as a society?

In relation to handgun regulation, because of their function handguns are a lot smaller and probably need a little more regulation. Quite stupidly I handed in my handgun licence back in 2003, when the government took them from me for something I did not do. It took me I do not know how many days to get through the system. To keep your handguns now there are certain categories to be addressed, including certain calibres or whatever. You have to have 10 attendances at a competition to keep your licence valid. At some point if you are let us call it a collector of usable handguns — you are not collecting them, but you want to use them — the regulations become onerous. It is quite silly; it does not achieve anything. I am not aware of too many criminals with illegal guns who head to a pistol club to rack up attendances in competitions just

to keep their non-existent licences. It is time we had a look at that.

In relation to hunting with handguns, if you are a responsible enough citizen to have your handgun at home or to take it in your car to a range, consideration should be given to being able to hunt with a handgun so long as you are not trying to shoot big game with a tiny handgun. It is something we should consider.

Over the years we have heard the Hollywood myth about suppressors — and I will not call them silencers; they are not silent. They are legal in the United States for a payment of a fee to the government, which because of government inefficiencies takes about six months to process. They are legal in New Zealand, and as I understand it, in some places in the United Kingdom you are mandated to use them if you are shooting close to houses. They are efficient in that they do not scare away animals and they do not damage hearing. As I understand it, in some cases they make shooting more accurate. There are many reasons why they are not the evil things they are made out to be.

I turn now to ammunition storage laws. Locking away ammunition when it is not being used is a good thing, but it is quite possible for someone to lose their firearms licence if they have one loose round of ammunition. For example, a spotlifter may use a .22, the ammunition for which sometimes come in little cardboard packets and, as cardboard packets are wont to do, they sometimes disintegrate and the ammunition goes everywhere. Someone may think that they have all of the ammunition and their firearm locked away, but on their way home they might be pulled up at a booze bus and a single round of ammunition may roll out, and there goes their licence. That can hardly be fair. It is too onerous a requirement. Whilst locking up firearms is obviously good — if you lock up your firearms, you save your sport — there is no real need to attend to that; it is quite an obvious thing that we need to do.

I turn now to the issue of paintball markers. Members may remember that I got through an amendment to the Firearms Act 1996 recently, which is still awaiting gazettal, to lower the age of paintball marker users from 18 years to 16 years. Paintball markers are not firearms. They may well be by the definition in the Firearms Act, but according to the act a spud gun is a firearm. Australia is probably the most overregulated country in the world. There is a large list available for anyone who could be bothered to look at it that shows that in a lot of countries — particularly those in South-East Asia, where normal firearm use is heavily discouraged — the use of paintball markers is virtually unregulated. It

make you wonder what we are achieving. Are the streets going to run red with paint? It is just silly.

One of my bugbears is the national firearms agreement. I remember 1996. I started at the police academy the day after the Port Arthur massacre, so I remember that period for a number of reasons. Funnily enough, yet again I did nothing wrong, and all the other legitimate shooters did nothing wrong, but federal gun law reform was forced upon us by the threat of GST being withheld. First of all, that is not what anyone would call a particularly good way of doing business. Basically the state governments were not given an option, and now we are stuck with it. I appreciate that.

However, I think the time has come to review this situation, but not as is being done in the federal arena by the Firearms and Weapons and Policy Working Group. I am pretty sure its members have made up their minds. I am pretty sure that they have printed out their report and are just waiting for the numbers to be ticked, but we should be looking at these issues objectively. No state completely abides by the national firearms agreement. There is no 100 per cent compatibility, though, quite bizarrely, as I understand it, Victoria is probably the most compliant. As much as I disagree with the need for registration, I am quite proud of the fact that Victoria probably has the best registration system there is. It is fast and efficient. We should not need it, but when I see what people in some of the other states go through, I see that we have done very well.

**Mr Barber** — Why do we need an inquiry if it is the best in Australia?

**Mr BOURMAN** — Because we do not need it, Mr Barber. This is the thing. As I explained much earlier, if it does not do anything to fight crime, why are we spending \$10.5 million? I am quite happy. We have been talking about some firearms stuff that involves the fighting of crime — trafficking of firearms and making firearms theft a specific offence, as Mr Young noted in an article quite a while ago. Those are the sorts of things that will make it difficult for criminals, because getting people like Mr Young and me — and the other people in this place who shoot — to abide by more rules is still not going to help. We are not the problem.

I would like an inquiry to go through all the things I have listed and see whether they are working and whether they are reasonable. I ask that the inquiry be objective, with no emotion, no blood running in the streets, no 'Think of the children' and all that sort of thing. I ask for objective data. The number of firearm deaths was falling long before 1996. It is technically correct, but also very disingenuous, to say that the

number of firearm-related deaths has fallen since 1996. They have since 1997, 1998, 1995 and 1994 as well. It is making the facts fit the — —

**Ms Pennicuik** interjected.

**Mr BOURMAN** — It is a good thing that they do drop. I am not in favour of people murdering anyone, let alone with a gun, a knife, a pen or whatever. What I am looking for out of this is leadership from the states, and not just this state. If we are going to fight firearm-related crime, then we need to look at the issues with a decent and objective eye. We need to see what works, what does not work and what is only there to keep people happy and make them think they are being saved. In the end all I want is data. All I want is someone to say, 'Let's go through all of these issues'.

The use of suppressors is one issue that is very big in our community. Despite what we see in Hollywood movies, suppressors are not silencers — they can still be fairly noisy in context. I have listed a raft of issues in my motion. I will finish my contribution there.

**Dr CARLING-JENKINS** (Western Metropolitan) — I thank Mr Bourman for moving his motion. My understanding is that essentially his motion asks for an inquiry by the Law Reform, Road and Community Safety Committee, a joint committee of the Parliament.

I will make some very brief comments about supporting my fellow crossbenchers in this area. Gun law is definitely not my area of expertise, and I may not agree with everything that Mr Bourman says in relation to it, but I do find it interesting that Mr Bourman has posed a number of questions, both via his motion and via the speech he has just made to the house.

I also acknowledge that a number of lobby groups have contacted me. Constituents in my area have also been calling for the Parliament to look into gun laws. I stand to represent those constituents and to support this motion, which asks a committee to make recommendations — this is the most important point for me — that will have the least negative effect on law-abiding citizens in the Victorian community.

The clearest message I have received from constituents has been regarding data or the lack thereof. It is my understanding in Victoria, and indeed Australia, that comprehensive, verifiable, accurate and transparent data does not exist on which to formulate policies related to firearm ownership and as a result current policy — and we see this in many areas, not just in gun laws — is more likely to be determined by intuition,

instinct, prejudice and ideology rather than by data and facts.

Should an inquiry be established, I would like a committee to look at these issues. I always think that in approaching any legislation we must have adequate research, an idea of what constituents are saying, transparency and facts on the table, and that is what I will be calling for the committee to look at. Again I thank Mr Bourman for his motion and say that the DLP adds its voice in asking for an inquiry into this area.

**Ms SYMES** (Northern Victoria) — I too rise to make a contribution on Mr Bourman's motion in relation to a reference asking a parliamentary committee to inquire into the effectiveness of gun laws in Victoria. Underlying his motion is a call for public safety.

The Victorian government is committed to maintaining firearm laws in this state which protect the community alongside the interests of those for whom firearm use is a necessity, such as our primary producers. Government members take our responsibility to community safety as being amongst our highest priorities, as evidenced by the introduction in the other house just this week of legislation to strengthen the powers of Victoria Police in relation to the illegal use of firearms. What is proposed in those changes is quite important. They will strengthen Victoria Police's ability to effectively combat the illegal use of firearms by addressing serious and organised firearm-related criminality and the illegal firearm market in the community.

Indeed similar proposals were put up by Mr O'Donohue in the last Parliament but were unable to proceed through the Parliament due to the end of the government's term. Of course I intend to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015 when it comes into this place, but I understand that what has been outlined today in the Assembly, and members can refer to the second-reading speech if they so wish, is that the government's aim is to strengthen a number of provisions in the Firearms Act 1996 in order to facilitate the successful prosecution of firearms trafficking offences by lowering the number of unregistered firearms required for a trafficable quantity from 10 within a period of seven days to 3 within a period of 12 months. There will also be a new offence of theft of a firearm and a specific offence for the unlawful manufacture of firearms.

There is also an important change to the definition of evidence of possession, which aims to move the focus

away from a person's relationship with a firearm to the relationship between the person and the premises or vehicle the firearm is found in. This is an important measure, as there are reports from police that when intercepting a vehicle and finding a firearm within it can sometimes be uncertain as to whether the charges will hold up in court because of an inability to prove that the driver was the owner of the gun. You can imagine in the situation where the police pull over a vehicle, conduct a search and find a concealed weapon that it would not be inconceivable for the alleged offender to contest that they had no knowledge of said weapon within the vehicle and claim not to be the owner. The laws that have been introduced seek to put a reverse onus on the driver so that the gun is deemed to be in the possession of the person who is in control of the vehicle.

It must be noted that through those changes there is no intention to capture licensed shooters who lawfully possess a registered firearm. These laws are designed purely to target those in the community who are not supposed to have a gun, should not have a gun and for very good reason should not be allowed to have a gun. Historically we have seen the terrible devastation wrought by guns being in the wrong hands — Port Arthur, the Monash University shootings and more recently the Lindt cafe siege. In each of these incidents lives were lost and the lives of countless loved ones, witnesses, business owners and even people who frequented the places where such tragedies occurred have been destroyed. Many continue to suffer to this day.

The Firearms Act 1996 and the 1996 national firearms agreement resulting from that tragic day at Port Arthur are often held up internationally as a great example that is indicative of how a government can and indeed should consider its response to heighten individual safety and prevent further tragedy. After the Monash incident in 2002 the framework was further strengthened by the national handgun control and firearms trafficking agreements. These national agreements have thus far stood the test of time in terms of their effectiveness by ensuring that people who are licensed to possess, carry and use firearms do so in a manner that is responsible.

It is of course not inappropriate to continue to have discussions about the adequacy of these arrangements, particularly for those who have a licensed weapon, those involved in law enforcement and policy development in this space. However, time and again we have watched shooting massacres unfold around the globe, and there are many in our society who feel very grateful that we here in Australia, and in Victoria, have

laws that are by and large doing an effective job in keeping us from a similar fate. It is therefore natural that there is some hesitation across government and across the Victorian community to act with haste in this space, for the following reasons: the current, effective system for registering firearms ensures that we have lawful and responsible gun owners in our communities; and, as I understand it, the issue of gun regulation sits predominantly at the national level, and there have been concerted efforts over years to devise a consistent regime across state and territory borders.

The firearms and weapons policy working group currently consists of federal, state and territory police and justice agencies. It is in the process of considering a number of issues following the review that was sparked by the Martin Place incident. The firearms and weapons policy working group will make recommendations to federal, state and territory police ministers. The recommendations will also be considered by police commissioners in the national justice and police senior officers group in late September and then, as I understand it, again at a Council of Australian Governments meeting in 2016.

The Victorian government is committed to a national approach with firearm laws, and it is therefore working with governments across the country to ensure a nationally consistent approach. We will take the advice of the Chief Commissioner of Police and consult with the Victorian Firearms Consultative Committee before any —

**The ACTING PRESIDENT (Mr Finn)** — I apologise to Ms Symes, but I must interrupt her. It is time for statements on reports and papers.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS AND PAPERS

### **Commission for Children and Young People: sexual abuse and sexual exploitation in residential care**

**Ms CROZIER** (Southern Metropolitan) — I am very pleased to speak on the report tabled in the Parliament this morning entitled “... *as a good parent would ...*”, which is the report of the Commission for Children and Young People's inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care. The Commission for Children and Young People's principal commissioner, Bernie Geary, undertook this own-motion inquiry.

I place on the record the work of Mr Geary in producing this very thorough report. He is someone who understands this sector extremely well, having worked with our most vulnerable children for something in the vicinity of 45 years. Like many reports that have looked into our child protection system in the past, this one and some of its findings make for disturbing and upsetting reading. I note that Mr Geary has made a number of findings and recommendations in relation to this inquiry.

When the former government came into office two damning Ombudsman's reports showed a system in crisis. At that time the then Minister for Community Services, Ms Wooldridge, enabled the Cummins inquiry to take place. That was the state's largest and most far-reaching inquiry into the child protection system, and it made a number of recommendations. In addition to that, the Commission for Children and Young People was established. I place on the record that the former minister enabled the commission to undertake this independent inquiry. The commission was set up precisely to look at the issues at hand, and this report highlights them in graphic detail. The commission was established to look into the system, to report back to government on the system, to provide recommendations and to review the system as a whole.

In looking at this report — and I have not had time to read the entire report — I see that a number of recommendations have been made through the findings. I understand the government has undertaken to accept all these recommendations in principle, but I hope the government will build on not only the recommendations of this report but also the reforms of the former government, because the former government did undertake significant reform. I have alluded to some of the findings of the Cummins inquiry and the many reforms it recommended, and the former government invested over \$1 billion in Victoria's most vulnerable families and children. A broad suite of initiatives were undertaken, including in the out-of-home care system.

I know there are findings in this report that will disturb many people who are committed to working in this sector and who provide great support within it. Nevertheless it is true to say that there have been some failings, and these need to be addressed.

As I have said, I will seek to monitor what is going on. We need to understand how many of these very severe, critical reports are being highlighted to the minister, and we need to see how government will ensure that there is a whole-of-government approach. Certainly the government needs to address those concerns in critical reports about getting more children out of out-of-home

care and placing them back in their homes where supports can be provided. I will be watching this government very closely in relation to those issues. Again, I commend the Commission for Children and Young People and Mr Bernie Geary for their work on this very important issue.

### **Auditor-General: *Follow up of Collections Management in Cultural Agencies***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Victorian Auditor-General's Office (VAGO) report entitled *Follow up of Collections Management in Cultural Agencies*. An initial report entitled *Collections Management in Cultural Agencies* was published in October 2012. The purpose of that audit was to examine the adequacy of collection management policies, systems and practices pertaining to state collections of natural history and of scientific, historical artistic and cultural significance. This follow-up audit examines the progress made in addressing the recommendations contained in the conclusion to the first report.

Generally speaking, this is one of the most positive Auditor-General's reports I have read in my time in Parliament. It is heartening to see VAGO recommendations actually being implemented. I ascribe this to the leadership and professionalism of the dedicated staff who daily undertake the task of guarding and maintaining Victoria's art collections and treasures. Victoria's state collections are valued at over \$5 billion and are prized resources of the people of Victoria. Appreciation of art and culture is an aspect of what defines us as a civilised nation. We have a responsibility to our state to protect and maintain these irreplaceable and priceless resources for future generations to appreciate and enjoy.

The report demonstrates progress towards completion of the Auditor-General's recommendations made in 2012. It examines today's readiness and capability of the management of Victoria's state collections. Creative Victoria, the National Gallery of Victoria, Museum Victoria and the Public Record Office of Victoria have, according to the report, shown definite improvements.

However, due to the complex nature of the collections, together with finite resourcing, not all recommendations have been completed, though it would appear Creative Victoria has begun to address current storage limitations by facilitating strategies to establish short-term and permanent storage solutions. Museum Victoria, the National Gallery of Victoria and the Public Records Office of Victoria have also

modified their processes to improve information about the condition of their collections.

In conclusion, it is critical that ongoing and adequate funding be put in place to safeguard the arts treasures that rightfully belong to the people of Victoria. I am very encouraged by the progress made to date and can see definite and ongoing improvements to the current system of storage. More needs to be done, but I am satisfied that the personnel who are charged with the task of the upkeep and maintenance of our cultural heritage will continue to do so to the best of their considerable ability. I fully support all the recommendations contained in the report.

### **Department of Treasury and Finance: budget papers 2015–16**

**Mr DAVIS** (Southern Metropolitan) — I am pleased to rise in this section of the proceedings to talk about the budget papers 2015–16 tabled in this chamber, and I want to do so with respect to local government. People will be aware that table B1 on page 406 of budget paper 3 is a very important table with respect to local government in our state. It shows a \$38.47 million cut by this government to funding for local government this year compared to last year. Let us be clear about this cut: it is \$88.47 million down, with a \$50 million amount in for the interface councils, but net statewide there is still \$38 million less for councils across the state. It is a long time since I remember councils having their funding cut in aggregate by a state government.

This stands in stark contrast to Labor's election policy and commitment to cap rates at the CPI. We know that this year Labor is not capping rates at the CPI. We know that rates are going up by 3.8 per cent on average statewide compared to a 1.1 per cent CPI increase to 30 June. That is a very stark difference, and it represents a greater difference between the CPI and the council outcomes statewide than in previous years.

This is a direct reflection of the failure of this government to keep its promises to cap rates at the CPI. Families will feel it, budgets will feel it and households will feel it. As they look at their rates notices, families will be shocked by the increase in the fire services levy, which is well over and above the CPI, and they will be shocked to see the council rate increases.

Let us also be clear here: before the election the government promised to cap rates at the CPI. It did not say, 'We'll cap it in 2016–17'. It said, 'We'll cap rates at the CPI'. It did not say, 'We will give councils a year off before we bring in the rate capping policy and let

them jack the rates up around the states by an amount that is greater than the CPI'. No, it did not say that. It also did not say that there will be cuts to services and to infrastructure, which is ultimately what will occur. Labor did promise, as I say, to cap rates at the CPI, and I think it is important that the community understands what has occurred here.

Councils are also aware of the federal government's freeze on federal assistance grants. I note that that is a freeze. In fact this year, with the population adjustments, the councils will see that there will in fact be an \$8 million increase in funding from the federal government, standing in stark contrast to the state government's policy of cutting funding to local government and delivering a net cut of \$38 million statewide in funding to local governments across the state.

Everyone knows what has happened with the country roads and bridges program, the \$40 million program statewide — —

**Mr Ramsay** — Axed.

**Mr DAVIS** — Axed, gone, kaput, moved out. Country councils are going to feel this very significantly. Their communities will not have roads and bridges upgraded in a pretty predictable way.

Today we saw the Minister for Local Government make a ministerial statement to the Legislative Assembly. This was a filler in this case because the government in the lower house did not have enough to do. This ministerial statement was a massive disappointment. It pointed to the shallowness of this minister and her failure to set an agenda.

It is interesting to look at the list of items on the agenda, which includes a modern Local Government Act. That is an election promise, and the coalition supports that process. Then there is an improvement in council governance. This is a process where the government has been slow and tardy, given what was left to it with governance legislation before the change of government at the election.

It is important to note that all the positive measures about increased council transparency in terms of performance came through work done prior to the election by David Morris, the member for Mornington in the other place and the then Parliamentary Secretary for Local Government. It was completed in October, and there was legislation before the Parliament to make that operative.

This is the legacy of our government — a focus on and support for local government, which stands in stark contrast to the Andrews government, which promised to cap rates at the CPI and promised repeatedly that other taxes and charges would not go up above the CPI, including those fees that councils would seek to levy. Mr Andrews has to be held to account on this. His hopeless minister has to be held to account for her flimsy statement — —

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

### **Ombudsman: abuse in the disability sector**

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Victorian Ombudsman's report entitled *Reporting and Investigation of Allegations of Abuse in the Disability Sector: Phase 1 — The Effectiveness of Statutory Oversight*, dated June 2015. This is an important report that considers the needs and welfare of people living with a disability in Victoria.

Phase 1 considered the effectiveness of the statutory oversight mechanisms in reviewing incidents and reporting of deficiencies, including by the Department of Health and Human Services; the Disability Services Commissioner; the senior practitioner, Disability Office of Professional Practice; the senior practitioner, Office of the Public Advocate; community visitors; authorised officers; the Transport Accident Commission; WorkSafe; and any gaps in statutory oversight.

The investigation by the Victorian Ombudsman was triggered following a number of problematic and concerning reports in the media within the sector about the capacity and capability of the oversight systems in place.

Roughly 1 million people, or 18.4 per cent of the population, in Victoria live with a disability. In 2011 it was identified that of this figure a total of 338 200 people in the state are living with a profound or severe disability. These sufferers vary in age, and they access various services to support themselves. A total of 78 submissions from both organisations and individuals provided invaluable insight into the extent of the ongoing problems within the disability sector. Through analysing the submissions and conducting her investigations the Victorian Ombudsman found areas of good practice that Victoria could build on. I will only mention two of them:

a disability services commissioner, independent of service providers, as a complaint body for people with disability, their carers and supporters ...

and

the public advocate, who provides a vital role in protecting the interests of vulnerable people as a guardian and advocate of last resort ...

In recognising this, the Ombudsman also identified serious issues that currently impact the effectiveness and limit the current system of oversight and accountability.

The Ombudsman made two recommendations for phase 1 in relation to her investigation, which centre on the need for a single independent statutory oversight body and ongoing funding for advocacy to support decision-making by people with disability. I hope the recommendations are adopted to ensure the protection of people with disability. I look forward to reading the phase 2 report, which will focus more on incident reporting under current Victorian legislation. I commend the report to the house.

### **Law Reform, Drugs and Crime Prevention Committee: supply and use of methamphetamines, particularly ice, in Victoria**

**Mr RAMSAY** (Western Victoria) — My statement on reports tonight is in relation to the government's response to the parliamentary inquiry into the supply and use of methamphetamines, particularly ice, in Victoria. I have spoken in this chamber before on the government's response to the joint parliamentary committee inquiry, and I have already noted my disappointment at the lack of effort and detail in the response — just 2 pages in response to a 1000-page report — and also the lack of action the Andrews government has taken to tackle this escalating health and social problem in our society.

The Premier keeps referring to the ice task force that he quickly convened to provide the answers, but we know this was just a ploy to divert attention away from the comprehensive report, which contains a series of recommendations not only to provide a ministerial framework of command but also for community action plans that have proved successful in many regional cities like Geelong, in my electorate. However, Labor slashed the funding that the coalition provided to community groups to formulate their own action plans and slashed the funding to sporting clubs under the Good Sports program, which was effective in allowing sporting clubs to be active in overseeing their players' behaviour in relation to drug use.

While we can only guess what advice the Premier is getting from his ice task force, what we do not have to guess about are the recent announcements by the Prime Minister on the Abbott government's commitment to combat ice-related crime; the work of the National Ice Taskforce, which is headed by Ken Lay, who is doing a great job in looking at a national approach to this problem; and the recent announcement of \$1 million to establish a national 'Dob in a Dealer' campaign — which was, I might add, a campaign initiated by the coalition government through Crime Stoppers and was very successful

I was also pleased to see a further \$18 million announced last week to strengthen the ability of the Australian Crime Commission (ACC) to detect and prevent the supply of drugs to our shores. It was the ACC's submission and testimony to the Victorian parliamentary committee that prompted me to visit Bangkok over the winter break to gain an understanding of the supply and distribution of illicit drugs through South-East Asia, through Thailand to Australia's shores. I am indebted to the UN, the US embassy and the Thai police for their assistance. My heart goes out to those families who were impacted on by the recent bombing.

It seems somewhat surreal that only three weeks ago I was at the very site of the bombing. I can only imagine the feeling of devastation and bewilderment of the Thai people, who have not experienced such a horrifying terrorist act before but thrive as the friendly faces of a tourist mecca. I will make a report to Parliament on the learnings from that visit, but I advise the chamber that the government must remain vigilant against outlaw bikie club chapters, which play a significant role in the distribution of this drug through South-East Asia and within Australia.

The National Ice Taskforce has released its interim report, which supports the Victorian parliamentary committee's work in a national strategy that focuses on law enforcement actions targeting primary prevention; early intervention, treatment and support services; support for local community action plans; improving tools for frontline services; and improving and consolidating research and data.

I was reminded today, when I spoke to a mother who lost her daughter to ice four years ago and to whom I spoke during the inquiry, of how important it is to support families who feel helpless as their children become addicted and unmanageable and who keep wondering whether they could do more. We must accept that those who are addicted to drugs and suffering from mental illness will not be able to make

rational decisions on rehabilitation and will need guidance in one form or another.

Prison is not always the best option for users. It frustrates me that despite the recommendations of the committee, many ice forums conducted by the Department of Justice and Regulation and the National Ice Taskforce, the Andrews government is reluctant to invest in rehabilitation beds for drug users. The state has many accommodation buildings that are lying idle and could be used for long-term drug rehabilitation. The Salvation Army, headspace, Odyssey House and Foundation 61 all have limited resources. I have seen with my own eyes many families seeking rehabilitation for their children in countries like Thailand.

This country needs to deal with this health and social disease, and the head-in-the-sand approach of the Andrews government is adding to the problem, not helping to respond to it. I will continue to hold this government to account to ensure that it provides an appropriate response to the illicit drug trade and those users who become addicted and cannot help themselves. The government's response, which I am speaking on today, is not good enough and is well short of what needs to be done.

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

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the Victorian Auditor-General's report into the consumer protection framework for building construction. The report has found that the system is totally inadequate on multiple fronts. The consumer protection framework for building construction is overly complex, too decentralised and spread out over multiple organisations rather than being organised under the one roof.

Consumers are swamped with information but given little help in navigating it. While the information they need is there, without a user-friendly system there is little chance of sorting the wheat from the chaff in a timely manner. Furthermore, the framework lacks adequate protection against faulty operators. The report found that:

The current registration and discipline regimes do not ensure that the only practitioners who are registered are qualified, competent, and of good character.

This is an example of expert investigation concurring with anecdotal evidence and the popular perception of the prevalence of dodgy builders. What is worse, consumers let down by some of these dodgy builders find little reassurance or recourse within the dispute

resolution system, which is characterised by voluntary conciliation and unenforceable outcomes. This fails to provide real protection in any meaningful sense.

The monitoring and disciplining of building surveyors is inadequate. The domestic building insurance scheme is too costly and has failed to provide value for money, with the Auditor-General finding that this last resort measure has cost consumers an additional \$21 million over the past four years. In short, the system is simply inadequate, but I am glad that the agencies involved have accepted the Auditor-General's findings. I look forward to the Auditor-General's next progress report.

There is a total of nine recommendations in the report based on the Auditor-General's comments and the feedback he received from the agencies that wrote to him about his concerns. Those agencies have accepted all of his recommendations. The Auditor-General's next report will look at whether all of his recommendations are being implemented and whether some progress has been made so that consumers in the state of Victoria are able to better navigate their way through a complex system without wasting a lot of time and money. I was one of these consumers two years ago when I went through the same thing about building insurance claims. I managed to get it sorted in the end, but I imagine an ordinary citizen does not have the resources to do so. Therefore I can really sympathise with people who are faced with some of the problems raised in the report. I hope the next report will tell us the good news that we are doing a better job to protect consumers from these dodgy builders. I commend the report to the house.

## ADJOURNMENT

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

That the house do now adjourn.

### Public holidays

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Small Business, Innovation and Trade, Mr Philip Dalidakis, and is the result of an extraordinary outburst from Premier Daniel Andrews, as reported in the *Geelong Advertiser* yesterday. The Premier attacked the business community after it said that Labor's grand final eve public holiday could cost the state economy \$1.5 billion. The Geelong Chamber of Commerce was gobsnacked when the Premier dismissed concerns about businesses having to shut because of wage costs.

The CEO of the chamber, Bernadette Uzelac, said that she felt the regulatory impact statement process was a sham given the very strong message received from members surveyed, of whom 85 per cent did not support the proposed gazetted holiday and 70 per cent believed it would have a financial cost to their business. Ms Uzelac cited her membership as saying that businesses were unable to plan or budget for the changes, which were likely to hit small businesses in the retail and hospitality sectors hardest. The lack of consultancy has blindsided business, and the *Geelong Advertiser* has reported that the changes will come at a cost of \$30 million to the Geelong region. A local bakery business has estimated that it will cost over \$10 000 for the holiday, and a winery on the Bellarine has indicated a significant increase in wage costs and penalty rates.

It is not just Geelong. The *Ararat Advertiser* has reported that business owners in Ararat and Stawell are concerned about the impact on their towns' economies. Foster's Mensland owner Graeme Foster said that the holiday will hurt local business and was quoted as saying that the holiday is pointless and unfeasible, particularly in rural and regional areas. Grampians Pharmacy and Stawell's Amcal Pharmacy operator Brian Hancock agreed that the holiday was unnecessary, saying that it would cripple local businesses and have no benefit for Stawell. The *Wimmera Mail-Times* reported that businesses in the Wimmera have slammed the holiday too. In Rupanyup Adrian Tyler of Tyler's Hardware said that the impact is a choice of paying staff time and a half on Friday or closing his business.

Despite regional Victoria clearly demonstrating that the proposed public holiday for the grand final eve parade will come at a major financial cost to businesses, despite the majority of submissions to the regulatory impact statement process showing a significant cost to the community if the holiday is gazetted and, more lately, despite the Australian Industry Group forecasting a \$700 million cost to the Victorian economy, the Premier shrugs off all that good advice and returns to his only defence that it was an election commitment. This is outrageous and totally indefensible. I have previously called for the minister to meet with the Geelong chamber and seek to rescind the Andrews government's decision. As the weight of evidence attesting to the real cost of this holiday requires more urgent action, I now request the minister to meet with his ministerial colleagues to garner support to have the Premier shift his position on this holiday based on the economic impact on rural and regional small businesses on the grand final eve public holiday.

### Men's mental health

**Dr CARLING-JENKINS** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Mental Health, the Honourable Martin Foley, and is about men's mental health. I recently had the pleasure of attending the round 15 Victorian Football League match between the Werribee Tigers and the Box Hill Hawks.

**Mr Finn** — Who won?

**Dr CARLING-JENKINS** — The Tigers won. It was a great win for the Tigers against the ladder leaders. It was very important for the club, but also important was the fact that this was the beyondblue Cup, for which the issue of men's mental health was addressed. I commend both teams for their efforts and for making a commitment to having this event as an annual match. Both teams demonstrated great initiative by coming together to tackle outdated and unhelpful attitudes towards men's mental health.

Sensitive subjects were talked about openly before the match. Speakers talked about the rate of male suicide and the incidence of depression and anxiety among males, which drastically affect, as they described it, even the toughest of men. As they explained to us at the lunch beforehand, the suicide rate is a lot higher among men than among women because all too often conditions like depression and anxiety are seen as signs of weakness. Many men are less likely to talk about it and less likely to seek the support they need.

I should note that beyondblue has done a remarkable amount of work in this space and is certainly worthy of a mention. If anyone has a chance to look at its website Man Therapy, you will see that it is fantastic and deals with issues with great humour and in a really straightforward way. Beyondblue provides a range of support services and resources for all kinds of people who struggle with mental health issues. I am pleased to say that the government has a focus in the area of tackling mental health issues, which should be acknowledged, and I am pleased that the government has committed to addressing gaps in the Victorian mental health system.

I recall that there is a document called *Back on the Agenda — Labor's Plan for Mental Health*, and I note that the ALP pledged to develop a 10-year mental health plan for Victoria within the first year of an Andrews government. I understand it is working on that now. The *Back on the Agenda* document highlights specific policy objectives for youth, aged-care services, farmers, violence prevention and the LGBTI

community. I commend all of that because it shows that the government recognises that people in different circumstances and life stages are faced with unique challenges.

However, I would like to expand this principle further to recognise that men too experience unique challenges. I therefore call on the minister to include a section dedicated to men's mental health in Labor's 10-year mental health plan for Victoria.

### Kindergarten funding

**Ms BATH** (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Families and Children, the Honourable Jenny Mikakos. There is a significant mismatch between the operational costs of running a kinder and the funding allocated by government. While this discrepancy occurs at many Victorian kinders, it is exacerbated in rural areas. Victorian kinders are two-thirds funded by government and one-third funded by parental support and fundraising. At rural kinders, however, the parental fees often fall short of covering the remaining operational costs. Fundraising by kinder families is required to make up this deficit.

This year Willow Grove Kindergarten, which is in my electorate, has only 12 students in its four-year-old program, and it has a deficit of \$8000. This deficit is not money to buy new equipment or pay for activities; it is the shortfall just to cover operational costs, staff wages and maintenance costs. Parents already pay \$1100 to send a child to the kinder, and this is set to rise next year. They also undertake cleaning duties to keep costs to a minimum. On top of these high fees they are expected to raise more than \$8000. This puts significant pressure on a town of only 300 people.

This year the kinder committee, through its fantastic fundraising effort, will meet that deficit, but in future years the kinder may have to reduce its hours or even close. The current funding arrangement is not sustainable for rural kinders like Willow Grove where numbers fluctuate. This year we have 12 children in attendance. Next year there will be 19, which is a good thing, but the following year a deficit may occur again due to lower numbers.

It is not only Willow Grove Kindergarten in my electorate that is struggling; Erica Preschool has had to reduce its hours in order to take the pressure off local families. It seems unfair that a four-year-old child in rural Victoria should not be afforded the same preschool educational opportunities as children who live in the city or larger centres. I understand that some

grants are available, but these are not always available in the way that the money is required. The minister herself has admitted that in some cases additional assistance from the Department of Education and Training may be required.

The action I seek is for the government to provide extra financial assistance to the Willow Grove Kindergarten committee and other rural committees in similar positions to cover basic operational costs.

### **Active Transport Victoria**

**Ms DUNN** (Eastern Metropolitan) — The adjournment matter I raise today is for the Minister for Roads and Road Safety, and it is in relation to establishing Active Transport Victoria. Labor's promise to establish a new body to increase participation in and the safety of active transport remains just that — a promise. This new body has been promised to develop policies and advise on the development of cycling and walking networks in Victoria. This work is desperately needed to make cycling safer and to encourage clean, green and healthy transport choices. It is a welcome initiative, but its establishment has been delayed for too long. The promise of the \$100 million Safer Cyclists and Pedestrians Fund is a cheque that many Victorians are waiting to see banked while safer cycling remains a future plan. I request that the Minister for Roads and Road Safety immediately establish Active Transport Victoria.

### **Fogartys Gap Road–Calder Highway, Ravenswood South**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and it concerns his response to a matter I raised on 11 June this year regarding the safety improvement works required at the dangerous Fogartys Gap Road–Calder Highway intersection in Ravenswood. In my contribution I called on the minister to match the Liberal government's \$80 000 commitment and to work with VicRoads to implement the necessary safety works at this dangerous intersection in Ravenswood, south of Bendigo. The safety improvements planned and costed by the Liberal government included the installation of rumble strips and signage improvements.

The minister's response indicated that he has no plans to begin the necessary safety works at the intersection but that VicRoads will be conducting an analysis of the crash patterns at this intersection. The action I am now seeking from the minister is that he provide a precise time frame for the release of the results of this analysis

and also that he clarify whether the VicRoads analysis of crash patterns will consider only past collisions, allowing the results to be known relatively quickly, or whether it is the government's intention to include future crashes in the analysis.

The former government had a clear understanding of the urgent need for safety works at this intersection which has seen multiple collisions every year, including at least two fatalities in the past five years. In 2010 this strip of the Calder Highway was labelled a black spot by police after an elderly man was tragically killed in a high-speed collision. The same year Castlemaine Bus Lines diverted its passenger routes to avoid passing through the dangerous intersection. The managing director of the bus company at the time, Geoff Hansford, recommended a lowering of the speed limit or the construction of an overpass to improve safety and reduce collisions. In response to this the former government upgraded signage and installed an electronic vehicle-activated warning sign in 2012. A fully costed election commitment of \$80 000 was made for additional necessary safety works.

In 2014 the intersection saw a fatality involving an elderly woman whose vehicle entered the intersection and collided with another car travelling down the Calder. The *Bendigo Weekly* reported a collision in May this year which saw a woman trapped under her car for hours while State Emergency Service personnel and paramedics worked to safely free her.

The intersection is clearly a hazard to commuters in the Ravenswood and Bendigo communities and to visitors to the region. Local communities have been calling for improvements to this intersection for many years. Unfortunately it has been revealed that the Andrews Labor government has scrapped the planned and costed safety works. It is now offering nothing but stalling tactics to appease the concerns of local commuters and visitors to the Bendigo and Ravenswood area.

I note that a recent article in the *Bendigo Weekly* stated that VicRoads will be reducing the speed limit at the intersection from 100 kilometres per hour to 80 kilometres per hour. This is clearly a stopgap measure. How many more accidents need to occur before the Labor government takes serious action?

The action I am now seeking from the minister is that he provide a precise time frame for the release of results of this analysis and also that he clarify whether the VicRoads analysis of crash patterns will consider only past collisions, allowing the results to be known relatively quickly, or whether the government intends to consider future crashes in the analysis.

### West Gate distributor

**Mr EIDEH** (Western Metropolitan) — My adjournment matter today is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan, in regard to the West Gate distributor. It is a very important Labor initiative that will provide better travel options for local traffic, pedestrians, freight and cyclists. This project will take 5000 trucks off the West Gate Bridge every day and will take traffic off neighbouring local streets, which has been an ongoing problem for years. The \$500 million West Gate distributor will take trucks to the port of Melbourne via a new dedicated road link, easing congestion for city-bound traffic from Geelong, Ballarat and the western suburbs.

One of the government's benchmark policies at the last election was Project 10 000 and within this was the planned West Gate distributor. It will transform the public transport system, lessen the current congestion on our roads and deliver at least 10 000 construction jobs for Victorians, which is something that is important with so many facing job losses under the previous coalition government. Project 10 000 is one of the largest job-creating plans in the state's history and will be imperative for our growing and ever-transforming city. The \$40 million first stage of the project includes widening Moreland Street, installing a new signalised intersection at Footscray Road and Moreland Street and widening and strengthening the Shepherd Bridge over the Maribyrnong River to add additional lanes. Given its importance to all Victorians and its alleviation of traffic congestion on Victorian roads, I ask that the minister provide an update on the first stage of the West Gate distributor.

### Autism support groups

**Mr FINN** (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Housing, Disability and Ageing. I have spoken before in this house about the lack of support for many families who have family members with autism. I know from personal experience that it can be a very lonely journey when a child is first diagnosed with autism. Quite often families are in a state of shock and do not know where to turn. In order to fill this vacuum some selfless individuals — themselves having children with autism — have taken it upon themselves to form support groups which provide information for parents who are in the situation I have described. They are people who sacrifice their own time; they are selfless and they really care about other people. It would be very easy to say, 'I have got my own problems.

Everybody else can look after themselves'. But these people take the initiative to go out and show the care for others that is necessary.

One such group that I have been involved with now for a number of years is Autism Angels of Brimbank. As I go around the state I know there are a number of groups in a similar situation. My admiration for them is beyond words. It truly restores anybody's faith in humanity to see these people do the work they do. This work not only adds to the pressure that they are all under looking after their own child with autism, but it also adds to the financial pressures on a family — with the costs of phones, travel and myriad other expenses that come with such a role.

It is something that we really need to look at as a state. I think it would be an exceptionally good thing if the government were to provide a degree of funding to cover expenses for these groups. We are not talking about the cost of sheep stations. We are looking at a small contribution to these selfless people to help them get through and provide the sort of service I have been talking about. I ask the Minister for Housing, Disability and Ageing to take my comments into consideration and to set up a fund from which these people can apply for some degree of funding. I believe that would be a giant step towards helping these wonderful people.

### Victorian Training Awards

**Ms SHING** (Eastern Victoria) — It is with great excitement that I rise to contribute to the adjournment debate and add to the general energy levels which have been present throughout the chamber today. I seek further information from the Minister for Training and Skills on the public vote category of the Victorian Training Awards. These awards are extremely popular, as many members in this house and the other place would know, being the night of nights for training. That night of recognition and reward is shortly to be upon us. As I understand it, this year's Victorian Training Awards will be different from previous years whereby there is a new category, the community choice award, which allows for public voting. This is on the basis that it enables a community contribution towards the selection of an award winner.

One of the local apprentices in my electorate, Chris Henbery, is a nominee and a finalist in the category of local apprentice. In addition to making my contribution I encourage all members to visit the Department of Education and Training website and vote for Mr Henbery, who has made an excellent contribution. Specifically the information I seek from the minister is for him to advise how many votes have been received

to date in the community choice category and to advise when voting is anticipated to close on this important new award, insofar as it relates to finalist Chris Henbery from the Eastern Victoria Region.

### **Rail passenger safety**

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment debate tonight is for the Minister for Public Transport. It concerns Labor's broken Homesafe program promises. The government clearly got its 24-hour public transport trial massively misallocated in the budget, and clearly its election commitments were not accurately calculated as to the actual cost. There was a budget blow-out of \$33.6 million, which is a cost increase of more than 67 per cent.

However, my matter tonight relates to Prahran, Windsor, Toorak and Hawksburn stations, which are not premium stations and will not be staffed by protective services officers (PSOs) at night. A large number of commuters heading home overnight will get off at these very busy stations. If the program is to be a success, it would mean that a large number of commuters would come home from city venues or somewhere else in the metropolitan area to stations that will become very dangerous. We know that Labor members never liked PSOs. They called them plastic police. They were always opposed to them prior to 2010 and bleated about them, but the fact is that these particular stations are not premium stations and under Labor's proposal they will not be staffed with PSOs and will not be safe. They call it Homesafe, but I say it is going to be a very dangerous arrangement. I would be very concerned about people getting home safely under this system as they alight at a very busy station in an area where there may be significant challenges. I think without having police or PSOs — —

**Ms Shing** interjected.

**Mr DAVIS** — I catch trains all the time, Ms Shing, and trams too — and I like it.

Since the former government put PSOs on stations it has become much safer. I pay tribute to the former Minister for Public Transport, Terry Mulder, for the work he did. As I said, Labor never liked PSOs. Its members called them plastic police and were always opposed to putting them on stations. Now we see the first step in Labor unwinding a universal policy on having PSOs on all metropolitan and major regional stations. Prahran, Windsor, Toorak and Hawksburn stations face significant threat in the deep of night without that particular support. The car park areas and

the walking zones around those stations will be exposed to enormous risks without PSOs there. So I say the minister's action must be to review her policy and to put PSOs on those stations to make sure that people are safe at Hawksburn, Windsor, Toorak and Prahran as the Homesafe program trial proceeds.

**The PRESIDENT** — Order! Mr Davis assured me that he would be quick. He used the entire 3 minutes.

**Mr Davis** — On a point of order, President, Ms Shing sought information from the minister, which is not an action as required in the adjournment debate. Members need to seek an action from a minister, and I believe the transcript will read that she did not seek such an action.

**The PRESIDENT** — Order! According to the way we have conducted adjournments under the new standing orders, to receive information is acceptable. Essentially now the adjournment is to bring a matter to the attention of the minister or to ask for an action, and that is true of Ms Shing's adjournment matter. Seeking information — I am not perturbed about that tonight.

### **Responses**

**Mr HERBERT** (Minister for Training and Skills) — Perhaps I should start with Ms Shing's matter and then go through the other responses. Ms Shing requested that I provide advice on the new Community Choice Award and the 2015 Victorian Training Awards, which I am delighted to do. I have been to those awards many times. This is the first time I will be up on stage, which will be an unusual experience for me. I know many people here have also been to the awards.

On Friday, 28 August, hundreds of Victorians will gather to celebrate vocational education. These are major awards for the sector. There are six individual categories and eight organisational categories. There will be \$10 000 fellowships for individual winners, who will have an opportunity to compete at the Australian Training Awards in Hobart later in the year. There are 20 individual student nominees across five school-based categories and 14 different training providers represented across the six individual categories. Ms Symes and Ms Lovell will be pleased to know that Goulburn Ovens Institute of TAFE is represented. Four of its students have been nominated, the most of any organisation. I congratulate everyone on their nominations and wish them the best of luck on the night.

I will now speak specifically on the new Community Choice Award, which I was asked to provide information on. It is an inaugural award, and the public gets to have a say about the apprentices they are proud of. There are four short-listed nominees: apprentice chef Rabia Hussein, who trained at Crown College; apprentice nursery worker Chris Henbery, who trained at Swinburne University of Technology, who Ms Shing mentioned and will undoubtedly vote for; apprentice carpenter Marlon Young-Healy, who trained at Box Hill Institute; and apprentice hairdresser Hayley Parker, who trained at the Gordon. Incidentally, Hayley has just come back from Sao Paulo in Brazil, where she competed as part of the Skillaroos competition. What a great thing for a young person to do.

**Mr Ondarchie** — Did she do your hair?

**Mr HERBERT** — No, she did not do my hair. I do not think you need too many skills to do my hair; that is for sure. All I need is a bit of a buzz cut, to be perfectly honest. I do it myself.

Voting for this award is open to the public. For the first time the public can have a say and express their pride. I encourage everyone to visit [www.education.vic.gov.au/trainingawardsvote](http://www.education.vic.gov.au/trainingawardsvote) and cast a vote. I would also encourage everyone in this chamber to go to the webpage and have a look at those great young people who are training and starting off their lives and careers. Give them a bit of a boost, and vote for the one you think is the best, whether they are in your electorate or not.

Incidentally, even though this is the first time we have held this award, as of today — at last count — 721 people have gone to that site and voted for the young person they want to support to win the prize in the community choice category. Voting closes on the night, so people will be able to go and vote until then. Have a look at the nominees and have a go. I encourage everyone to get on that site and vote for the person they think should achieve an award for their great accomplishments in apprenticeships and traineeships.

I now move to other adjournment matters. Mr Ramsay raised a matter for the Minister for Small Business, Innovation and Trade relating to the grand final holiday and a change of mind.

Dr Carling-Jenkins raised a matter for the Minister for Mental Health. She wants to make sure that men's mental health is included in the government's 10-year mental health plan. That is a very good idea as far as I am concerned.

Ms Bath raised a matter for the Minister for Families and Children seeking extra funding for Willow Grove Kindergarten and other rural kindergartens.

Ms Dunn raised a matter for the Minister for Roads and Road Safety seeking the establishment of Active Transport Victoria.

Ms Lovell raised an issue for the Minister for Roads and Road Safety seeking action to upgrade an intersection on Fogartys Gap Road.

Mr Eideh raised a matter for the Minister for Roads and Road Safety seeking an update on the first stage of the West Gate distributor.

Mr Finn raised a matter for the Minister for Housing, Disability Services and Ageing. Mr Finn and I may have differences of opinion at times, but no-one can doubt his support and long-term commitment to this sector. It is admirable. He seeks funding for expenses for groups of people who selflessly help children with autism.

Ms Shing had a great question for me, which I have already answered.

Mr Davis had an issue for the Minister for Public Transport seeking protective services officers on non-premium stations as part of the government's Homesafe program.

I have written responses to adjournment debate matters raised by Ms Hartland on 28 May and Mr Melhem on 23 June.

**The PRESIDENT** — Order! Just in the context of the adjournment, and particularly going back to Mr Davis's point of order, I think there was an element of a Dorothy Dixier in the adjournment item raised by Ms Shing and the subsequent answer. We will take it that the action Ms Shing was asking for on this occasion was for the minister to vote for one of those candidates.

The house stands adjourned until tomorrow.

**House adjourned 5.58 p.m.**

**WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE**

*Responses have been incorporated in the form supplied to Hansard.*

**VicForests**

**Question asked by:** Ms Dunn  
**Directed to:** Minister for Agriculture  
**Asked on:** 18 August 2015

**RESPONSE:**

Timber harvesting operations are dangerous and the coupes in which they occur are strictly controlled workplaces .

Timber Harvesting Safety Zones are established to protect public safety, including preventing death or serious injury to workers, authorised persons, and the public. A person must not enter, or remain in, a Timber Harvesting Safety Zone without authorisation, at any time.

It is the Government's expectation that all members of the community obey the law.

I am advised that 43 penalty infringement notices - fines - have been issued relating to breaches of Timber Harvesting Safety Zones since these offences became infringeable on 13 March 2013.

There are 10 individuals with 2 or more fines (totalling 24 fines). This includes three individuals with 10 fines between them (representing 23% of all fines issued for Timber Harvesting Safety Zone breaches).

