

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 2 September 2015

(Extract from book 12)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
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Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
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Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for 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 and Mr Melhem. (*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**

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

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

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

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

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Wednesday, 2 September 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:

Crown Land (Reserves) Act 1978 — Minister's Order of 14 August 2015 giving approval to the granting of licences at Alexandra Gardens and Alexandra Park.

Hazelwood Mine Fire Inquiry — Report, 2015–16 Volume 1 — Anglesea Mine, pursuant to section 77 of the Inquiries Act 2014 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 99.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Country Fire Authority Fiskville training college

Mr RAMSAY (Western Victoria) presented replacement interim report.

Laid on table.

Ordered to be published.

Mr RAMSAY (Western Victoria) — I move:

That the Council take note of the report.

On behalf of the Environment, Natural Resources and Regional Development Committee, I rise to speak briefly on tabling in lieu a revised version of the interim report of the inquiry into the Country Fire Authority training college at Fiskville. Due to administrative errors in the report it was necessary for these to be amended and for the corrected version to be tabled in lieu.

Motion agreed to.

MINISTERS STATEMENTS

Victorian skills commissioner

Mr HERBERT (Minister for Training and Skills) — I am pleased to inform the house that the Andrews government is getting on with linking industry needs to real skills and real jobs, this time by establishing a Victorian skills commissioner. A call for expressions of interest for the role was advertised

widely last Saturday, and a further advertisement will be placed in next weekend's newspapers.

The Andrews Labor government is providing \$8 million over the next four years and \$2 million ongoing to establish and support the office of the Victorian skills commissioner. This position will be a key link to industry, providing advice on the training market and identifying future skill shortage areas and appropriate workforce training needs. The skills commissioner will work closely with employers, unions and participants in the training system to ensure that we have a highly skilled workforce now and in the future.

Under the previous Liberal coalition government the Victorian Skills Commission was abandoned. It not only disbanded the commission in 2012 but also it also ripped funding out of Victoria's industry advisory bodies, long-established institutes that provide advice to government on training needs. It was a careless move that left the Victorian training system without the support it needed to engage appropriately with industry. Unlike those who sit opposite, we on this side understand how vital the connection between industry and education and training is, especially with the jobs crisis left as a legacy of the previous government.

Ensuring that the needs of skilled labour markets are met by our training system is crucial as the Victorian economy undergoes substantial change. We are committed to establishing these key links and to getting real advice from industry about the needs of our workforce and our training system and in particular about how we can support business, including small business, to grow productivity through its workforce.

National iAwards

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise today to congratulate the six Victorian entrants who were among the winners at the National iAwards hosted in Melbourne last Thursday. I was joined by the former ICT minister in the previous government, Mr Gordon Rich-Phillips, and the shadow innovation minister and member for Caulfield in the other place, Mr Southwick.

I am pleased to inform the house that Victoria led the nation, with the greatest number of winners of National iAwards. Additionally, four other Victorians received commendations of merit — a very successful outcome for the state's ICT industry. The National iAwards recognise the achievements of Australia's world-class ICT sector. Now in their 21st year, the awards are presented by the Australian Information Industry Association. This year the winners will earn the

opportunity to represent Australia at the Asia Pacific ICT Alliance Awards to be held in Sri Lanka later this year.

The Andrews Labor government has committed to hosting — —

Honourable members interjecting.

The PRESIDENT — Order! I advise Mr Finn and Mr Drum that this is not a football match; it is a house of Parliament. If those members want to talk to each other, they should move closer to each other and whisper in each other's sweet ears. Mr Dalidakis, from the top.

Mr DALIDAKIS — I rise today to congratulate the six Victorian entrants who were among the winners at the National iAwards hosted in Melbourne last Thursday. I am pleased to inform the house that Victoria led the nation, with the greatest number of winners. Additionally, four other Victorians received commendations of merit — a very successful outcome for the state's ICT industry. The National iAwards recognise the achievements of Australia's world-class ICT sector. Now in their 21st year, the awards are presented by the Australian Information Industry Association. This year the winners will earn the opportunity to represent Australia at the Asia Pacific ICT Alliance Awards to be held in Sri Lanka later this year.

The Andrews Labor government has committed to hosting the iAwards program until 2018, helping to reinforce the state's reputation as the Australian hub for the ICT sector. This important event and the variety of winners show the vital role that the ICT industry plays in driving productivity across our Australian industries. In Victoria alone, the ICT sector currently employs approximately 91 300 people in almost 8200 companies across the state. Our strong reputation for delivering innovative ICT products and services is already showing dividends for our economy, now generating annual exports of \$2.5 billion and more than \$34 billion in annual revenue.

The Labor government has a strong plan to support and invest in the ICT sector, from start-ups right through to some of our biggest employers. Our new ICT industry strategy will address the widening demand for ICT products and services; access to ICT skills through my colleague here, Minister Herbert; and high-speed broadband — which is not quite as high as it could be, thanks to the federal Liberal government. The industry is at the heart of Victoria's future, and our plan will lay

out a pathway for the sector to innovate, grow and create jobs in Victoria.

Ms Wooldridge — On a point of order, President, I am wondering if you could provide some clarification. Yesterday you helpfully provided clarification in relation to adjournment matters. Could you provide some clarification in relation to ministers statements on two points? Firstly, Minister Dalidakis actually read — 95 per cent would be my estimate; it might have been closer to 96 per cent — the statement that he gave. If you do a comparison of his statement on which you asked him to start again, you will find that the wording of the first and second versions of the statement is exactly the same. On the question of whether set pieces are appropriate for ministers statements, I ask if you could provide some clarity to the house.

The PRESIDENT — Order! In my view for those parts of our proceedings that involve a very short contribution, those being the adjournment or 90-second statements and indeed I extend that to ministers statements, members ought to be able to read their notes, because there is a time pressure involved and they need to make sure that they deliver all the information. It is often to the benefit of the house that members can conclude their item. In that sense, for all those, if you like, smaller contributions as part of our process, I am relaxed about members reading statements and that includes ministers statements. That is from the perspective of the Chair.

Mr Leane — On a point of order, President, as you know, I am a stickler for the rules and I have brought this concern to your attention recently. There is nothing in the standing orders that affords someone the opportunity to call for a point of clarification. As I said, I have raised this previously. It is starting to creep in during this term, and that is getting under my skin. At some time in the future, President, I ask that you rule on what entitlements members have to interrupt proceedings.

The PRESIDENT — Order! I indicate that on this occasion I took the interruption by Ms Wooldridge as a point of order. Ms Wooldridge was seeking a ruling or a view in respect of the process, and therefore I think that was a point of order as such. Whilst she used the word 'clarification', I think that was in support of what she had raised as her point of order. Nonetheless Mr Leane is right that there is not, as a rule, the opportunity for members to stand up and seek clarification as such. There are processes by which members might do that, but in standing orders, there is not the opportunity for members to seek clarification in the same way they can do with points of order.

MEMBERS STATEMENTS

Politician Clay Target Shoot

Mr BOURMAN (Eastern Victoria) — On Friday last, 28 August, we went out to the Politician Clay Target Shoot at the Melbourne Gun Club, Yering, which was hosted by Field & Game Australia. First of all I would like to thank the Field & Game association and its sponsors for hosting the day. I also thank the volunteers from the shotgun education course who helped less experienced people at the event. I state for the record that on our maiden voyage the Shooters and Fishers Party managed to pull off a win, thankfully. It would have looked pretty embarrassing otherwise.

David ‘Lewie’ Lewis

Mr DRUM (Northern Victoria) — Almost 12 months ago I lost one of my best friends, David ‘Lewie’ Lewis, after an innocuous accident on a quad bike on his Kialla property. Lewie initiated his nickname of ‘Ledge’, which was short for legend, which was short for Lewie the Legend. His exploits were on the football field at Shepparton, Congupna and Waaia; on the cricket field; behind a ski boat at Tocumwal on the Murray; and as the Goulburn Valley’s finest painter and decorator. He did his best to live up to the legendary status of his aspirations.

On 29 August, Saturday past, the Shepparton Football Club unveiled the David ‘Lewie’ Lewis trophy cabinet, which will sit proudly in the club rooms and showcase all the premierships cups and all the premierships footballs of its very rich and proud history. All the club’s other prestigious awards will also be housed in the David ‘Lewie’ Lewis trophy cabinet for all time. It has been built with exquisite tradesmanship, which is fitting for Lewie, and is complete with a photo of him looking down at the corner of the bar. The Shepparton Football Club has bestowed a great honour on Lewie. It gives due recognition to one of the best human beings I have ever met.

It was a great opportunity to be there on Saturday with the love of Lewie’s life, Annie, his mother, Jan, his brother, Chris, and other family friends and fans of Lewie who now have to mop up the mess that is left when someone the community absolutely loves leaves us way too early in his and our lives.

Victorian Training Awards

Mr HERBERT (Minister for Training and Skills) — The Victorian Training Awards were held on Friday night and proved to be a wonderful success. It is

always a privilege to celebrate in a truly bipartisan manner the magnificent achievements of students, teachers and training providers in Victoria. I congratulate all the nominees and winners, who shine a light on what can be achieved if we strive for excellence in our training system.

I congratulate in particular a nominee for the Victorian Vocational Student of the Year, Michelle Genardini. Michelle is currently undertaking a certificate IV in allied health assistance through Bendigo TAFE. Michelle’s achievement is all the more remarkable due to her personal circumstances. Michelle is legally blind and assisted by her guide dog, Larry. It is a testament to Michelle’s strength that she has put herself in a position to be nominated for such a prestigious award. While she may not have won, her commitment to her field has proven that she is a winner in her own right. I will be following Michelle’s progress, and I hope to see her make the most of her training and gain employment in the health industry. I know Victorians will be in safe hands if people like Michelle enter the industry.

I also congratulate the other finalists, including Luke Alderton, undertaking a diploma in media through Holmesglen; Bethany Mugford, undertaking a certificate III in children services through the Goulburn Ovens Institute of TAFE; and Jamie Kirkley, undertaking a certificate III in mechanical engineering through Kangan Institute. A great night was enjoyed by all, and I am already looking forward to next year’s celebration.

Indian Film Festival of Melbourne

Ms PATTEN (Northern Metropolitan) — I was very pleased to attend the opening of the 2015 Indian Film Festival of Melbourne recently, which coincided with Indian Independence Day celebrations. Now in its fourth year, the Indian Film Festival celebrates the fruits of the world’s biggest film industry in spectacular style. There were fashion parades that raised much-needed funds for the Royal Children’s Hospital. We also saw some film screenings, some extraordinary Bollywood dancing and some amazing international guests. I was really inspired by the way Australian fashions were mixed with traditional Indian saris and everything in between.

The films that were showed covered genres from traditional Bollywood and comedy to some very serious drama pieces by established and new filmmakers from both India and Australia. It was wonderful to note that the festival had chosen to celebrate the theme of equality. It highlighted the advances as well as the struggles in reaching equality in gender, religion,

sexuality and even disability, particularly in India. I congratulate all those who were involved with the festival, especially festival director, Mitu Bhowmick Lange, on delivering another brilliant festival.

Vaccination programs

Mr MELHEM (Western Metropolitan) — I rise to speak on the importance of vaccinations in preventing deadly and highly contagious diseases. A recent report released by the National Health Performance Authority shows that in 2013, 72 per cent of 15-year-old girls across Australia were fully immunised against the human papillomavirus, which is highly contagious and can lead to cervical cancer and other cancers and conditions. Closer to home, in Melbourne's north-western region the immunisation rate of 15-year-old girls increased to 76 per cent, which is a great result considering that the school-based program is only in its eighth year of operation.

In addition to these pleasing results, the Andrews Labor government has been making important changes to Victoria's health system to make sure that vaccine-preventable conditions are a thing of the past. Since being elected we have fulfilled our promise to reintroduce the free whooping cough vaccination, after the former Liberal government cut this program, which increases access to the vaccine, in 2012.

In addition to this measure, we have strengthened our position and will be introducing no jab, no play legislation, which will make it mandatory for kids attending childcare centres and kindergartens to be vaccinated from 1 January 2016. Vaccinations provide maximum protection to all Victorians from serious and potentially life-threatening conditions, and I welcome the inevitable increase in health outcomes for all Victorians.

Government performance

Mr FINN (Western Metropolitan) — I am sure some members in this house will remember the battle of Windy Hill on the federal election day of 18 May 1974. Richmond and Essendon players, officials and supporters involved themselves in one of the biggest stoushes ever seen on a football field — police horse and all. It is a long time ago, and I thought it would be hard to top. Then I picked up this morning's *Herald Sun*. The brawl inside the Andrews government is leaving the Tigers and Bombers in the shade. Allegations of deceit and dodginess are not coming from this side of the house, as you might expect, but from within a government that is hopelessly divided by hate. If Geoff Shaw was pursued to the ends of the

earth for the misappropriation of \$1500 and a federal Speaker was forced to resign over a helicopter ride, the allegations aired today warrant some very serious action. While we wait for such action, we can watch a government riven with strife, bitterness and factional fix-ups. Victoria deserves a responsible, visionary government. The current one is a dodgy dud.

The PRESIDENT — Order! I take it that the references to action were not a reflection on the Chair, or Presiding Officers. It is in my court.

Operation Fortitude

Ms SPRINGLE (South Eastern Metropolitan) — As the Greens spokesperson for multicultural affairs, it would be remiss of me not to say a few words about the aborted Operation Fortitude, which was to take place over last weekend. By now we all know the basic chronology of last Friday. Just before 10.00 a.m. on Friday a press release from Victoria Police announced Operation Fortitude. Just after 10.00 a.m. the Australian Border Force announced it would be 'speaking with any individual we cross paths with'. It also warned people to be aware of their visa conditions. By noon the operation had been called off due to the extreme outcry in the community. Over the weekend I received correspondence from numerous constituents and concerned individuals, one of whom identified as a 'brown-skinned Australian born here' who was grateful to the protesters because he could feel safe in the city over the weekend. Not only as a concerned citizen and MP but also as the mother of two 'brown-skinned' children, I find it quite horrifying that my children could potentially not go into the city over the weekend without feeling fearful.

I call on the Andrews government to be a bit clearer in its response to this, because on Friday at 9.52 a.m. Victoria Police issued a press release confirming that the Australian Border Force would be part of 'a diverse team of transport and enforcement agencies' that will 'take to the streets as a part of Operation Fortitude'. In the *Age* on Saturday the Premier stated:

We were very clear that Victoria Police and the Victorian government do not and never will support an operation like this.

I call on the government to be a bit more consistent with its messaging.

Jewish community

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — On Sunday I had the great honour to attend two wonderful events. The first was

the opening of the Jewish Refugees and Shanghai exhibit at the Jewish Holocaust Centre in Elsternwick. It was my great personal honour to officially open the exhibition, because my mother was born in Shanghai and is one of those Jewish refugees. We were joined by the People's Republic of China's Consul General, Mr Song; Pauline Rockman, OAM, and Helen Mahemoff, the co-presidents; and Warren Fineberg, the executive director of the Holocaust museum. It was a very personal and moving tribute. A great number of people were there, and I have since put a photo on my personal Facebook page of a photo taken of members of the Jewish community in Melbourne who were born in Shanghai. As you can imagine, they are all getting on.

The second function I attended was the celebration of welcome to the Governor of Victoria, Her Excellency the Honourable Linda Dessau, AM, which was held at Toorak synagogue, or the Melbourne Hebrew Congregation, as it is also known. It was a wonderful circle of life for me because it showed that the Nazis did not win in World War II, that the Jewish community remains strong and that, by having our first female Governor and first Jewish Governor in Victoria, we continue to thrive, survive and be active members of the community.

Electorate office staff

Mr DAVIS (Southern Metropolitan) — Today I rise to make some points about the serious allegations in this morning's press which go to the integrity of Daniel Andrews. It is clear that the Labor Party is embroiled in a serious scandal that involves the diversion of public funds for the establishment and running of Labor's Community Action Network.

Mr Leane — On a point of order, President, I may be a stickler for the rules but it is my understanding that under the standing orders a member of Parliament can only make allegations about a sitting member of Parliament under a substantive motion and not through a members statement or other vehicle.

The PRESIDENT — Order! The point of order is correct. I am not sure that the way Mr Davis couched his statement actually transgressed that rule, but Mr Leane is right: if there is an allegation against an individual member, it must be made by substantive motion. I will listen intently to Mr Davis.

Mr DAVIS — It is clear from the reports in today's media, which were heard by many members as they came to Parliament this morning, that there are very serious matters to answer about how the Labor Party

funded and continues to fund its Community Action Network. The Premier needs to come clean and explain this in great detail. We now learn from reports in today's press that there may well have been a diversion of public resources to directly fund this particular campaign network, which is run by the Labor Party at a community level across the state.

There is an important question of boundaries, and it appears that the Labor Party has overstepped the traditional boundaries that have existed in our Parliament and our community. This is a serious matter that requires the urgent attention of Labor.

St Kilda triangle development

Ms PENNICUIK (Southern Metropolitan) — Since before I was elected to Parliament I have taken a strong interest in what happens on the triangle site in St Kilda, which is state Crown land. On 7 June 2007 I spoke in this place about the community's dismay at the approval of a huge commercial and retail development for the site, dubbed 'Chadstone by the Sea'. A two-year community campaign saw a new council negotiate out of that contract for \$5 million, and a new vision was developed in 2011–12, with wide community input.

Among other things, the community passionately argued for the retention of the grassy slopes between The Esplanade and Lower Esplanade; for a public place with limited built development that respects the context of the Palais Theatre, Luna Park and The Esplanade, with the Palais as the dominant built form; and for small-scale commercial activity which is subordinate to the site's primary purpose as public space. I have been following the City of Port Phillip's recent master plan co-design workshops, and while some of the options presented contain aspects of this vision, others significantly depart from it and include buildings which would surround and overpower the Palais Theatre and are of a similar size and footprint to the plans contained in the rejected 2007 proposal.

I have a creeping feeling of déjà vu that a vision that was broadly agreed to by the community in 2012 is in danger of morphing into another expensive overdevelopment on the site. You can see big buildings anywhere, but what cannot be replaced are the unique and famous vistas of Port Phillip Bay and existing iconic St Kilda sites. These could be lost forever if we lose sight of the community vision.

Landcare awards

Ms SYMES (Northern Victoria) — It is with great pleasure that I rise to pay tribute to the selfless and

dedicated people of my electorate of Northern Victoria Region who have been recognised for their efforts in the 2015 Victorian Landcare awards. Those honoured included Mrs Adele Ritchie of Wangaratta, Mr Rob Fallon of Yarra Glen, Mr Tom Abbottsmith-Youl of Glenburn and Mr Alan Stephenson of Talgarno.

In particular I would like to acknowledge Lyn Coulston, OAM, who was the first recipient of the Joan Kirner Award, which recognises and honours those who share the passion and commitment that Joan Kirner had for Landcare and for bringing communities together to tackle local environmental issues. Lyn's efforts have had a profound effect on her local upper Murray community in the north-east. She has spent more than 30 years dedicated to the development and implementation of Landcare groups, practices and projects in her community.

I would like to thank Lyn and all the recipients of Landcare awards for the contribution they make. As community-minded, passionate individuals, they continue to grow and develop Landcare as an effective means of caring for our precious environment.

Next year Victoria will celebrate 30 years of Landcare, which this government is committed to strengthening and building. We can only do this with the dedicated commitment of the numerous volunteers across the state who give their time and genuinely make a difference. I would like to say thank you to them.

Firefighters

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak about a recent visit to the metropolitan fire station in Sunshine in my electorate. I went to gain a deeper insight into the very important work that firefighters do and to become better informed about their needs and challenges. The day started off with a demonstration of fire and rescue skills, with firefighters from around the Western Metropolitan Region in attendance. One of the drills I observed was an emergency car rescue, in which firefighters skilfully cut and removed the roof of a car. Firefighters commit their lives to serving, protecting and rescuing others. Many lives have been saved thanks to the selfless acts of our fireys. Indeed their acts are so selfless that many have given their lives in service to the community. On the wall at the fire station is a board that honours and remembers fireys who have died on the job.

One of the issues I became more aware of through my visit was the impact that post-traumatic stress disorder has on our firefighters — a terrible burden carried as a

result of doing incredibly brave and self-sacrificing work. As with defence and other emergency services, firefighting is an occupation with significant levels of physical and psychological stress, especially in the important work of resuscitation. Our fireys need improved support services and an environment where they can be open about the stress they are experiencing. As a community we need to do all we can to support our fireys. It is not much to ask considering the courageous, selfless service these heroes provide for us.

Level crossings

Mr LEANE (Eastern Metropolitan) — I am very pleased that last week there were two opportunities for the public to view the plans for the level crossing removals at Blackburn Road and Heatherdale Road. There was a fantastic turnout at the Blackburn Road viewing; over 300 people turned up. At the Heatherdale Road viewing there were over 150 people. Locals are very keen to see this work go ahead. I understand that planning is soon to be finalised, and hopefully there will be a presence on those sites in the coming months. Having had conversations with some of the people there, I can say that they are just delighted these level crossings will finally be removed. They divide the community. Locals were delighted with the plans, which include disability access and fulfil all the expectations we have of new, modern train stations. The whole community is very much looking forward to the completion of these projects.

FORMER MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE

Report of Secretary of Department of Premier and Cabinet

Ms WOOLDRIDGE (Eastern Metropolitan), by leave, presented report on matters concerning former minister.

Laid on table.

Ms WOOLDRIDGE (Eastern Metropolitan) — I move:

That this house take note of —

- (1) the report of the Secretary of the Department of Premier and Cabinet titled *Matters concerning the Minister for Small Business, Innovation and Trade*, referred to as a defamatory dirt sheet by the former minister, Mr Adem Somyurek, MLC;
- (2) statements made by witnesses providing evidence for the report; and

- (3) the circumstances surrounding the resignation of the former Minister for Small Business, Innovation and Trade.

In talking to the motion today, I note that it incorporates a number of different aspects. One is the report by Michael Strong concerning the conduct of the former Minister for Small Business, Innovation and Trade. There is also the investigation by Mr Peter Allen into the operation of the former minister's office, the former minister's response and the Victorian *Code of Conduct for Ministers and Parliamentary Secretaries*.

At the outset I think it is absolutely crucial to say that no-one in any workplace should experience bullying or harassment. I am sure that everyone in this chamber would agree with that. No-one condones that sort of action, but it is important that we look at the details of the report, because they raise serious concerns about what is happening in the Andrews Labor government. A number of aspects are highlighted in this very detailed material, and the statements that were made and the commentary around them show clearly that the Andrews Labor government ministers were not ready to govern. The capabilities were not in place, and in fact there are some questions about the ongoing capability of government ministers to fulfil their roles.

The other thing that is very clear is that there has been significant factional infighting in the Labor Party. That is reflected in the dynamics that are seen between ministers, between offices and in statements that have subsequently been made about the performance and effectiveness of people in very senior roles in the government. Government members are more than willing to play factional Labor Party games at the expense of time spent in their electorate, on their portfolio and with Victorians. You just have to look at the extent of the involvement of government members — those who are named in the report and those who provided statements — to see what a massive diversion or consumer of time this factional infighting has been, when really people have been elected to get on with the business of representing their electorate and doing the work required in their portfolio.

The Strong report raises the very significant occurrences of improper behaviour that have been found to have occurred, and the fact is that many people knew about them, including some members in this chamber, as early as February, and no action was taken in relation to them until May, when the matter was brought once again to the attention of the Premier's office.

I have to say that there are serious questions about the performance of ministers in relation to being prepared to stretch the truth in this chamber to avoid accountability and transparency, and the former minister was close to being in contempt of this Parliament in relation to statements he made to the President. Of course it all culminated with the minister resigning after receiving, I think you could say, significant encouragement — effectively the minister was stood down from his role. At the heart of the Andrews Labor government is a culture of significant and undue union influence.

The Strong report has been absolutely vital. It sheds light on the capabilities of the government, it sheds light on the capabilities of government members' offices and their staff, it sheds light on the factional decision-making that is underway, it shows the priorities of ministers and members and it shows at the heart of the government the depth of hatred that exists and the amount of fighting that has occurred among those sitting around the cabinet table, who should be focused on matters that are important to the future of this state.

I want to go through a number of elements of the Strong report. It indicates that the chief of staff of the Minister for Small Business, Innovation and Trade was motivated to report the issue in order to protect the staff for whom she had responsibility. What is clear is that the Premier saw this as an opportunity to act in relation to a minister who is not aligned with him and who he may have believed was underperforming. He saw this as an opportunity to escalate a report on the safety and wellbeing of staff very quickly and very immediately to a public announcement and then a significant investigation. There are some genuine concerns about the handling by the Premier of this report from the minister's chief of staff. If, say, the minister had been from the Socialist Left faction or from some other faction of the party, we may have seen a very different outcome.

Once again, to put this matter in context, the opposition does not condone workplace bullying. Action needs to be taken, but the nature of the government's response in its escalation and the Premier's very public castigating of the then minister reinforces what we saw all the way through this sordid incident — Labor Party factional infighting and backstabbing.

The Premier said on 23 May that the investigation was going to take weeks, not months, yet it was a drawn-out process over 70 days, which raises another question as to why it took so long to get clarity in relation to these matters. In 70 days you could have driven from

Melbourne to Perth and back 7 times, 34 million copies of the *Herald Sun* are sold in that time, 35 billion tweets are sent and 245 billion Google searches are conducted. These are things that I am sure the former minister knows a lot about, and I suspect the new minister might equally know about these things. There is a real question as to why the government took 70 days to conclude a report in relation to a number of staff.

What we witnessed during that stage was a government tearing itself apart. Its members blatantly used the issue of the bullying allegations to declare factional war against each other — a factional war that is at the heart of what the Labor Party loves to do. In effect members were seeking to bring down the parliamentary Labor leadership group. We had the Premier's chief of staff and the Leader of the Government in the Legislative Council, Mr Jennings, involved in ongoing meetings, something Mr Jennings has publicly talked about and openly admitted to happening. The Minister for Finance removed himself from being briefed because of potential issues that might have been raised during the investigation. Labor's Parliamentary Secretary for Treasury and Finance, Mr Mulino, knew of the bullying and harassment allegations 12 weeks prior to the Premier of Victoria knowing, and in that time he took no action in relation to those issues. The Cabinet Secretary, Ms Kairouz, the member for Kororoit in the Assembly, publicly backed her factional ally, Mr Somyurek, and the Deputy Leader of the Government in this place avoided questions about meetings with ministerial staff well after the fact of these activities. A government backbencher, Mr Tim Richardson, the member for Mordialloc in the Assembly, was named in the Strong investigation report. Former minister Somyurek called on Labor's Deputy Premier and the Premier's chief of staff to resign, claiming undue union influence.

In those 70 days factional infighting consumed the government and detracted from the activities its members should have been undertaking for the benefit of the Victorian community. Instead they spent all their time focusing internally on the factional divisions and payback in relation to what had happened in former Minister Somyurek's office and then on everything that led from the investigation and report. Anyone who disagrees with the assertion that this government is chaotic and riven by factionalism is not a person who has analysed the facts or read the Strong report and seen the details, because it is clear that that is at the heart of what is happening to this Labor government.

The facts are damning. Far from being a 'defamatory dirt sheet', as outlined by the former minister, Judge Strong found that the minister:

... engaged in physical contact ... which diminished, to some degree, Ms Paul's confidence in her personal safety ...

on two other occasions diminished 'to some degree' Ms Paul's confidence in her personal safety in the minister's presence, caused her distress and anxiety ...

engaged in other 'occasional rather than systematic' conduct ...

engaged in 'several instances' of verbally aggressive comments directed at Mr Smith ...

purported to dismiss Mr Smith for the main reason that he had intervened on Ms Paul's behalf.

What actually happened at the time is all in the report. One of the key findings, and one of the most important comments by Judge Strong, related to the credibility of witnesses — he found that on critical issues the evidence of Ms Paul and Mr Smith was far more reliable than the evidence of the minister. So that is a reflection on the capability of ministers in this government to give genuine, trustworthy evidence at a very significant investigation being conducted at the highest level.

What has also become very clear are the dynamics and the relationships within the Labor cabinet. Upon his resignation as the Minister for Small Business, Innovation and Trade, Mr Somyurek publicly attacked his colleague the Deputy Premier, James Merlino.

On 28 May 2015 the Victorian coalition asked the Deputy Premier during question time whether he discussed with his friend the Premier's chief of staff, Mr McLindon, if Mr Somyurek should resign or be sacked, and the Deputy Premier told the Parliament that the answer was no. Yet at his departing press conference, Mr Somyurek stated that the reasons for his sacking could be laid at the feet of the Deputy Premier, the Premier's chief of staff and the secretary of the Victorian Branch of the Shop, Distributive and Allied Employees Association (SDA), Michael Donovan.

Mr Somyurek outlined that:

Whilst today the Premier may have asked me to resign, I believe the decision was effectively made by Michael Donovan, the boss of the powerful SDA union.

He also said:

... the Premier needs to be liberated from the influence of those whose first loyalty is to someone else and not to our government. Specifically I refer to James Merlino, the deputy leader, and to Johnny McLindon, the Premier's chief of staff.

He stated further:

Mr Merlino's departure will be an opportunity for the government to continue to advance the cause of women by

ensuring gender balance in the key four leadership roles of the government. There are a number of strong potential female candidates, all of whom will importantly put the government first and put Mr Andrews first, the Premier first, and all of whom will do much better than the discredited and conflict-ridden Deputy Premier.

There we have it: an all-out attack on the performance of the Deputy Premier — on his reliance, his taking orders from and his doing the bidding of the SDA chief, Michael Donovan. What we see is an exposure of the reality of the workings of the Labor Party, the influence of the unions, and the impact that has on government decision-making and, importantly, on the personal decisions that are being made around the cabinet table and in relation to the people who are at that table. This is a very significant window to, in particular, the influence of the SDA on this Labor government.

What we also had during the 70 days the report was being undertaken was what I would call a significant lack of transparency and a significant use of weasel words in this place. On 26 May 2015 when the coalition asked whether Minister Somyurek had sacked a staff member on the evening of Wednesday, 20 May, the Leader of the Government said:

... I can certainly confirm that I am not in a position to confirm that it is a fact.

When asked on 28 May whether Mr Somyurek informed one of his ministerial advisers that his services were no longer required, the Leader of the Government said:

... I can confirm that it is an incorrect assumption.

When further asked the following on 28 May:

... is it actually not a fact that last Thursday afternoon Minister Somyurek's chief of staff detailed to the Premier's chief of staff and the human resources manager the unfair dismissal by Minister Somyurek of one of his ministerial advisers and that that was the first time the Premier's office was made aware of the sacking?

the Leader of the Government replied:

... there has been no termination of an employee of the ministerial offices that has occurred in the circumstances the member has described.

Once again, in June, there were further questions from the coalition in relation to this matter. When asked:

When did Mr Smith's employment cease at the office of the Minister for Small Business, Innovation and Trade, and what were the circumstances?

the Leader of the Government said:

I do not believe that Mr Smith's employment status has been terminated ... that is my belief to this day.

What we have seen repeatedly is the Leader of the Government clearly avoiding this important issue.

Judge Strong found that at 9.06 p.m. on 20 May Mr Smith was summarily dismissed by the former minister. The Strong investigation found:

The principal reason for his dismissal was that, earlier that day, Mr Smith had intervened on behalf of Ms Paul after the minister had spoken to her aggressively.

Page 50 of the report details that even the minister admitted that he had sacked a ministerial staff member, detailing that:

... he had plucked up the courage to dismiss Mr Smith that night but was concerned he might have lost it by the next day.

The Strong investigation clearly notes the conversation that took place between Minister Somyurek and Mr Smith in which Mr Smith asserts the following statements were made by the minister, recorded in the notes he made the following day and quoted in the report:

Look, you don't need to come in at 7 a.m. tomorrow.

We need to part ways.

I've tried to be loyal to you.

You will need to find another job.

Regular procedures will be followed.

So, don't come in at 7 a.m.

Good luck to you.

The Strong investigation found that the minister did not actually dispute Mr Smith's account as recorded in his notes, except for the line 'You will need to find another job'. The minister also says he told Mr Smith that the human resources department would be contacted the next day. Clearly we have an absolute disconnect between what is purported to have happened and what actually happened.

We know that the Leader of the Government was involved in detailed conversations all through this period with Minister Somyurek and others, but in answering very specific questions in this chamber of what he knew and when, the Leader of the Government was instead choosing to not answer the questions, to lack the transparency and openness that he purports to bring to this place and to use generalisations to avoid what are clearly facts and what have been confirmed as facts as part of the Strong investigation process.

It is unclear whether the Leader of the Government has been entirely accurate in this chamber, and further

clarification would be useful in the government's response to the motion in terms of what was known when and the facts that have subsequently come out in the Strong investigation in relation to the sacking of an employee.

On 28 May the coalition also asked the Leader of the Government whether he was aware that Minister Somyurek's staff had been notified that they should not attend work on Friday, 22 May, to which the Leader of the Government responded:

Not to my knowledge. I would be surprised if that was the case, but not to my knowledge.

...

... and I do not believe that would necessarily be a direction that was given by anybody in those circumstances ...

Yet the witness statements are a great read in relation to the dynamics, the details and the level of hatred and concern amongst those in the Labor Party. The witness statement for the Strong inquiry detailed that staff were told on Thursday, 21 May by someone in the Premier's private office that they could not guarantee staff safety, and it was their responsibility to ensure that staff have a safe workplace. As such, they were told not to go back into their offices until after the minister had left.

Once again, the question clearly remains: what did the Leader of the Government know and why did he not contribute this vital information to the house when asked very directly in relation to these matters?

The other interesting thing, as part of the report, is the 'Lost and found' code of conduct. It was apparently important to the government, but no-one had a copy, and we did seek some further clarification. As early as 17 March the Leader of the Government indicated to the house that:

... it is the government's intention to comply with appropriate codes of conduct, with cabinet processes and with our obligations to the Parliament, and that will remain.

But when we asked on 26 May whether former Minister Somyurek signed the code of conduct, acknowledging his responsibility, the Leader of the Government said:

We would expect them to comply with any obligations in relation to safe workplaces and the harmonious relationships that they maintain in the course of their duties and indeed treating with respect all those they work with and come in contact with.

When the coalition asked former Minister Somyurek on 23 June whether he had read the ministerial code of

conduct and acknowledged his responsibilities to all aspects of the code, he took the question on notice.

Once again we have to turn to the report to understand the reality of what is happening behind the obfuscation in this chamber. Judge Strong found that the code was not widely disseminated publicly or within government after the 2014 election, and the Victorian community is now left to wonder whether it is common practice within the Andrews government for ministers and staff to adhere to all aspects of workplace policy that in most cases they have never even seen. The Leader of the Government has been unable to detail whether all employees have been trained in aspects of workplace procedures and policies since December 2014.

These are a number of examples which outline that the government is prepared to come into this place and provide an answer which the house takes in good faith as one of transparency, of honesty and of being accountable to the Parliament and the people of Victoria but which, in traditional Labor reality, often seems to be at odds with the facts when they come out through independent investigation that is verified by a number of sources. The levels of secrecy that we have seen within the Premier's private office, the levels of mismanagement of things like the code of conduct and the inability to answer questions — this is what we expect from the Labor Party and what we have seen through the answering of questions and through the Strong report. When given the evidence that sits behind what the real answers to those questions are, we are able to see that this is the Labor Party showing its true colours. One thing is fact, and what is commented on and reported is an extension and a fudging of what those facts actually are.

Another important part of the review was undertaken by Peter Allen at the request of the Secretary of the Department of Premier and Cabinet, and it was a review of the capabilities of Minister Somyurek's office. The review considered the constraints arising from management practices, capability, adherence to values consistent with public service values and other matters. Mr Allen found that officials were aware of at least one challenge facing the office in supporting the minister effectively, which was effectively delivering information to the minister in his preferred format to enable him to respond to questions in the Legislative Council. In circumstances involving tight time frames and intense pressure, such as question time in this place and appearances at Public Accounts and Estimates Committee hearings, these processes have increased tensions in what are commonly times of high stress and pressure.

In presenting the report to the Premier, Mr Eccles recommended, in what I think is a very interesting recommendation, that the capability review process be adopted and applied over time to all Victorian ministerial offices as part of a process of continuous improvement. There we have it: a very senior individual said that the capabilities to respond to the pressures were not there in the office in the first place; that in terms of what really are our core business of speaking at question time and Public Accounts and Estimates Committee hearings, the core responsibilities of ministers offices were not being met; and that every minister should have a similar capability review. Interestingly, the government has not yet responded to that recommendation. If the government would like some assistance from opposition members, we could suggest a number of ministers who might be up first in relation to needing that review of capability because of the failure to effectively fulfil their roles as ministers in the government.

Another aspect of this is of course the costs. Significant costs have been incurred in what really was a reflection on the factionalism that sits at the heart of the Labor Party. We have had the reviews by Mr Allen and Mr Strong and the payment to both those eminent individuals in relation to performing those reviews. We have had legal fees incurred by Mr Somyurek and by a number of the staff. We have asked questions in this place in relation to the costs, and once again there has been no answer. Our questioning was responded to in generalities and with a commitment that those costs would be fully released. We are now a further month on, and we have no transparency about what may be many hundreds of thousands of dollars of taxpayers money having been spent addressing the factionalism that is at the heart of the Labor Party.

The wideranging investigation into elements such as the capabilities of Mr Somyurek's office and his undertaking of his role has been an opportunity seized by the Premier and used as a mechanism to remove a minister he preferred not to have around the cabinet table. That process has opened a window and shone a light on the dynamics, the relationships and the factionalism that are at the heart of the Labor Party and the way in which when one member is threatened, others come behind and defend and attack. What is clear is that hundreds of thousands of dollars of Victorian taxpayers money was used by the Premier to pay for a mechanism to remove a minister he did not want around the table. That has subsequently further fuelled the factionalism that always sits just under the surface of the Labor Party and that we now know directs so much of Labor members' decision-making — their decision-making around

policy, their decision-making around the people at the table and their decision-making around the relationships and dynamics that exist.

We do not move this motion lightly; it is an important motion for the house. This is something that it is vital we discuss and consider, given the circumstances that resulted in the resignation of a minister of the Crown, a minister in this chamber. With so many unanswered questions about the role of other cabinet ministers, about the role of government MPs and about the issues surrounding the political fallout, no doubt this has not only significantly affected the government in its first six months of office and its ability to perform its role over the 70 days of the investigation, but it continues to significantly affect the way this government governs and its capacity to lead, to make policy and to make a difference for all Victorians.

What we have is a government that was not ready to govern, with factional infighting at the heart of what it does; members distracted by playing factional games rather than working in their electorates and in their portfolios; improper behaviour; a government bending the truth in terms of what is communicated in this house, which has been shown and highlighted through the Strong report on the reality of the situation; and clearly union influence at the heart of everything that is done. This is an important motion, and it is very much in the context of what we are seeing further today — that is, a government that is prepared to bend the rules, a government that is prepared to go all the way in relation to the pursuit of power and a government that, when it gets there, is not prepared and does not have the capability, raising significant questions about who it is working for and who its primary stakeholder is in terms of the decisions it makes.

I have therefore moved that this house take note of this very important report and that it acknowledge the statements of the witnesses, which shed further light on the matter, so that members know a lot more now about the circumstances of the resignation of a minister of the Crown. Serious questions have been raised about not only the past performance but also the future performance of this government, which is clearly working for its own benefit and that of the unions rather than that of the Victorian people.

Mr BARBER (Northern Metropolitan) — The motion by Ms Wooldridge invites us to take note of the report. Indeed we have taken note of the content of the report. We also note that, as a result of the findings of the report, the minister has been stood down by the Premier, so we can only conclude that it was the Premier's judgement that, given the findings of the

report, it was inappropriate for Mr Somyurek to continue being a minister.

The report and the investigation that led up to it disclose that there is a dispute between the minister and his chief of staff as to whether or not he physically manhandled her, which appears to be the core of the issue that led the Premier to stand down the minister. Because there were apparently no other witnesses to this incident, the investigator formed a view based on the credibility of the testimony of the two people involved — the minister and his chief of staff.

We do not attempt to dispute or in any way argue against the finding; however, it was disturbing to me that other witness statements not included in the report, which tended to put a different picture of the political dynamic that was occurring in the minister's office, were the following day released to and publicised in the *Herald Sun*. It is concerning to me that other witness statements, which tended to put a different view to what the investigator concluded, were not included in the body of the report itself. That gave me pause to wonder whether this investigation had been as balanced as it might have been. Those witness statements made public in the *Herald Sun* a day or so later included some comments from Mr Somyurek's chief of staff that were directed at a member of this house — I will not say who it was, but it was clear to me who they were referring to — that I thought were quite disparaging. That was unfortunate.

However, as I said at the beginning of my remarks, the report has been tabled and the Premier appears to have accepted the content of the report and its findings *prima facie* and has decided, as far as we all know, that on the basis of that report the minister is to be stood down and that has in fact occurred. Since Ms Wooldridge, in moving this motion, has not called for any particular action to be taken — it is simply to note a report — I do not need to go any further into any aspect of the report, because the particular matter she raises and which is covered in the report for now at least appears to be concluded.

Mr ONDARCHIE (Northern Metropolitan) — Thank you, Acting President, for the opportunity to speak today in the debate on Ms Wooldridge's motion that this house take note of the report of the Secretary of the Department of Premier and Cabinet into the matters relating to Mr Somyurek in his time as Minister for Small Business, Innovation and Trade, as well as the witness statements and circumstances arising around the resignation of Mr Somyurek as a minister of the Crown. I start by saying that without a shadow of a

doubt when you look across to the government benches there is panic over there.

Honourable members interjecting.

Mr ONDARCHIE — This is a report that completely exposes a government that has trouble with governance. It is interesting that I am 2 seconds into my contribution this morning and government members are already fired up. This is a sign of panic, because we know that anger is just deferred guilt. We know that, and have they not started abysmally as a government, with tram strikes, train strikes, rorts, V/Line failures, failures on jobs, failures on infrastructure, more days off camouflaged as public holidays, and a \$20 million upside down triangular logo — they must be so proud of that one. There has been factional warfare, and they have been so distracted by their own internal needs that they have forgotten about the people of Victoria.

This is a government that has trouble with governance, and the report tabled this morning by Ms Wooldridge completely opens the doors to what is going on in the government. It is so internally focused that it has forgotten about the people of Victoria. There is no doubt there is panic among the members over there. The only jobs they have focused on in Victoria are those of electorate officers, so to speak, recruited to work with them on their campaigns. That is their big jobs agenda, apparently. Their jobs agenda is to recruit field officers for their own campaigns. As we see this morning by way of immediate interjection 1 minute and 2 seconds into my contribution, anger is deferred guilt. We know that.

Let us look at the circumstances before us today. One of two things happened. I do not know what happened in Mr Somyurek's office. I was not there, but former Justice Michael Strong and Chris Eccles held investigations into this. Other than the people involved, we do not know what happened. We can only go on the reports that have been provided to us. One of two things happened: either the Premier, his chief of staff, Mr McLindon, the secretary of the Victorian branch of the Shop, Distributive and Allied Employees Association (SDA), Mr Donovan, and Deputy Premier Merlino stitched him up or he did it.

If you listened carefully to his contributions at the time this eventuated, you would know that Mr Somyurek made some very interesting statements about what is going on in the Labor Party. He called on Mr Merlino to resign. He said the Premier is directed by Mr Donovan and the Shop, Distributive and Allied Employees Association. He said that the unions are setting the agenda for the Premier and he needs to be

his own man. Either Mr Somyurek is lying or the Premier is lying. One of two things exists here, but you know government members are going to spend the day not responding to this. They will ignore this and say they see no evil, hear no evil and will speak no evil, because there is panic over there. We know it and they know it.

We have talked about the drama and acting classes they were provided with — the drama classes that taxpayers funded in which members of the government learnt their acting skills. We are going to see that come out today. We are going to see the comedy that is the Andrews government come out today. Forget Ashton's, Barnum & Bailey's and Ringling's circuses. Roll up, roll up — the greatest circus in town right now is the Andrews government, led by the ringmaster who cracks the whip that is being controlled by somebody else, who says, 'This is how we're going to do it'.

One of two things is right. Either Mr Somyurek was stitched up or he is lying to us — and those opposite are not defending or supporting him. This is factionalism gone absolutely mad over there. Today we will see the acting lessons on show by well-trained government members. When you look at all the reports, it is not hard to conclude that the jury was already out before the case was heard. There is no doubt that Daniel Andrews had made up his mind. There can be no shadow of a doubt in the conclusion that the former Minister for Small Business, Innovation and Trade has been badly treated in this process. Due process was not followed. Those opposite knew what they wanted to do, and they were going to do it. This is factional warfare decided by Daniel Andrews and James Merlino — and, as it turns out, Michael Donovan and John McLindon as well. These are the people controlling things.

Ms Shing interjected.

Mr ONDARCHIE — What is interesting is that the marionettes on the other side of the chamber are just being controlled by the strings. They are being told what to do. I challenge any member of the government to stand up today and defend this case. Ms Shing is great with her interjections. She should stand up and take the opportunity to defend this case. Either Mr Somyurek is lying or the Premier is lying. It is a case of one of the two.

Leaving aside for a minute that the allegations made by former chief of staff Dimity Paul and staffer Xavier Smith are true, this is a picture of ugly Labor. This is a picture of the factions in Labor trying to control things. Members should make no mistake about it. Was Mr Somyurek a bad guy? Was he a bad minister? The

decision was already made by the factions. It was spelt out clearly by Mr Somyurek at his press conference that Michael Donovan had decided what was going on. He said the Premier had to stop listening to union leaders and be his own man. The Premier has to stand up for Victorians — and when is he going to do that? Those opposite were very quick to point the finger at Mr Somyurek and say, 'It's all his fault. He was a bad minister. He was bad with his staff'. Today we know that the big jobs policy of those opposite is employing Victorians to be their field officers. There is no question about that.

Ms Shing interjected.

Mr ONDARCHIE — I do not know who has been speaking longer over the past 5½ minutes, myself or Ms Shing, but I say to her by way of picking up her interjections: if she has something to say, she should put her name on the speaking list and let us hear it. That will demonstrate whether Ms Shing is batting for the people or for the Premier. That is what will come out. It has been suggested that the blow-up was triggered by something that came out of a hearing of the Public Accounts and Estimates Committee (PAEC), which Ms Shing sits on. Maybe she and her colleagues bear some responsibility for Mr Somyurek's reaction to all this. Maybe they were part of this. Were they named in the report? Apparently not.

Ms Shing — On a point of order, Acting President, I ask that the member withdraw what I took to be an inference that I was somehow involved in the matter that is the subject of the motion being debated at this time.

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

Ms Mikakos — On a point of order, Acting President, I was listening to the contribution being made by the member. He very clearly said that Ms Shing and other members of PAEC were involved in the matter that is the subject of the debate at the moment. I think it is highly appropriate for Ms Shing to take offence at that and ask for that comment to be withdrawn.

Mr ONDARCHIE — On the point of order, Acting President, you have already ruled that there is no point of order.

The ACTING PRESIDENT (Mr Eideh) — Order! I ask Mr Ondarchie to continue.

Mr ONDARCHIE — It will be a long day before I take advice from those opposite. They would be better

advising their own factions than trying to advise me. The allegations are that Mr Somyurek reacted as a result of his appearance before the Public Accounts and Estimates Committee. The point I was making is that Ms Shing sits on the Public Accounts and Estimates Committee. I make no further statement than that.

Ms Shing interjected.

Mr ONDARCHIE — There is no doubt that open factional warfare has broken out in the Labor Party. We are seeing it long and hard.

Ms Shing interjected.

Mr ONDARCHIE — I again invite Ms Shing, as she has spent the whole of the past 8 minutes and 45 seconds interjecting during everything I have said, to put her name on the list of speakers and have her say. Members will soon hear whether she is willing to stand up for this. Will she commit to speaking on this?

Ms Shing interjected.

Mr ONDARCHIE — I rest my case on this. They run and they hide. It is interesting. When we talk about the rules, it is pretty clear that in the ALP the rules are set by Michael Donovan. There is no doubt about it. He decides what is going to happen, and he decides who stitches people up. In his press conference Mr Somyurek called on Mr Donovan and Mr Merlino to resign and on others to stop influencing the Premier. Is the Premier his own person? Apparently not, according to Mr Somyurek.

Ms Shing interjected.

Mr ONDARCHIE — I invite government members to make a contribution today and to tell us that Mr Somyurek was wrong. They are so busy interjecting, but they will not stand up and advise us in the house about this. In his press conference at the end of all this Mr Somyurek made some serious allegations against the government. Those opposite are yet to defend the government or speak to those allegations. Either Mr Somyurek is wrong or Mr Andrews is wrong, and they are yet to talk about that.

After his dismissal, Mr Somyurek stood up in that press conference and lashed out quite rightly at the Premier for his judgement. He said that the Andrews government would be ‘a one-term government’ if it failed to deal with the factional disintegration within the party. And who are the key players?

Ms Shing interjected.

Mr ONDARCHIE — Acting President, I invite you to ask Ms Shing to make a contribution on this motion when she is ready, because she is clearly doing a parallel contribution today.

Ms Shing interjected.

Mr ONDARCHIE — I am not sure that we have ever had in the chamber two speakers at once, Acting President, but clearly Ms Shing cannot be contained, so I invite her to put her name on the list and speak to this motion today.

Who are the key players in this issue? The Socialist Left’s champion, Daniel Andrews, is a player in this; the SDA union representative, James Merlino, was in it; the Premier’s chief of staff, John McLindon, Mr Somyurek suggested was involved in this; the state secretary of the SDA, Michael Donovan, apparently directs the government on how to make decisions; the former Minister for Small Business, Innovation and Trade, Adem Somyurek, according to him, has been stitched up on this, because there had been a dirt sheet kept on him; and the former chief of staff to Mr Somyurek, Dimity Paul, is a player in this.

I have not, in this contribution, determined whether the facts before former Justice Michael Strong were right or wrong, because I was not there, and neither was anybody else, but I say to members, Labor members have left Mr Somyurek hanging out to dry on this one. He made some suggestions and made some allegations about things happening in the Labor Party, and where have all his mates gone? They have abandoned him. They have left him hanging out to dry by himself. Today they have an opportunity to put their name on the speakers list and defend him. They have an opportunity, as they sing *Solidarity Forever* in the Doutta Galla Hotel, to do it today. While singing *Solidarity Forever* they have a chance to do that.

Ms Shing interjected.

Mr ONDARCHIE — Here is Ms Shing’s chance today.

Ms Shing interjected.

Mr ONDARCHIE — As I work along the parallel contribution by Ms Shing today, I am hopeful Hansard has picked up all her interjections, because we will take that by way of her contribution today.

Ms Shing interjected.

Mr ONDARCHIE — Ms Shing is free to talk about her job policy — the job policy of recruiting people as

field officers. That is her job policy, and she is free to talk about it.

It is clear that Mr Somyurek unloaded on the government of the day. The government has more trouble with governance than we have ever seen before. He made the point that industrial and union figures are controlling the agenda. He said that the allegations against him were payback for a factional dispute. He also alleged that Mr Donovan controls the actions of the Premier. Mr Somyurek maintained his innocence, but we are yet to hear a member of the government supporting him on this issue. They have left him hanging out to dry. Mr Somyurek said his resignation was not an admission of guilt; he wanted to be sacked. But no, the Premier insisted on his resignation.

Ms Paul said in her submission and the evidence she provided that she felt like there was a level of bullying, that she lost confidence in her personal safety while she was around the minister and that she felt quite uncomfortable. I do not know whether she was right or wrong. I can only go on the evidence before us, but I will tell members that Mr Somyurek has made some serious allegations about the capacity of the government to govern, and no-one from the government has denied it. No-one from the government has stood up and said that Mr Somyurek is right or Mr Somyurek is wrong. That is how it treats its members: it leaves them hanging out to dry.

The statement of 28 July 2015 from the Premier said that he found the minister's behaviour, as outlined by His Honour Mr Strong, unacceptable. He said:

The Victorian people rightly expect the highest standards of behaviour from those in public life — including me as Premier, and all government ministers.

How is the highest standard of behaviour measured when Mr Somyurek suggests that in fact the Premier is being controlled by Michael Donovan of the SDA? How do you measure that as appropriate behaviour? The government is yet to respond to that.

Mr Strong's report made a number of adverse findings against the minister, and then when the minister eventually stepped down he got the chance to talk to the people of Victoria about it. Daniel Andrews has not spent enough of his time focusing on the people of Victoria. Instead he has focused on his own internal factional warfare, or maybe he has been told how to react to it. Maybe he is being controlled by others. There have been long-held allegations in Victoria that the Premier in this state does not in fact make his own decisions and that he is controlled by Trades Hall Council, and we are seeing more of that.

When is Daniel Andrews going to stop worrying about the internal matters of the Labor Party and start focusing on the most important people in this state, the people of Victoria? When is he going to start focusing on their jobs, on their opportunities, on infrastructure for them, on opportunities for students and children? When is he going to focus on fixing the things that need to be fixed in this state, such as the myki ticketing system that Labor dumped on the people of Victoria and the desalination plant that continues to rust away down in Wonthaggi and costs the Victorian people \$1.8 million every single day without any reaction by the government? When is he going to talk about the V/Line failures in Ballarat that Mr Morris often talks about? Why does he think that a \$20 million upside-down triangle, as a logo, is the opportunity for Victoria — —

Ms Shing — On a point of order, Acting President, I am sorry to interrupt the siren song of Mr Ondarchie's contribution to the house this morning, but we are now straying into material that has no relevance to or bearing on the motion or the report which he was previously discussing.

Mr ONDARCHIE — On the point of order, Acting President, this goes to the report that has been now tabled in the Parliament about the capacity of Mr Somyurek, the then minister, and his office. Issues I am referring to now clearly touch on the portfolio he used to hold — small business, innovation and trade. That is what I am talking about, and that is not what the government is focused on. That is why it is relevant.

The ACTING PRESIDENT (Mr Eideh) — Order! Mr Ondarchie's contribution is not relevant and I uphold the member's point of order. I ask Mr Ondarchie to continue.

Mr ONDARCHIE — I take it that that was Ms Shing's contribution, given we will not hear anything further from her, I suspect, today.

Acting President, let me then talk about things that do touch on the portfolio of small business, trade and innovation. Let me touch on that. We have two new public holidays in this state that come under the auspices of this ministerial portfolio — two more days off for Daniel Andrews — and that were subject to a regulatory impact statement that required submissions. There were 109 submissions, 105 of which said, 'We don't want this public holiday'. But what did the new Minister for Small Business, Innovation and Trade say to this chamber and to the people of Victoria? He said, 'It's a process. It doesn't matter what the submissions

say; we are going ahead with this public holiday anyway’.

If you go to Ballarat, to Shepparton, to Hamilton, to Ararat, to St Arnaud, to Avoca, to Maryborough, down the Bellarine Peninsula or down to Gippsland, what are the people down there saying? What are the small businesses down there saying? They are saying, ‘We don’t want this holiday. It’s going to hurt us’. Despite that, under the banner of the ministerial portfolio of small business the government is going ahead with it anyway.

This is a government that is out of control. It is spending more time managing the internal needs of the Labor Party than the needs of the people of Victoria. Those opposite can flippantly laugh and cajole about this, but it is serious business. We are talking about people’s livelihoods. We are talking about jobs and opportunities for them. This government is more focused on its internal needs than those of others.

Mr Somyurek said in his press conference that his resignation should not be seen as an admission of his guilt. He maintains his innocence. If that is a fact, either he is wrong or Daniel Andrews is wrong, and we are yet to hear from either side.

Ms Shing interjected.

Mr ONDARCHIE — In the 19 minutes and 10 seconds I have been talking Ms Shing has interrupted for probably 17 minutes of that time. She will have plenty of opportunity to stand up today and make the judgement that either Mr Somyurek was right or the Premier was right.

Ms Shing interjected.

Mr ONDARCHIE — Ms Shing is looking to make a point of order around her tedious repetition, but we will not deal with that.

The Premier also implied that Mr Somyurek’s conduct had put the health and safety of his staff at risk. Mr Somyurek said in his press conference:

I am happy to report that Mr Strong’s inquiry clears me of all of these allegations.

The transcript of the press conference also reports Mr Somyurek as saying that the report did not find that his conduct had or indeed could have put any of his staff’s health and safety at risk.

The Premier at a similar press conference referred to ‘multiple, multiple staff members’, giving the impression that multiple staff members of

Mr Somyurek had in fact complained about his behaviour. Mr Somyurek went on to deny that in his press conference on 28 July. He did say that he was pleased that Mr Strong’s report, tabled today by Ms Wooldridge, cleared him of those allegations, but he was distressed by Mr Strong’s commentary and invalid findings, which he believed were not based on facts or any corroborating evidence.

Mr Somyurek said that when he entered into this process he stayed in the process because messages had come back to him from the Premier that this process was about finding facts and not guesswork. Well, lookie here. They made their call before it was all wrapped up.

Mr Somyurek has suggested via the media and other places that this was a stitch-up — that it was in fact retribution for his breakaway from the SDA. This is the problem we are seeing: a government that is more interested in its own factional wellbeing and machinations than looking after the people of Victoria.

Mr Morris interjected.

Mr ONDARCHIE — I pick up Mr Morris’s interjection, ‘If you can’t govern yourself, how the heck can you govern the people of Victoria?’. These people should be ashamed of themselves. They are deciding who gets what chairs on the Titanic. Victorians are getting sick and tired of this mob. They are just not governing for the people of Victoria. Where is the jobs plan? Have we seen it — other than recruiting people for electorate offices? No, we have not seen it, and Ms Shing should hang on to her hat because there is going to be more of that today.

Mr Somyurek said in his press conference:

Whilst today the Premier may have asked me to resign, I believe the decision was effectively made by Michael Donovan, the boss of the powerful SDA union. The factional realignment that took place in April which I lead has its genesis in February after Mr Donovan and I had a major disagreement over his constant meddling and micromanagement of parliamentary business which even extended to his insistence that Mr Merlino be invited to caucus meetings after we had decided — after we had decided that Mr Merlino was not welcome in our caucus meetings.

I was responsible for not inviting Mr Merlino to our meetings, and Mr Donovan made sure that I knew that I was responsible for that. When my colleagues and I left the SDA faction, we knew there would be payback. We had no idea that this payback would be so extreme. Despite an unblemished record as an employer over 13 years in Parliament, within a few weeks of the factional split a bullying complaint is filed from a member of the SDA faction, and someone who considers Michael Donovan to be her factional boss. I should make it

clear that in my observations generally, unions play a very positive role in our community and indeed in the Australian Labor Party.

But he does make the point that the decisions that are made in the parliamentary wing of the Australian Labor Party are made by the unions — in this specific case it was Michael Donovan from the SDA.

Who is running the show over there? It becomes pretty clear from Mr Somyurek's statements that the trade union movement is running the government of Victoria, not the people elected by the people of Victoria. They are in an absolute mess over there. They sit there and interject about who influenced the Liberal Party. Let there be no doubt that, based on Mr Somyurek's contribution in the wider world, the unions are controlling the Australian Labor Party when it is in government in Victoria. Make no mistake about that.

Mr Somyurek talked about Mr Merlino, the deputy leader. He talked about 'Johnny McLindon', the Premier's chief of staff, and he called on them to step aside. Clearly there is permeating right through the government a union influence that makes the decisions — a union influence that decides on public holidays, and maybe it even decided on a triangle logo as well. Who would know? What are we seeing? Train strikes, tram strikes and disarray. And today it came out in the press that the taxpayer is funding, directly, resources for Labor's political campaigns. This is the ALP's jobs plan: recruit its own. They laugh by way of cajoling, but I suspect it is embarrassment about what is happening.

Mr Somyurek in his press conference went on to say:

The secretary of the SDA until now has exercised power without scrutiny. Given his undue influence over the Andrews government, that has to change — that must change. Through Mr Merlino and Mr McLindon, this man has more say in the Andrews government than most members of cabinet put together.

That is what Mr Somyurek said, and I invite members of the government to stand up today by way of contribution to the debate on this motion and tell us he is either right or wrong. We will let the numbers talk for themselves and see how many government members rise to their feet to tell us Mr Somyurek is either right or wrong. Mr Somyurek said in his press conference:

Now I will touch on one example of Mr Donovan's interference. There will be more examples over the coming days, but I use this example today because you are all familiar with this case. When the Premier's chief of staff was publicly accused of being knowingly involved in the illegal dissemination of private audio recordings from an *Age* journalist's recorder, the then opposition leader —

who is now the Premier —

ought to have sacked him there and then. Instead, Mr Donovan personally intervened to ensure Mr Andrews retained him, despite grave caucus and community concerns about Mr McLindon's grubby, grubby tactics. Mr McLindon's position was untenable and unjustifiable then. His involvement in the factional hit against me makes his position completely untenable and unviable now. Mr McLindon with the *Age* tapes scandal put the Premier in a very compromising position, and he has done the same thing again with my issue.

It speaks for itself. Who is running the show? It seems to me that the cart is dragging the horse, not the other way around. It seems to me that the union movement and the Premier's chief of staff are making the decisions for the government. Daniel Andrews stands up with 'Premier' on his business card and says, 'I'm representing the people of Victoria', when in fact he is not. He is representing the interests of the trade union movement. It is directing how he makes his decisions, and Mr Somyurek's statements in the media make that abundantly clear. Again I invite members of the government to stand up today and refute that.

Mr Somyurek went on to say he does not want the government to be a one-term government. He said it is a good government and called on Mr Merlino and Mr McLindon to step aside from their respective positions. Did that happen? No, it did not. Why did it not happen? Because the unions would not let it happen. It does not matter what the Premier thinks; unions decide. Mr Somyurek said:

Mr Merlino's departure will be an opportunity for the government to continue to advance the cause of women by ensuring gender balance in the key four leadership roles of the government. There are a number of strong potential female candidates, all of whom will importantly put the government first ...

What is interesting about that, by way of inference, is that he is suggesting that Mr Merlino is not putting the government first. Does that come as a surprise to Victorians? Probably not, because based on what Mr Somyurek has said in the public domain Victoria is not being governed by Daniel Andrews and the cabinet but by the trade union movement. What is sad about that is that they were elected to govern for all people of Victoria — those who voted for them and those who did not — but they are not being true to their role. They are governing at the direction of their mates in the SDA, in this case, and others.

As we go through the report tabled today titled *Matters Concerning the Minister for Small Business, Innovation and Trade*, which Mr Somyurek referred to as a 'defamatory dirt sheet', and as we go through the

statements made by witnesses who provided evidence to the report and the circumstances associated with the resignation of the former Minister for Small Business, Innovation and Trade, the fact remains that either he was lying or the Premier was lying. It is beholden on members of the government to stand up today and tell us who was telling the truth.

This is our own episode of *Deal or No Deal*, because government members get to say that their fellow member was lying to the people of Victoria or that Daniel Andrews was lying to the people of Victoria. I suspect they do not care at all about that because the strongest bit of evidence that comes through clearly in this report — I am not making any judgement about who was wrong and who was right in the particular circumstances associated with Mr Somyurek — is that the government is not capable of making its own decisions and that it takes its direction from Trades Hall Council. That is the evidence that is before us today.

The ACTING PRESIDENT (Ms Dunn) — Order! I ask Mr Ondarchie to pause for a moment. I note that in the very short time since I took the chair he has used the word ‘lying’. I suggest he may want to rephrase such references to ‘misleading’ as a better form of language in the house.

Mr ONDARCHIE — Thank you for your advice, Acting President. Today the evidence is clear to us, based on this whole messy business, that either Mr Somyurek was misleading the people of Victoria or the Premier was misleading the people of Victoria. Who is telling the truth?

Ms Shing interjected.

Mr ONDARCHIE — As Ms Shing makes her parallel contribution in high fidelity, I welcome the opportunity to hear her either refute the proposition made by Mr Somyurek or refute that made by the Premier. They cannot both be right under these circumstances. I suspect it does not matter to them, because they do not care about the people of Victoria. They care only about their own jobs, their own opportunities and their own positions, and it is clear they will hang out one of their own to get advancement. It is kill or be killed over there. It is not about the people of Victoria, and that is the saddest part of this whole business.

Mr MORRIS (Western Victoria) — I rise to speak in the debate on Ms Wooldridge’s motion that the house take note of:

- (1) the report of the Secretary of the Department of Premier and Cabinet titled *Matters concerning the Minister for*

Small Business, Innovation and Trade, referred to as a defamatory dirt sheet by the former minister, Mr Adem Somyurek, MLC;

- (2) statements made by witnesses providing evidence for the report; and
- (3) the circumstances surrounding the resignation of the former Minister for Small Business, Innovation and Trade.

I am of the opinion that bullying is entirely unacceptable in our community, and I note that the previous speaker, Mr Ondarchie, who played a role in the establishment of the Bully Zero Australia Foundation, certainly stands against bullying in any form. As a society we need to work hard to ensure we eliminate all forms of bullying, whether it be in our workplaces or our schools. As a teacher I have seen bullying among students take place in schools. It is important that as a society we recognise how destructive bullying can be and do everything we can to eliminate it from all areas of our society.

I now move on to the report that is the subject of the motion we are taking note of today. I must say that this affair has been a sordid, sorry story, not just for Mr Somyurek but for all Labor members of this Parliament and for the good people of Victoria. It has been a poor scenario for everyone. There are significant discrepancies between the witness accounts that have been provided to us, which bring up many more questions than we have answers to. I refer to a media release headed ‘Statement from the Premier’, which was issued by Premier Daniel Andrews on 28 July and says:

Mr Allen’s review identifies that while the minister’s office was on a steep learning curve it operated in a very professional manner.

The Mr Allen referred to is of course Mr Peter Allen.

I was aghast that the Premier would make that statement in a media release issued in his name. I cannot speak for what happens in Labor Party offices, and I am not sure that anyone on this side of the house can, but the report details what occurred in former Minister Somyurek’s office, which included disrespectful behaviour, systemic dysfunction, unpreparedness and disorganisation. There are details of people yelling and swearing at each other, accusations of intimidation and a clear lack of communication within the office, and so it goes on. I was aghast at the litany of unacceptable behaviour that is said to have occurred in that office.

I understand that these qualities and actions may be commonplace in Labor Party offices, but I can speak

for my colleagues on this side of the house when I say that it does not occur in Liberal offices nor did it occur in any civilised office in which I have been. How the Premier could possibly describe what was occurring in Mr Somyurek's office as 'professional' is beyond me. What happened in that office was entirely dysfunctional, and the behaviour in that office would be considered unacceptable by any fair-minded person.

I also refer to another item in the report. I am sorry Mr Dalidakis is not in the chamber. Perhaps if he is listening in his office he might like to attend. It begins at paragraph 55 on page 19 of attachment C of the report, if those present would like to refer to it. It states:

Mr Smith —

Xavier Smith —

describes the major focus of the question time preparation sessions during this period was on the introduction of two new public holidays. He describes Ms Paul and —

obviously being Dimity Paul, and a redacted name —

advising the minister to exercise caution when answering questions concerning the public holiday issue. Mr Smith alleges that:

on more than one occasion, the minister would lose his temper, usually directed at Ms Paul, claiming that our duty was to protect and serve him as a minister, as opposed to the entire government.

At interview, the minister described Mr Smith's description of events surrounding the public holiday debate as misleading because it suggests that the minister might 'go rogue' on the issue. The minister explained that the public holiday debate was a difficult one for the office to manage for a number of reasons, including having to deal with a hostile President in the Legislative Council and the fact that advocating for additional public holidays was not consistent with his small businesses portfolio. However, he stressed he had no complaints of staff regarding their work in preparing him on this issue.

I was amazed when I read that. Here I was thinking that Mr Somyurek did not get it. I genuinely thought that he believed additional public holidays were a good idea for Victoria and a good idea for small business. However, we find out from this report that the minister did understand that the public holidays were not good for small business. He understood how damaging they would be for small business in Victoria. It seems that Mr Somyurek agreed with over 95 per cent of submissions that were made in the regulatory impact statement process regarding the new public holidays, which said that nobody, except for the trade unions and the Premier, was in favour of this new public holiday.

I encourage the new Minister for Small Business, Innovation and Trade, Mr Dalidakis, to have the

courage of his convictions, do what he knows is right and tell us what we now know Mr Somyurek knew — that is, that these new public holidays are bad for Victoria.

At this point I would like to acknowledge the great work Commerce Ballarat has done in advocating for the view of business that these public holidays have the potential to destroy small business. The Labor Party thinks business is there to carry the can and that it has endless funds with which to pay for everything. It thinks the government does not need to pay for anything, but that is not the case. Small business in Victoria understands how important it is to have an efficient system, but this Labor government does not.

I would like to make another point that arises from this report. I will quote from point 323 at page 66 of attachment C to *Matters Concerning the Minister for Small Business, Innovation and Trade*:

Before departing this topic, I think it appropriate to emphasise the importance of vigilance by the Premier and his office concerning the welfare of ministerial officers. Anecdotally, ministerial staff work under considerable pressure, particularly when Parliament is sitting. They are not under the immediate watch of the Premier's chief of staff and the ministerial staff human resources manager. Ministers require, and are given, considerable autonomy in the management of their offices and staff, yet they may have varying attitudes to occupational health and safety. Ultimately it falls to the Premier and his senior staff to set the standard.

This raises the issue of what the Premier is going to do to ensure that incidents such as the one we are discussing today do not occur in the future. I go back to the concerns I raised earlier about the Premier referring in a media release to the office of the former minister as 'professional'. If the Premier considered this office professional, I question his standard for the work that goes on in ministerial offices. I do not consider unpreparedness, staff not working in the manner required by the minister and obvious, long-running conflicts to be professional. It astounds me. I hold great fears about whether the Premier is going to be able to address safety concerns and the wellbeing of ministerial staff into the future.

I will move beyond the report itself to what occurred in the aftermath of its release. On that day the Premier decided that he would force the then Minister for Small Business, Innovation and Trade to resign. The former minister was very open and frank in describing what happened to him as a 'factional hit'. I am relatively new to this Parliament and I do not fully understand the factional elements of the Labor Party, but I am certainly being educated very quickly about what occurs on the

other side of the chamber — the fluid, rapid changes from friend to enemy.

There were two elements to this review: the inquiry into the allegations of bullying and the inquiry into the effectiveness of the minister's office. I have pondered why these two matters were linked together. Why was the effectiveness of the minister's office reviewed alongside the veracity of the allegations of bullying? Surely the bullying allegations should have been dealt with in a stand-alone review, and if there were concerns about the effectiveness of the minister's office, they should have been dealt with much earlier. That said, I did share the Premier's concerns about the effectiveness of the minister's office and of the minister himself. In response to the very first question I was fortunate enough to ask during question time in this place, the minister advised me that if I wanted an answer, I should google it. I was taken aback by that. I think many in this chamber were surprised to hear a minister of the Crown suggest that a member google a response he should have been able to provide.

Why did this review occur? Looking at it through the lens of the average person, we can only conclude that it was set up as a factional hit. The Premier established two lines of inquiry so that if one fell over, he could utilise the other, ensuring that a factional enemy of his would be taken out. Before I came into this place I was told a story about a young MP who entered the chamber for the first time, sat down, looked across to the benches opposite and said to the older MP next to him, 'So that's the enemy over there, is it?'. The older MP said, 'No, son, that's not the enemy; that's the opposition. The enemy is sitting all around you'. Sitting on this side of the house, I have never understood that. But Mr Somyurek certainly understands it now — as does everybody who sits opposite me in this chamber. We on this side actually get along.

Honourable members interjecting.

Mr MORRIS — It is something Mr Jennings and Mr Leane should try some time — getting along with their compatriots, with their comrades. It is obviously not something we are seeing at this point.

Reference has been made to who the players involved in this scenario are, and there has been some mention of the Premier. We often wonder who is running this state. My ears pricked up earlier when Mr Ondarchie mentioned some names. I am not quite sure where the Deputy Premier and Minister for Education, James Merlino, fits into all of this without the factional backing of the colleagues he once had. I am not sure where he stands. As I said, I am just beginning to

understand these Labor factions. It seems they can bring about the downfall of just about anybody on the opposite side of this chamber.

The chief of staff to Daniel Andrews, John McLindon — what has his role been in all of this? Where has he stood? Michael Donovan of the Shop, Distributive and Allied Employees Association — this man is so powerful that he can direct the Premier of this state to do whatever it is he wishes to be done. It is of great concern to me that the people of Victoria have gone to the ballot box and elected people to represent them in this place but those people are just puppets for the factional union leaders who get to decide exactly what is going to happen, what decisions are going to be made and whether or not we are going to have more public holidays — two, three or who knows how many public holidays we will have by the end of the term of this government.

The Strong report poses more questions than it answers. Why was there a second review? Why was there a review of the minister's office? Was there a second opportunity for the Premier to make a hit on Mr Somyurek if the first report did not go the way he wanted it to? He was doubling up the opportunity to ensure that a factional enemy of his was going to be taken out, irrespective of what happened.

It is important to note that Mr Somyurek still claims that there is no substance to the allegations that were made against him. We have a former minister of the Crown who was forced to resign still maintaining his innocence. We have a Premier who forced that minister of the Crown to resign. Where is the lie? Has Mr Somyurek been fluid with the truth? Has the Premier been slightly less than honest in statements he has made? To be honest, I am not entirely sure. As Mr Ondarchie said, there were only two people in the room at the point in time to which the allegations refer. I was not there. I am in no position to make a judgement on the allegations.

This is a very sad state of affairs for the people of Victoria. This government cannot govern itself. As we know, if a government cannot govern itself, it cannot govern the state of Victoria. I thank the Acting President for providing me the opportunity to make a contribution.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to speak in relation to the motion before the house. This is an issue I have quite an interest in, not least because of my professional background. I have been involved in investigations of

this kind, so I look at the process, outcomes and reporting with a lot of interest.

It is worth going back to the start and looking at the parameters of the parallel investigations that were set up. We all know of the event that purportedly triggered these parallel investigations, and that was a very serious allegation made by a chief of staff against her minister. I want to pause and emphasise what an extraordinary thing that is. Many of us in this place have worked in political offices before, and we have observed them very closely. It is a polite way to describe them to say that they are robust working environments. It is highly unusual to find a situation of this kind. The fact that it is so unusual in some ways underscores what a serious issue it is when someone makes a complaint of this nature.

This is a situation where someone has made a complaint about behaviour in their workplace. We all agree that that needs to be taken very seriously and dealt with in a way that is consistent with the relevant legislation and that provides procedural fairness to everybody involved. When this complaint was made out of the blue in dramatic circumstances, the Premier's response was to trigger two investigations. I will quote briefly from the report to clarify what we are talking about here. The report's introduction states:

To inform the inquiry, I retained:

Mr Peter Allen to examine the operation of the office of the minister, including its management practices, capability and adherence to the Victorian public sector values ...

That was known as the review. The report goes on to say:

The review terms of reference relevantly provided as follows:

'The secretary has engaged Mr Allen to conduct a capability review of the office in accordance with the Australian public service methodology.

The review will consider, and identify any constraints arising from, the office's:

- (a) management practices;
- (b) capability; and
- (c) adherence to values consistent with the public sector values.'

In this situation a chief of staff made allegations of a personal nature. We were not told what they were in the first instance, but we have seen now from the report what they were. The chief of staff made a complaint in relation to harassment by her boss, but the first inquiry

we saw was about the capability of the office, not the circumstances that were the subject of the complaint, which in my view is a big leap. It also goes in part to the issue that when someone makes a complaint about being treated badly in their workplace it is usually not their work performance that is on trial. If there are issues about work performance, it is appropriate that they be addressed in another time and place and in a way that is separate to the circumstances of the allegation. That is fair for both the employer and the employee.

I come back to the report's introduction and the second investigation that was triggered. Again I quote from the introduction:

His Honour Judge Michael Strong to undertake an investigation into the alleged incidents of inappropriate behaviour and determine whether there are any matters appropriate for referral to other Victorian authorities ...

This was to be referred to as the 'investigation' as opposed to the 'review'. The report goes on to say:

The investigation terms of reference relevantly provided as follows:

'The secretary has engaged [Judge] Strong to:

- (a) identify, investigate, and make findings of fact in relation to, any allegations by officers employed in the minister's office of conduct by the minister, occurring since February 2015 [i.e. until 20 May 2015], that has adversely affected or could adversely affect the health, safety or wellbeing of such officers; and
- (b) advise the secretary as to whether the facts as established are sufficient to warrant the referral of any matter to an appropriate authority.'

They were also required to adhere to a number of principles, including procedural fairness to all parties, which I have already referred to. The report says 'any findings of fact should be made on the balance of probabilities', which again is a very standard approach, and 'the process should be conducted confidentially'. That was the start of the investigation, but we ended up with this report, and, to use the exact phrase Mr Morris used before, it is a report that poses more questions than it answers.

The first question it raises is in relation to consistency of process. When any employer is setting out to have an investigation into important and serious allegations in the workplace, they need to have a consistent process that can therefore be trusted and seen as valid by all those who participate in this process. We did not see that happen in two ways. Firstly, there was the setting

up of two different, parallel investigations, one into competence and one into the actual issues that were relevant and the subject of the complaint; and, secondly, the process appeared to change as it went along. It took much longer than it was supposed to. We were told in the first instance that this investigation would take weeks, not months, but that is not how it panned out. We were also promised clarity. Instead we got a heavily censored report on what was said. We ended up with a 'he said, she said' situation, and that is not unusual in situations where there are allegations of this kind.

The unhappiness of former minister Somyurek with this process is very clear. We have seen newspaper reports calling into question the witnesses that were called. We have seen an exchange, that comes through in this report, about the draft reports and the findings that were made. We ended up with a fairly extraordinary situation where, barely six months into a new government, a member of cabinet was literally lawyering up and having communication with an investigation and therefore with his employer through his legal team. To me that shows how quickly things broke down and how the fault lines dramatically escalated so that instead of being able to contain what were always going to be differences of opinion — heated views and robust debates within cabinet — we saw the relationships literally falling to pieces within months, to the extent that the parties were communicating through lawyers.

To give an example of this situation, I take members to one of the last sections of the report. Appendix 3, at page 71, outlines comments on the former minister's response about the credibility of witnesses and his unhappiness about Ms Paul in particular. The report comments that there was 'conscious exaggeration in Ms Paul's evidence' and that she had changed her story on several occasions. We see a lot of detail about the minister's concern that some witnesses were preferred over others. This is where we start to see not just a parallel process but a third report of some kind, which is what happened through the media. This was all played out in our newspapers, as people who were clearly unhappy with the process felt they had to go to the media in order to get their word out and explain their version of events.

Under the heading, 'Disregard of the minister's "witnesses" over other witnesses', point 9 says:

Although the minister was the only 'party' to comply with Your Honour's directions and provide witness statements to the inquiry as directed, the minister appears to have been disadvantaged by providing witness statements in accordance with those directions. It is a matter of concern to the minister that Your Honour has apparently preferred the statements of

witnesses who might be regarded as 'independent' in the sense that their statements were not provided through the minister's legal representatives, seemingly on that basis alone. In our view, that is not a sufficient basis for accepting or rejecting such statements unless it can be shown that either the maker of the statement is biased, lacking in credibility or the content of the statements are inherently improbable or unlikely.

There is more along those lines in the report, but it is censored, and on that basis it is hard to make out precisely what is being said. But clearly there was a huge amount of unhappiness with the process, and this was manifested in a number of ways. It is clear all the way through this report and it was clear in the newspapers at the time. It was clear to anybody who was looking at it.

That brings us to the next point, which is: why would you set up a process by choice that looks at capacity and adherence with public sector values when what you are really being asked to do is deal with a serious allegation being made by a young woman against her boss? Many views have been put forward as to why this was the case, but it does seem that the former minister was singled out and treated in a different way. I wonder what, if any, precedent this sets for future occasions where complaints may be made by staff or by other individuals against someone in their office, their manager or whomever. Is this the standard that is going to be applied? Is it a reasonable standard? I am not sure that it is. In some ways it is setting people up to fail.

I have worked in a couple of ministers' offices, and, as I said earlier, they are robust environments. You work very long hours, you tend to eat together and there is a lot of travel. You spend an enormous amount of time together and get to know each very, very well, and often that can be a really enjoyable thing. Sometimes it can be difficult, particularly given the nature of the work. It is a culture that is totally different to other office work, where people might look at behaviour in different ways. The issues that we are talking about need to be seen in that context. A minister's office is a particularly different sort of office environment.

But why would you delve into that if you did not really have to? It is hard to see how delving into issues about capacity and so on can help a government. Potentially either a finding will be made that your minister's office has been entirely fine, when obviously it is dysfunctional and can no longer continue in the way that it was set up, or you will find everything is okay, which plainly no-one would agree with. Again, this comes to the issue of process.

I think what has happened is that one minister has been singled out in a very unfortunate way, and I think what

it comes down to is the timing of the allegations. Other speakers have spoken about this: all of a sudden we had a complaint made, and all of a sudden it was necessary to go through this process. What was it that happened right before these complaints were made and this extraordinary investigation was unleashed? I do not need to say this to members on the other side of the chamber: there were a few factional changes, if I can put it that way. There were some changes of arrangements, and these changed relationships on the other side of the chamber, they changed relationships within offices and they created a series of circumstances where it could have been to the advantage of somebody to see a process happen in which a minister would be badly affected.

I suspect that Mr Somyurek saw it in a similar sort of way. His unhappiness about what happened and his questioning of the process show someone who was badly treated. I think on this side we have some sympathy with that — some sympathy.

I started off by talking about the importance of a process being reasonable, and I think if anything is clear it is this: in choosing to go way beyond the parameters of the original complaint, a different standard was set for one minister. I will be interested to see how that standard is applied on subsequent occasions. It has not been explained to us in any way how it may be and how that might pan out, but it will create some difficulties for anyone who finds themselves in a similar sort of situation.

I wanted to speak briefly also about some of the findings of the report, and I am referring to page 5, under the heading ‘Summary of review findings’, where it states:

A number of areas were assessed as ‘work in progress’, requiring further attention and development, including:

- the office’s capability to deliver the minister’s and whole-of-government objectives;
- articulating and communicating a strategy across the office to deliver the government’s policy commitments in relation to small business, innovation and trade;
- clarifying within the office what success looks like and establishing benchmarks of successful achievement;
- strengthening the office’s capability to work across government to deliver priority policy commitments; and
- building a shared commitment within the office to continuous improvement, effective change management and overcoming resistance.

I can think of very few ministerial offices which would actually live up to that particularly sanitised version of

key performance indicators. I am interested to know whether other ministers have been assessed in a similar way and whether that assessment might be shared with this Parliament in some cases. Otherwise we would end up with a situation where one minister has had his assessment, and that has been shown to the whole world, but we have not seen a similar situation in relation to other ministers. Again I ask if this the standard that is going to be applied.

The review also identified two areas as requiring priority attention as follows:

clarification of roles and responsibilities within the office and between the office and the minister, and developing procedures and mechanisms to address performance problems in the office; and

developing a transparent and consistent approach to performance management within the office, alongside a capability to identify and nurture talent.

I note also that the review says that the minister broadly agreed with the overall assessment by the staff of the capability of the office — so clearly they all agreed that there was a huge amount of work to do.

Briefly I wish to note this paragraph, which appears on page 6:

A specific challenge for the office was unresolved: the office’s ability to support the minister effectively by delivering information required by him in his preferred technological format to enable him to respond to parliamentary matters.

This I find utterly remarkable. I mean, what is this saying? That he prefers texts rather than emails or people just going to talk to him? It is not clear. It would seem to me though that we do not need to waste a huge amount of time and money in order to work out whether the minister prefers to be spoken to by his staff via email or through other preferred technological formats.

As I said earlier, this report really raises more questions than it answers. I am a great fan of political history and biography, and I have been reading lately with interest *Catch and Kill — The Politics of Power*; I am sure those on the other side have enjoyed it as well. I am looking forward to further publications of that kind, because I think that is the sort of place where we might find out the real story behind what happened here rather than in reports of this kind.

What this issue leaves is I think a sense of unhappiness — a sense that somebody has been singled out and treated in a way unlike the way others are treated and that the process changed as we went along,

and again that affects the validity of the process for those who are obliged to participate in it. I think I will conclude my remarks at that point.

Mr JENNINGS (Special Minister of State) — Thank you, Acting President, for the opportunity to commence my contribution on this matter for 1 minute. It would be very tempting to conclude my contribution within a minute, because to respond to a challenge that Mr Ondarchie raised in his presentation — —

Mrs Peulich — And Ms Wooldridge!

Mr JENNINGS — No, the challenge that Mr Ondarchie raised was about government priorities and government getting on with the business of governing, as well as the danger of governments being distracted by matters either within the Parliament or in other aspects of political life from getting on with the government's agenda. Indeed I would respond immediately to say that that has been the focus of the government in the last few months and will continue to be the focus, notwithstanding whatever the considerations of the Parliament may be today. We will continue to go on to deal with the important matters of public administration — we will get on with creating jobs, building the infrastructure our community needs and rebuilding investments in health and education. We will do those things.

Honourable members interjecting.

Mr JENNINGS — Mr Ondarchie spent far more time than I have talking about this basket of issues; I am responding to his proposition.

The only member of the opposition benches who spoke about these matters fulsomely and appropriately was Ms Fitzherbert, who demonstrated some ability to read the report, refer to it and tease out issues of relevance relating to what lessons for good public administration should be learned from it, the ways in which the balance of evidence was compiled and considered by Mr Strong and Mr Allen in their considerations and how the government should respond to it. Every issue that Ms Fitzherbert raised was a valid, issues-based contribution. This was in stark contrast to her colleagues, who were far more interested in conspiracy theories and matters extraneous to the inquiry that might provide their short-term political sugar hit of the day.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Renewable energy

Mr PURCELL (Western Victoria) — My question is to the Minister for Regional Development in her capacity representing the Minister for Industry. We congratulate the government on its recent announcement to introduce *Victoria's Renewable Energy Roadmap* at Keppel Prince in Portland. After substantial industry uncertainty we are thrilled to see that the renewable energy roadmap will bring forward hundreds of millions of dollars in new investment and establish a renewable energy target of no less than 20 per cent by 2020 and create thousands of local jobs. I ask: what structure has the renewable energy roadmap incorporated to ensure that the bulk of these jobs are local jobs?

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell for his question and his long-time advocacy on the question of renewable energy jobs, particularly in the south-west, where there are so many fabulous opportunities. I will take on notice the detail of the question for Minister D'Ambrosio and seek a detailed response, but I take the opportunity to indicate to Mr Purcell that of course creating jobs and sustaining our local industries and indeed our renewable energy industries is a central focus of the Andrews Labor government. This is an essential part of our clean energy plan, and the government purchasing initiative and other actions will, we believe, drive investment and job creation.

Further details on how these actions will drive local jobs will be set out in the government's purchasing initiative guidelines, which are currently being developed, and the renewable energy action plan. I am advised that that work is to be concluded by the end of this year. The renewable energy roadmap is a key input into the action plan, and members of the community, including those in the south-western area from where Mr Purcell reigns and where there is such an interest in renewable energy jobs, will be able to respond to the road map and put forward their ideas.

Supplementary question

Mr PURCELL (Western Victoria) — I thank the minister for her answer, and I look forward to being involved in that process. I suggest that maybe as a part of it the government could create employment training programs with regional businesses that would support the network and ensure that employment at a local base is maximised.

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell for his further question and again reiterate that we would very much welcome Mr Purcell's input and that of communities right across Victoria — in this instance we are particularly talking about those in the south-west of the state — and of all members of Parliament who may wish to have some input into this process on behalf of their communities. The benefits are enormous. We are working very hard to stimulate and foster an environment that is conducive to investment and innovation in our renewable energy sector, and we look forward to working with the community, with those industries and with all members of Parliament as we proceed on this course.

Special religious instruction

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the Minister for Training and Skills, the Honourable Steve Herbert, representing the Minister for Education, and it concerns the government's recent decision to remove special religious instruction (SRI) from the curriculum in Victoria. I was surprised to hear from constituents and media reports that the government did not consult with SRI providers or parents of children involved in SRI before deciding to move it out of curriculum time. Considering the importance of stakeholder consultation in policy development and improvement, I ask: why was there no consultation process, and has the minister considered the impact of his decision on various stakeholder groups?

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question, and I acknowledge her interest in this sector and in religious instruction in schools. I am advised that in fact many meetings occurred with stakeholders in the lead-up to the decision, including with teachers, principals, students, parents, peak bodies and providers of SRI, over many months, both in government and in opposition. These meetings, I am advised, covered a range of topics about the conduct of SRI in Victorian schools and explored a whole range of options and the best way forward.

In making the changes the government has sought to balance the different and often conflicting views of stakeholders in this area, and I acknowledge that even within this chamber we have very conflicting views on this issue. It is an area where many stakeholders clearly do not agree and have diametrically opposed views. We believe we have a good balance in that the role of SRI can be preserved as it remains reflected in legislation in periods outside of the normal curriculum times — at lunchtime, before school and after school. We will

continue to work with stakeholders in terms of implementing these changes and ensuring that partnerships that exist between schools and communities, including many faith-based organisations, can be strengthened.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his answer, although I am a little bit confused because I have been advised, to the contrary, that stakeholders, especially parents and providers, feel ignored and have been blindsided by the announcement. They did not feel that they were consulted, so I ask whether the minister can provide some more information as to exactly which groups were consulted with.

Mr HERBERT (Minister for Training and Skills) — I thank the member for her supplementary question. I guess it is fair to say that in the education sector there are a lot of parents, a lot of students and a lot of groups involved, but I am advised that specific consultations included Parents Victoria, the United Jewish Education Board, ACCESS Ministries, the Australian Education Union, the Australian Principals Federation, the Victorian Association of State Secondary Principals and the Victorian Principals Association.

Native forests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture, and it relates to a statement made by the minister in this place on 4 August about the government's intentions with Hazelwood power station. On that day I asked the minister about the burning of native forest wood in Australia's dirtiest coal-fired power station, Hazelwood. The minister answered that:

The government has no plans to change the current arrangements.

To explain the context of the question I remind members of the recent deal that federal Labor struck with the Abbott government concerning the renewable energy target scheme. This will allow power companies to create renewable energy certificates from burning native forest wood. I want to give the Andrews government another chance to take advantage of an opportunity to right this wrong and take action to commit to genuine renewable energy in Victoria. Will the minister ban VicForests from selling native forest wood to Hazelwood and other coal-fired power stations?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question, which in part goes to matters of the federal government’s renewable energy target and arrangements there. Specifically on the question of biomass and wood waste and the role they play as part of the sustainable management of our natural resources, what I would say to the member and indicate to the house is that our government’s position is consistent with that of federal Labor, which moved an amendment to remove native wood waste from the Abbott government’s revised renewable energy target legislation. We do not support using Victoria’s native timber resources for collecting the commonwealth’s carbon credits under its renewable energy target scheme. As I indicated in my answer to Mr Purcell’s earlier question, our interests are in growing our opportunities to develop renewable energy in Victoria — to develop and support those industries. Indeed there are enormous opportunities to do so. That is our focus.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. My question was very specifically around banning VicForests from selling native forest wood. Burning native forests contributes to greenhouse gases and many other toxic pollutants and also props up the native forest logging industry, which really must move to plantations anyway. My supplementary question is: if the minister will not confirm a ban on VicForests participating in biomass burning at Hazelwood, will it take any steps at all to restrict VicForests in this regard?

Ms PULFORD (Minister for Agriculture) — I thank the member for her supplementary question and her ongoing interest in the activities of VicForests and the native timber industry.

Mr Jennings interjected.

Ms PULFORD — We all love the native timber industry in Victoria. As I indicated in the house in August, we have no plans to make any changes in this respect. We are committed to the responsible management of our timber resources. The government is supporting the establishment of a task force to see if there are recommendations that can be achieved by consensus that the government then would consider. As the member knows, that task force needs to be able to commence its work and perform its task.

Electorate office staff

Mr DAVIS (Southern Metropolitan) — My question today is to the Minister for Training and Skills. I refer to standing order 8.01, specifically that ‘Questions may be put to ... ministers of the Crown relating to public affairs for which the minister is directly connected’. In relation to the minister’s own electorate office staff, does the minister now, or did the minister in 2014, employ electorate officers who were assigned to the Labor Community Action Network?

Mr HERBERT (Minister for Training and Skills) — Can I just say no, I do not now. In 2014? Basically in regard to the pool staffing arrangement, I think that for the 12 years I was in the lower house there were pool staffing arrangements on all sides of Parliament. These were normal kinds of procedures, and I employed my staff according to the parliamentary rules.

Mr Davis — On a point of order, President, it was a very specific question about the Community Action Network, and the minister has not responded to that matter at all.

The PRESIDENT — Order! On the point of order, the minister has provided an answer. It might not be the answer the member wanted, but he did provide an answer and it was apposite to the question asked. The member has a supplementary question to perhaps explore further.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I thank the minister for his partial response and note that he did not respond to the matter of the Community Action Network. I therefore ask: is the minister aware of any direction by Labor’s leaders to members of this house to employ staff, including his own, as part of and directed by the Community Action Network?

Mr HERBERT (Minister for Training and Skills) — I assume the member is referring to today’s paper. Can I just say in that regard that I was not in the house at that time, quite frankly. All I can say is that in terms of pooled staff and contributions put in there, this is a practice that has gone on for 20 years basically in terms of supporting the work of MPs. I have contributed, like most members of Parliament here, to pooled staffing arrangements a whole heap of times in accordance with the directions of the Parliament and for the purposes of the Parliament.

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

Electorate office staff

Mr DAVIS (Southern Metropolitan) — My second question today is to the Minister for Small Business, Innovation and Trade. I refer to standing order 8.01, specifically that ‘Questions may be put to ... ministers of the Crown relating to public affairs for which the minister is directly connected’, and I ask: in relation to the minister’s own electorate office staff, does the minister now or has he ever employed electorate officers who were assigned to the Labor Community Action Network?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — In relation to the Community Action Network, that would be a no.

Supplementary question

Mr DAVIS (Southern Metropolitan) — Is the minister aware of any direction by Labor leaders to members of this house to employ staff as part of and directed by the Community Action Network?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — No.

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

Electorate office staff

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Deputy Leader of the Government, and I refer to standing order 8.01, specifically that ‘Questions may be put to ... ministers of the Crown relating to public affairs for which the minister is directly connected’, and I ask: in relation to the minister’s own electorate office staff, does she now or did she in 2014 employ electorate officers who were assigned to the Labor Community Action Network?

Ms PULFORD (Minister for Agriculture) — I thank the Leader of the Opposition for her question. For the entire duration of the time that I have been a member of Parliament I have contributed to the pooled staff resource, the likes of which Mr Herbert referred to. It has across all parties of this Parliament a history that spans a couple of decades. I further indicate to the member that the members of my staff are constantly engaged in conversations with members of the community about the failings of the former government in all of the areas that opposition members know well — in conversations with people about what they did to TAFE, in conversations with people about what they did to ambulance services.

Mr Jennings — There is a lot to talk about.

Ms PULFORD — Yes, we could go on for a while. But in every instance it is in accordance with longstanding practices and in accordance with the arrangements under which electorate office staff need to be employed.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the deputy leader for her response, and I ask a very specific question: of those staff who were contributed to the pool, did they work as part of the Community Action Network?

Ms PULFORD (Minister for Agriculture) — The members of the staffing pool work to the direction of the caucus secretary, who in this Parliament is Josh Bull, the member for Sunbury in the Legislative Assembly. In the previous Parliament it was Liz Beattie, the former member for Yuroke in the Legislative Assembly. There is nothing new about the arrangements for members of Parliament sharing resources to undertake matters like supporting constituents with issues that matter to them, like TAFE, like the state of our ambulance services, like the need to improve our education and health services in this state and on questions like research and other matters that are in the ordinary course of work that our electorate officers do in supporting members of Parliament to undertake their duties.

Ordered that answers be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

Electorate office staff

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Families and Children, and I refer to standing order 8.01, specifically that ‘Questions may be put to ... ministers of the Crown relating to public affairs for which the minister is directly connected’, and I ask: in relation to the minister’s own electorate office staff, does she now or did she in 2014 employ electorate officers who were assigned to the Labor Community Action Network?

Ms MIKAKOS (Minister for Families and Children) — I have great confidence in my electorate staff. They do a wonderful job in servicing the community, and on a day-to-day basis they receive some very difficult phone calls from members of the community who are experiencing some very serious issues. I take this opportunity to thank my staff for their many years of service and dedication to the community.

My understanding is that the matters the member is canvassing relate to members' parliamentary entitlements, and if there are concerns that relate to members' parliamentary entitlements — although they are longstanding ones of many decades across the political fence — then I would regard those matters as being most appropriately taken up with the Presiding Officers rather than being raised in question time.

Mr Davis — On a point of order, President, the member was asked a very clear question and has chosen specifically at the end of that to rule out answering that question. I ask you to rule that she should answer the question, which is clearly within the standing orders.

The PRESIDENT — Order! I do think that Ms Mikakos's response was the least responsive of the ministers to this particular question. I note that Ms Wooldridge has a supplementary question and no doubt can pursue that a little further, and the minister will be mindful of the concern that Mr Davis has expressed in his point of order.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — My supplementary question to the minister is, given that three of her colleagues have answered the question and despite the fact that she chose not to: have any of her electorate office staff been assigned to the Community Action Network or, as many in this place are calling it, the pool?

Ms MIKAKOS (Minister for Families and Children) — Yes.

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

Electorate office staff

Mr DAVIS (Southern Metropolitan) — My further question is to the Leader of the Government and I refer to standing order 8.01, specifically that 'Questions may be put to ... ministers of the Crown relating to public affairs for which the minister is directly connected'. I therefore ask: in relation to the minister's own electorate office staff, does he now or did he in 2014 employ electorate officers who were assigned to the Labor Community Action Network?

Mr JENNINGS (Special Minister of State) — I can understand why Mr Dalidakis chose the simplest and easiest answer, which was to say no. In fact I would say no; I volunteer no. But that does not mean that in fact there are not pooled staffing arrangements that

members of this Parliament of all persuasions have actually contributed to over a period of time. They definitely have — for a range of activities that support the work in the electorate and support the member to actually have an effect in terms of community support. There is no doubt about it that that is a longstanding matter.

In relation to the answers that my ministerial colleagues have provided indicating that those resources have actually been used in accordance with the rules, the guidelines and the appropriate standards of the Parliament, it is the expectation of the Labor Party for us to comply with those rules — that in fact members would comply with them and that the resources of the Parliament would be used appropriately. We are very happy to be measured on that by the Presiding Officers or by any other scrutiny that may be appropriate.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I thank the minister for his response, noting that there was an inaccuracy in his presentation — our side of politics does not have a pool of this nature. I also make the point that the electorate office staffing rules say that electorate officers are employees of the Parliament of Victoria and are directly accountable to the member in whose electorate they work. I therefore ask: is the minister aware of any direction by Labor leaders to members of this house to employ staff as part of and directed by the now disgraced Community Action Network — for example, through the direction of the caucus secretary?

The PRESIDENT — Order! Could Mr Davis repeat just the final sentence?

Mr DAVIS — Is the minister aware of any direction by Labor leaders to members of this house to employ staff as part of and directed by the now disgraced Community Action Network, including for example at the direction of the caucus secretary?

Mr JENNINGS (Special Minister of State) — Let me say firstly that what Mr Davis has asserted in relation to the Community Action Network I totally reject. In fact there is nothing to indicate that his description is accurate. What I can wholeheartedly say is that I have not seen or heard such a direction or been present in circumstances where such a direction was given.

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

Electorate office staff

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Leader of the Government, representing the Premier. I refer to the Premier's responsibility for part 4 of the Parliamentary Administration Act relating to the employment of electorate officers. Can the minister provide an assurance that no Labor MLC has approved payment for casual staff who have never actually worked in their office or whom the member has never actually met?

Mr JENNINGS (Special Minister of State) — I totally accept the responsibility that is incumbent upon the Premier in relation to the Parliamentary Administration Act and my responsibilities under that act. In fact I totally accept the responsibilities that are incumbent upon the Presiding Officers or the direction and administration of these matters through the Department of Parliamentary Services. In all of that framework I totally accept where the responsibility lies.

On whether anybody can actually totally satisfy what Mr Rich-Phillips has asked me to give a guarantee on, I think nobody within that chain could provide him with that absolute certainty. It is certainly the government's expectation and it is certainly the Labor Party's expectation that those rules and those appropriate accountabilities will be complied with and met. We strongly believe that in fact by design and by intent the employment relationship between MPs and the people who work for them on the community's behalf has a direct connection and that any administrative detail that is associated with their work would be properly accountable and effectively measured, and we would be expecting it to be complied with.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. I note that he says he is unable to give the assurance that I sought. Following on from the rest of his answer, I ask: what action has the government taken to assure itself that having Labor MLCs employ staff through the Community Action Network whom they may not have either met or had working in their offices is consistent with the requirements of the Parliamentary Administration Act and the parliamentary guidelines?

Mr JENNINGS (Special Minister of State) — What I have done on behalf of the government is that during the course of this morning I have provided the government's view to the Presiding Officers of its willingness to make available assistance to the Presiding Officers and any auspice of Parliamentary

Services to undertake an appropriate investigation of any matter. We will fully comply with and be prepared to assist with any inquiries in relation to those matters.

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

The PRESIDENT — Order! In respect of the questions posed today, there is only one matter to which I seek a written response. That is the matter raised by Mr Purcell in his substantive question. Ms Pulford indicated that she would be happy to obtain some further information on that question from Minister D'Ambrosio in another place. The two-day rule applies to that.

In respect of the response by the Leader of the Government to the final question, I indicate that there is no complaint or allegation before the Presiding Officers in regard to matters reported in the press today. The Speaker and I will be giving careful consideration to what course of action we ought to pursue in respect of a matter that is in the public realm but, as I said, is not the subject of any formal complaint or allegation to us, requiring us to initiate any investigation. We will consider advisedly what course of action we might take in terms of examining this matter further and ensuring the integrity of our system.

As a number of ministers have referred to, pooling arrangements have certainly been in place for a long time and they continue to this day, across the parties. Pooling is seen as a means — particularly in regard to opposition parties — of providing more significant resources and support to shadow ministers in particular, who have very few resources available to them by comparison with the government. When it comes to areas such as research and support with speeches and so forth, pooled staff — specialist staff, in some cases — are quite important, particularly to oppositions. As I said, government members have a bevy of departmental staff and so forth who can support some of their work in the community.

The arrangement is an understood arrangement, but clearly it is the view of the Presiding Officers that the people who are employed by the Parliament and paid for by the Parliament are there to support members of Parliament in their parliamentary duties and to support and assist constituents. They are not there for political campaigning. That is the understood position of the Presiding Officers. As I said, advisedly we will consider the matter further on the basis that it is a matter that has been raised in the public by the media, but we will not do that also to a 24-hour news cycle. We will take this matter under deliberate consideration

in the interests of all members, all parties and indeed the integrity of the Parliament's systems.

Mrs Peulich — On a point of order, President, I seek your guidance, if I may, pertaining to matters that I raised with you yesterday and about which I have also written to you this morning in relation to the reinstatement of questions without notice inadequately answered by ministers. Could you advise when would be the appropriate time for me to raise those matters with you, with a view to having some questions reinstated?

The PRESIDENT — Order! I have been very busy this morning with a number of things. I am aware of our discussion yesterday and I noticed that in my email inbox in between an avalanche of other emails there is a request from Mrs Peulich for reinstatement of questions. I have not at this point had time to examine the questions and the answers that Mrs Peulich referred to. I will do that and I will probably make a determination later this day.

In that sense, I also have a query from Ms Wooldridge with respect to some questions and answers that she received, and I will give some final consideration to those today as well.

CONSTITUENCY QUESTIONS

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question today is for the Minister for Roads and Road Safety, and it concerns the intersection of O'Herns, Findon and Epping roads, Epping. That intersection has been dangerous for a number of years and has the absolute support of Captain Robert Saitta and the Country Fire Authority Epping brigade, which is located on that corner, to get the intersection fixed quickly. A community transport forum was held last week in Epping North, and the member for Thomastown in the other place, Bronwyn Halfpenny, said:

... this is a no. 1 thing that has to be done.

The government has said that this could possibly be tied in to the O'Herns Road interchange project it is looking to undertake with the federal government. The problem is that the Victorian government still has not written the business case for that project, yet it is complaining that it is not being done because of a lack of federal government support. Here is an idea: the government should complete the business case. The government is suggesting it could possibly have the business case finished by the end of the year, but that is not the

problem. The problem is that intersection further down — —

The PRESIDENT — Order! The problem is the member has run out of time.

Mr ONDARCHIE — The President stopped me.

The PRESIDENT — Not for this long. I ask Mr Ondarchie to put his question.

Mr ONDARCHIE — I ask the minister to provide me with the date when that intersection will be fixed.

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is to the Minister for Local Government. The Andrews Labor government was given a mandate at the last election to implement its Fair Go rate system. The Fair Go rate system will ensure lower council rate bills for Victorians. It has received huge support from Victorians, including the Victorian Farmers Federation, the Property Council of Australia, Ratepayers Victoria and many more. Can the minister update my constituents on the progress of this policy and indicate whether there are any threats to the government's mandate?

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My question is for the Minister for Industry, who recently stated on Gippsland radio that residents of the Latrobe Valley should feel short-changed by the previous coalition government's Latrobe Valley Industry and Infrastructure Fund — a fund, incidentally, that provided \$15 million to 40 businesses in and around the Latrobe Valley and leveraged close to \$100 million and created 1200 jobs. A middle-aged and currently unemployed constituent from Latrobe Valley heard this comment and came into my office. He asked what the Labor government is doing to boost local jobs. He said it seemed hypocritical that the minister was criticising the coalition's past fund, yet it was not providing its own fund to boost employment in the valley. My question to the minister is: what funding program is the government implementing specifically in the Latrobe Valley area to encourage industry and create new employment opportunities for people like my constituent?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My constituency question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation.

Poker machine losses in the Casey and Dandenong local government areas for 2014–15 were \$119 million and \$117 million respectively. Casey and Dandenong are second and third on the list of the biggest poker machine losers, according to the government's own figures. It has been clear for years that poker machine losses affect the least well-off communities the most. The City of Greater Dandenong has the lowest socio-economic status of any local government area across the state. Victorians' poker machine losses last year jumped by the highest amount in six years, and last year Dandenong residents lost \$6.9 million more than they did the previous year. What is the minister's plan to reduce the number and impact of poker machines in the cities of Casey and Greater Dandenong?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Education, Mr Merlino. Recent reports have suggested that a local councillor is campaigning for a third secondary school in the Glen Eira area, very close to two existing secondary schools. The land which the Labor mayor of the City of Glen Eira, Cr Jim Magee, is campaigning for the government to acquire in order to build a secondary school is in Virginia Park. Virginia Park is only 500 metres from the existing Bentleigh Secondary College.

The shadow Minister for Education, Nick Wakeling, and I visited Bentleigh Secondary College only last week to meet with the newly appointed principal. Bentleigh Secondary College has an excellent reputation and we were both fortunate enough to meet the dedicated teachers and a number of students. It was confirmed to Mr Wakeling and myself that Bentleigh Secondary College has capacity for further student enrolments. Nearby McKinnon Secondary College also has additional capacity and the principals of both McKinnon and Bentleigh secondary colleges do not think a third secondary school in such close proximity is necessary.

Constituents are confused and concerned about comments from the mayor. Does the government support the campaign by Cr Magee and what is the government's position on acquiring the land at Virginia Park, as suggested by Cr Magee?

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question is to the Minister for Local Government, the Honourable Natalie Hutchins. As the minister knows, my electorate covers one of Victoria's

largest growth corridors. Constituents in my electorate were glad to hear the announcement of an initial \$50 million contribution to the new Interface Growth Fund. They are very happy to have an Andrews Labor government that is focused on managing growth and not ticking and flicking massive property developments with no community infrastructure, like the opposition leader did during his time as Minister for Planning. I am aware that the application period for the Interface Growth Fund has finished and I ask the minister to update my constituents on the next phase of the Interface Growth Fund and how they can expect to benefit.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Environment, Climate Change and Water. Before the election Labor committed to creating a new state park in Ballarat. It has now come to light that this is not the case but rather that a regional park has been suggested instead of the promised state park. In fact, prior to the election the now Premier, Daniel Andrews, was quoted as saying:

We'll establish this state park and give it back to the people of Ballarat.

Can the minister explain why Labor said one thing before the election and now, after the election, says another?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Roads and Road Safety. I refer to the Labor government's promise to retain the whole of the Healesville freeway reserve as public open space. I have been approached by local councillors and constituency groups, such as the Whitehorse Cyclists Advocacy Group, to inquire into the implementation of Labor's promise. In relation to the Healesville freeway reserve, will the entire reserve be designated as Crown land and what public consultation processes will proceed any decision-making concerning the designation of the land and its use? Specifically, what consultation process will precede the creation of any shared bicycle and walking paths?

Northern Victoria Region

Mr DRUM (Northern Victoria) — My constituency question is to the Minister for Sport and deals with the country football netball program. Last night in this place Gillon McLachlan, CEO of the AFL, made mention of this program and its ongoing nature.

Football and netball clubs in my electorate of Northern Victoria Region are concerned this program has only been funded by this government for this financial year, as opposed to most other programs, which run for a term of government. My question is: has the Minister for Sport made a decision to extend this program for the rest of this term of government, or is this program likely to finish once the current financial year ends?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is to the Premier, and it is regarding the payment of invoices submitted to his office from businesses that will suffer losses due to his government's decision to create a public holiday on the eve of the AFL Grand Final. I have been contacted by a number of constituents concerned about the negative impact the new public holiday will have on their businesses. One such example is a husband and wife who each run their own small business, and the combined loss to their businesses because of the grand final eve holiday is \$6700. This is a loss of almost \$7000 in income to just one family, which is a significant hit to any budget. Both constituents have advised me they have submitted invoices of \$2200 and \$4500 to the Premier's office for the loss of business income, for wages for their staff who will not be working and for the cost of rescheduling patients, but as yet they have not received payment or even a response from the Premier. My question to the Premier on behalf of my constituents is: when will the invoices that have been submitted to his office for losses associated with the government's gazetting of the grand final eve public holiday be paid?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is to the Minister for Emergency Services, and it is in relation to the Shire of Golden Plains, which has been working with VicTrack, the State Emergency Service (SES) and the Country Fire Authority (CFA) since 2011 to establish a modern and efficient emergency services precinct in Bannockburn. The council has secured a 30-year lease of 1.4 hectares of unused VicTrack land for the purpose. However, under the lease council has only two years to ensure that the CFA and the SES are committed to constructing the premises, so the clock is ticking. While council is prepared to jointly fund the emergency services precinct, the CFA and the SES within their respective budgets are yet to confirm and commit. I ask the minister to advise whether the government, through the respective services, will commit to the establishment of

this emergency services precinct in Bannockburn and do so fairly quickly so it sits within the two-year limit.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — At a recent shadow cabinet in the city of Kingston there was a round table of local traders, and all of them expressed dismay at the parlous state of the government's performance in the small business portfolio and its failure to engage and understand the small business sector. In attempting to understand the reason the government is failing so badly, I have established that as late as yesterday the Minister for Small Business, Innovation and Trade had failed to either appoint or publicly announce members to the Small Business Ministerial Council, the Multicultural Business Ministerial Council or the Victorian Biotechnology Advisory Council, which are three key sources of small business information for the government and the minister. I ask the minister: when will he make and announce these crucial appointments so the small business sector can gain confidence that this government is at least gaining some direction rather than preoccupying itself with internal political matters?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Public Transport. I am sure the minister is aware of the anger generated in the Sunbury community by her decision to break Labor's commitment to keep V/Line services running to and from the town. Given the feedback the minister says she is interested in receiving and the data and documentation provided to her by Sunbury residents, will the minister now reaffirm Labor's original promise to retain V/Line services for Sunbury, or is she still pushing ahead with her plan to remove 200 train services per week from this growth area?

The PRESIDENT — Order! I draw members' attention to the fact that in the gardens today — an RSVP was probably needed — there is a lunch for prostate cancer awareness, which is a significant issue that affects many Victorians, so those members who want a little more information on prostate cancer awareness might proceed to the gardens. There are also badges for that cause available from Natalie Tyler at the back of the chamber.

Sitting suspended 12.51 p.m. until 2.02 p.m.

FORMER MINISTER FOR SMALL BUSINESS, INNOVATION AND TRADE

Report of Secretary of Department of Premier and Cabinet

Debate resumed.

Mr JENNINGS (Special Minister of State) — Before question time I started my contribution to the debate on the motion that the house take note of the report of the Secretary of the Department of Premier and Cabinet titled *Matters concerning the Minister for Small Business, Innovation and Trade*.

In my opening remarks I indicated that the government had stayed focused on delivering its legislative program during the running of this inquiry. As I go through the relevant issues in the report, I want the chamber to be mindful of the obligation to ensure that the matters raised were subject to appropriate scrutiny and action and of the obligation to provide the government, the Parliament and the community with confidence that these matters were dealt with fulsomely and, importantly, did not disrupt — and will not disrupt — the government's agenda. We will not be distracted by this motion or any other intrigue that our political opponents may bring to bear to try to discourage us from pursuing our agenda.

For completeness, I remind the chamber of the scope and the terms of the inquiry. They can be found in the summary of the report that has been provided by the Department of Premier and Cabinet. It reads:

1. On 21 May 2015, the Premier's office received a complaint from an officer employed in the office of the Minister for Small Business, Innovation and Trade, Adem Somyurek ('minister'). The complaint alleged inappropriate and threatening behaviour by the minister.
2. On 23 May 2015, the Premier met with the minister to discuss the complaint. The minister denies the allegations.
3. The Premier has since announced that an independent inquiry would be conducted by the Secretary of the Department of Premier and Cabinet ('secretary'), and that he has stood the minister down pending the outcome of the inquiry.
4. To inform his inquiry, the secretary has engaged Mr Michael Strong and Mr Peter Allen to report to him on the following matters concerning the conduct of the minister and the operation of his ministerial office ('office').

Terms of Reference

Part A — Investigation into conduct of the minister

5. The secretary has engaged Mr Strong to:
 - a) identify, investigate, and make findings of fact in relation to, any allegations by officers employed in the minister's office of conduct by the minister, occurring since February 2015, that has adversely affected or could adversely affect the health, safety or wellbeing of such officers; and
 - b) advise the secretary as to whether the facts as established are sufficient to warrant the referral of any matter to an appropriate authority.

Part B — Capability review of the office

6. The secretary has engaged Mr Allen to conduct a capability review of the office in accordance with the Australian public service methodology.
7. The review will consider, and identify any constraints arising from, the office's:
 - (a) management practices;
 - (b) capability; and
 - (c) adherence to values consistent with the public sector values.

I have just reported to the house the circumstances that led to the inquiry being established and the terms of reference relating to that inquiry, which identifies the person who is charged with the responsibility of acquitting those obligations.

In terms of the framing of the inquiry, Ms Fitzherbert raised a reasonable question about why these two matters were run concurrently. One reason is that the Premier was seeking certainty in relation to the minister's acquittal of his responsibilities in terms of ensuring a safe working environment for his staff and appropriate behaviour. That was crystal clear, and that was the subject of Mr Strong's inquiry. In the course of discussion between the Premier and the minister on 23 May, the minister expressed concerns about the performance of his staff. Serious matters were identified relating to stress in the workplace and the adequacy of the abilities of his full complement of staff and how they related to the department — in short, whether the minister was supported in his ministerial duties. The validity of both issues was recognised by the Premier and the Secretary of the Department of Premier and Cabinet, and so those two inquiries were undertaken simultaneously.

Most of the commentary arising from public scrutiny and in contributions to the debate on this motion today, if they have focused on the content of the report, have

concentrated on the contribution of Mr Strong, and that is by and large where I will focus my attention as well. Most of the matters that have been raised by the opposition in the course of debate today have not related directly to the report but rather to the running commentary that has surrounded it. I will not be distracted by the commentary but rely on the essential method, evidence and findings of Mr Strong, which give weight to the matters at hand.

I remind the chamber that Mr Strong is a retired judge and a current examiner with the Australian Crime Commission. He has had senior responsibilities in conducting investigations and assessing evidence in the justice system across this nation. He is well versed in evidentiary proof, the reliability of evidence and making determinations based on evidence. I would like to reproduce what is stated in the introduction to the report in relation to the standard of proof:

The investigation and review were asked to make findings by reference to the civil standard of probabilities.

In civil disputes in Australia, including disputes between employers and employees, judges are required to make findings of fact on the balance of probabilities.

The civil standard applies even if a dispute requires the court to make findings about whether allegations of criminal conduct or fraud are proved. Reflecting the conventional perception that members of society do not ordinarily engage in fraudulent or criminal conduct, the High Court confirmed in *Neat Holdings Pty Ltd v. Karajan Holdings Pty Ltd* that, in these cases, strong evidence is required to establish facts relating to criminal conduct or fraud in civil litigation.

I draw the house's attention to this standard, which was applied to the evidence by Mr Strong to enable him to make conclusions — conclusions that continue to be contested to this day. He not only relied on that standard but also drew attention in his report to the case law on which it is based. I remind those who contest his ability to assess these matters that he is a man of integrity, high standing and considerable reputation in relation to evaluating evidence. He has demonstrated to us all the basis on which he has made his conclusions based upon the evidence that has been presented to him and the balance of probabilities in terms of what that evidence leads him to conclude. He is very justified, within that framework, in making those conclusions.

Mr Ondarchie interjected.

Mr JENNINGS — I will respond to Mr Ondarchie and refer to what Mr Strong said about contested views. He indicated in his report that honest and reasonable people can have different views of the same events. In his findings he also made favourable reference to the

minister. Key finding 12 on page 6 of his section of the report reads:

For much of the period covered by the terms of reference the minister's conduct was appropriate and professional having regard to the pressure of his parliamentary and portfolio responsibilities and is not shown to have adversely affected the safety, health or wellbeing of members of his staff.

I want to place that on the public record. Almost nobody in public life has commented on the fact that Mr Strong has clearly indicated a view that Mr Somyurek, in the main — and in fact overwhelmingly — acted in an appropriate and professional manner. He clearly articulated that in his findings. He also, however, went on to find that — —

Mr Ondarchie interjected.

Mr JENNINGS — Mr Ondarchie's intervention is not very helpful. I am running through the reasons for the conclusions reached in the report. I am trying to do it relatively dispassionately. I am trying to outline the evidence, the logic and the consistency that has been applied by Mr Strong in his report, which led to an adverse conclusion against the minister in two events. Those two events are very important in an assessment of a person who was otherwise a professional, appropriate and capable man undertaking his responsibilities within government. In accordance with natural justice it is only appropriate to identify that.

In paragraph 152, Mr Strong outlined the dynamic that I described just a few minutes ago. He stated:

Accounts of what occurred on 20 May —

which is one of the days on which the former minister was accused of behaving inappropriately —

in whole or in part, have been given by numerous witnesses. It is well recognised that in this situation, even honest witnesses will have different and conflicting recollections of what occurred. It is often impossible to entirely rationalise the evidence of such witnesses — nor is this necessarily required.

Mr Strong, an experienced judge, is used to what he describes as honest witnesses giving conflicting views of the same event. Mr Strong believes that it is his responsibility and obligation to establish the consistency and the reliability of evidence in finding conclusions in relation to two significant events. One significant event related to allegations that the former minister acted inappropriately on 27 February and 20 May. These alleged incidents are separated by some months, but otherwise the former minister acted appropriately. Mr Strong found that in relation to evidence relating to the alleged incident on 27 February 2015:

I reject the minister's contention that his exchange with Ms Paul that evening was benign ... Even if the exchange between Ms Paul and the minister was not of the exact character described by Ms Paul, I am satisfied her version is likely to be much closer to the truth than the minister's.

In relation to the alleged incident on 20 May, Mr Strong found that:

Once these findings are made the minister's credibility in relation to the entire incident is severely eroded. I am satisfied that the accounts of the events that day given by Ms Paul, Mr Smith and the witnesses who support their accounts are substantially more accurate than the accounts of the minister and witnesses who tend to support the minister's account.

On the balance of evidence provided to Mr Strong, he reached the conclusion that the evidence provided to the inquiry by Ms Paul and Mr Smith was more compelling than the evidence provided by Mr Somyurek. It should be noted that Mr Somyurek, on legal advice, determined to provide what I would describe as minimal evidence to the inquiry rather than maximal evidence. In many ways I think on self-reflection the former minister may think that was perhaps not the best course of action given that the contestability, reliability and consistency of evidence was what, by and large, led Mr Strong to form his view of the reliability of the totality of evidence that was provided to him.

Armed with these adverse findings in relation to the former minister in Mr Strong's report, the Premier was left with the responsibility of determining the appropriate course of action for how this matter should be resolved. When the Strong report and the Allen report were provided to the Premier through the Department of Premier and Cabinet, the Premier was reminded of what should be the appropriate test to apply to what sanction if any should be undertaken. The Secretary of the Department of Premier and Cabinet, Mr Eccles, reminded the Premier of these matters in his summary of the inquiry. In subsection 4.2, on page 13, in his summary of these events, he said the following:

When determining the expected standard of ministerial workplace conduct it is also relevant to have regard to the Australian legal framework, which establishes the Parliament's (and through it, the community's) minimum expectations. Under this framework:

employees are entitled to work in safe environments in which they are protected from physical and mental harm; and

in assessing whether physical or mental harm has occurred, it is not relevant that an employee is particularly vulnerable because of an underlying condition or vulnerability — the framework protects employees who suffer harm, even if they are more vulnerable than others.

Consideration of the appropriateness of a minister's conduct in the workplace also requires the Premier to consider a range of matters similar to those applied by an employer when an employee commits misconduct. For example, the Premier should consider the seriousness of the misconduct, whether the misconduct was an isolated incident or part of a broader pattern of behaviour, and the broader context in which the misconduct occurred.

Faced with that advice and in order to determine his response, the Premier met with the former minister to discuss the appropriate course of action that should ensue from the findings of the report. Whilst a number of people who were outside of that conversation have commented on it, I was party to it. I was a participant in that conversation, and I know firsthand, regardless of the way in which tall tales and true have been told by people who were not there, that there was a full conversation and consideration of the options that were available to both the Premier and the former minister. The conclusion of that discussion about the range of possible outcomes was that the former minister chose to resign. That may not have been his first port of call, but that was the choice he made. I can bear witness to the fact that that is what occurred.

That decision is consistent with not only the findings of the inquiry but also the framework for consideration of the appropriate decision-making framework of the Premier and the application of standard setting for ministerial behaviour that in fact was deemed not to have been met in these circumstances. On that basis I would attest that the honourable thing for the former minister to do in those circumstances was to resign, and I believe it was the appropriate thing to do based on the outcome of the inquiry.

Another thing the Premier has to be mindful of is the best ways in which these standards can be adhered to in the future, and that is an important lesson that hopefully all of us who have read the report and have considered these issues should be mindful of in relation to the way in which we undertake our work now and into the future. It has been acknowledged in contributions to the debate today, even those that have come from our political opponents, that working in a ministerial office can sometimes be a very stressful environment for ministers and their staff, and some degree of care is required to ensure that frustrations do not lead to adverse outcomes in the workplace in terms of severing harmonious relationships or to people feeling that their wellbeing is placed at risk. Indeed, I would hope that in that stressful environment we would learn to provide support to one another in the way in which the government provides guidance and assistance to ministerial offices and their staff about the way in which to manage these issues. The very last paragraph

of Mr Strong's report makes a recommendation to the Premier and his office that that degree of support be formalised and provided to ensure that within Victorian ministerial offices there are safe workplaces.

In the complete assessment of what the report indicates, I find it quite extraordinary that there would be any member of the Parliament who would suggest that if a complaint were made by a female staff member working in a minister's office about inappropriate behaviour they had been subjected to, it would not be taken seriously, scrutinised and investigated appropriately. I find it extraordinary that that could be a contested view. On that measure, the actions to establish the inquiry were totally justified and appropriate.

The appointment of Mr Strong and Mr Allen, who both have expertise in different areas of investigation — professional standards of public service administration in the case of Mr Allen and criminal and other matters in the case of Mr Strong — was appropriate for the task. They acquitted their responsibilities in a professional manner, and they provided evidence-based conclusions and recommendations that led to a framework to which the Premier appropriately responded. He had an appropriate conversation with the then minister, who on his own volition resigned.

Mr Ondarchie — What about his press conference? What did he say there?

Mr JENNINGS — I do not need to talk about extraneous commentary that may not have anything to do with the circumstances that led to the inquiry, the report and the matters in it, and the actions that followed from it.

Mr Ondarchie interjected.

Mr JENNINGS — Mr Ondarchie is not going to be successful in getting me to stray from a considered and appropriate response. The government is obliged to the Parliament and the people to make sure that it acquits its responsibilities appropriately, and it was fully justified in the way in which it pursued and resolved the matter. On that basis any intrigue others may seek to derive from the process is not justified, not well informed and not based upon the evidence before them.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until later this day.

PRODUCTION OF DOCUMENTS

Mr DAVIS (Southern Metropolitan) — I move:

That in accordance with standing order 11.01, there be tabled in the Council by 12 noon on Tuesday, 6 October 2015, a copy of all documents relating to an underground railway station located in South Yarra, in relation to either the Melbourne rail link or the Melbourne Metro rail project, prepared for, considered by, referred to or relied upon by, the Victorian government, including any modelling and assessment of current and future demand for rail services at South Yarra.

This is a very straightforward documents motion. It is in the public interest that these documents be available to be reviewed by the public. The government went to an election promising a Melbourne Metro project, which has an alignment that runs from the Arden Street area in North Melbourne down Swanston Street to the Domain and then joins the Pakenham-Cranbourne line at some stage after South Yarra station. The chamber should be clear that South Yarra station will not be connected to the government's metro project. Those who want to go from South Yarra to the Pakenham and Cranbourne areas will have to move to another location to access those important rail lines.

The opposition obviously had a different alignment, which included South Yarra in the extension of the Cranbourne-Pakenham line. It took in Domain station and Montague station at Fishermans Bend, up to Spencer Street or Southern Cross station, and ultimately connected with an airport rail link. The government was elected with a commitment to build the metro project. My point is that these documents should be in the public domain. To not include South Yarra station is a significant missed opportunity, particularly for the Stonnington area and in and around South Yarra. It is clear that not connecting this railway station to the new metro project will reduce connectivity, meaning an absence of seamless commuter movements.

There is obviously a cost in connecting that station, and the opposition believes that cost should be widely discussed. In government it was our view that a station could have been built for a reasonable cost, which would have returned a long-term dividend. It is important to think about the South Yarra railway station and its connection to the Frankston and Sandringham lines and the whole system. It is also important to understand the intense development occurring in South Yarra. In the Forrest Hill precinct a massive series of developments has been occurring over recent years. Most recently a decision was made to grant a permit for a 50-storey building on the corner of Toorak Road and Chapel Street, which is very close to South Yarra

station. It gives you some idea of the intensity of development occurring in that area.

In my view it is clearly in the public interest that these documents be made available to the community. The opposition believes that not connecting the Melbourne Metro project to South Yarra station will ultimately be seen as a significant mistake. We believe the outcomes do not justify the government's cost-cutting decision. Our project was a better one, but that is a separate discussion from the point about whether South Yarra should be connected in the way it would have been under our proposal. Documents and assessments about the proposal certainly exist. Further documents have been prepared by the new government and have been referred to by the Minister for Public Transport, including in answers provided by ministers in this place. The documents ought to be in the public domain for broad assessment by the community. I also make the point that there is support from the Stonnington City Council and other local traders and residents groups for connection of the South Yarra station.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise to speak on Mr Davis's motion. Unsurprisingly, the government does not support it. It is no surprise that Mr Davis in his contribution talked about supporting a connection for South Yarra station. As we saw in the last Parliament, the then government had absolutely no financial management sense or appreciation that an economic return has to be justified when spending taxpayers money. That was proven most significantly with the east–west proposition, which was going to return to the Victorian taxpayer some 45 cents for each \$1 invested. Let me say that that was actually the coalition's third attempt at a business case, so you can imagine what return the first and second business cases actually identified, if the one that they finally got to sign off on had a return of only 45 cents in the dollar.

The reason I specifically make mention of that is because the Melbourne Metro Rail Authority undertook an assessment of the costs and benefits of redesigning the station at South Yarra, and it provided a very poor assessment, saying there would be a meagre return of 20 cents to 33 cents for every \$1 invested.

Ms Shing — That is worse than the east–west link!

Mr DALIDAKIS — That is worse than east–west, and it is no surprise that the opposition would like us to go ahead with that project, because its members think somehow that if we invest taxpayers money at such a low return that will make them feel a little bit better about themselves and they will sleep better at night,

having proposed east–west link at 45 cents in the dollar. But I can assure the Victorian public, I can assure the Victorian taxpayers and I can assure those people who voted for the Andrews Labor government that we will not waste taxpayers money like that, in the way the now opposition attempted to do. We will not just sign contracts with effectively blank cheques for proponents of infrastructure projects; we will invest as wisely and appropriately as we can to ensure that the return on the investment that the Victorian taxpayers expect for their money is the type of return on investment that we will provide for much-needed infrastructure.

Let me just point out that at no stage in the contribution made by Mr Davis, and there was more huff and puff than substance, did he actually make mention of the coalition's own failed Melbourne Metro scheme that was going to go via Fishermans Bend.

Mr Davis — It is actually in the motion!

Mr DALIDAKIS — But Mr Davis did not point out that the coalition was actually going to have a station some 15 kilometres away from Fishermans Bend. They called it Fishermans Bend, but they did not even know that it was not actually in Fishermans Bend; that is how ridiculous the previous government was. It was as though the former government members got around their card table one night, had a few gin and tonics, because I think that is what they do over there — certainly, they would not drink beer; that is too working class for them — and then decided, 'Oh, goody! Golly gosh, we should actually have a train station somewhere in Fishermans Bend'. When they pointed at a map, unfortunately, where they put their finger was not Fishermans Bend. No-one actually checked where Fishermans Bend was; that was the level of detail.

Mr Davis can turn his back on me if he likes, but that was a level of detail that those opposite provided in relation to infrastructure projects, and the rigour that they brought to the expenditure of Victorian taxpayer funds. The Andrews Labor government will not be a part of it. I am sorry that Mr Davis is moving around the chamber rather than listening to this, because he would probably be able to understand that in terms of what we spend and how we spend taxpayers dollars, we need to make sure that the return on investment is appropriate. And a return of 20 cents to 33 cents in the dollar is not.

As the relatively new Minister for Small Business, Innovation and Trade, let me also point out that the station at South Yarra would have significantly impaired many of the local businesses. In fact, it would have seen many residential properties effectively

having to be commandeered; it would have seen many small businesses lose their retail premises; and it would have seen, from memory, half of the Jam Factory acquired for the proposal as well. This is major disruption; we are not talking about minor disruption.

For a party that tries to present itself as somehow the party representative of small businesses across the state to continue to put forward a proposition whereby small businesses would have been grossly inconvenienced and affected is the theme of the day for those opposite — hypocrisy. This is a theme that has run through proceedings from question time; it is a theme that runs through their arguments on a range of motions before this chamber. This is just yet another example of the gross hypocrisy of Mr Davis and his colleagues.

The Minister for Public Transport, Jacinta Allan, put out a media release on 15 May this year in which she made mention of the fact that to build platforms closer to South Yarra station would have cost approximately \$970 million, and it would have required the acquisition and destruction of 82 homes, along with half of the Jam Factory. But apparently those opposite just wish to try to use Parliament as a way of grandstanding, rather than using Parliament to put forward good public policy arguments.

It is not a good public policy argument to stand up and grandstand and say, ‘We want this, and we were going to do that’, because the fact of the matter is the financial consequences of having implemented their policies would have been disastrous. The fact of the matter is that should we have continued with the South Yarra station redesign, as I said, we would have spent \$970 million, acquired 82 properties, acquired half the Jam Factory, and hugely inconvenienced potentially hundreds of small business traders in the area while construction went on. All for what? So that the coalition can say, ‘We think that there should be a station at South Yarra that is part of the Melbourne Metro’.

Members on this side of the chamber believe that infrastructure is important. Members on this side of the chamber are prepared to invest in public transport. Members on this side of the chamber are prepared to invest in much-needed major infrastructure projects like Melbourne Metro. After all, Melbourne Metro was a Labor government initiative. We saw the effective bastardisation by the previous government of a public policy in order to try to demonstrate to the public that somehow the coalition had an interest in public transport. In fact, Mr Davis continues to carry on about tram route 8. I bet my bottom dollar that he has not been on tram route 8 for a long time.

Mr Ramsay interjected.

Mr DALIDAKIS — I am sure Mr Ramsay has — it is so far away from his regional electorate! He likes the public transport system in Melbourne, and he is a supporter of the public transport system in Melbourne. I know Mr Ramsay reasonably well from my limited time in Parliament, and I know that there is no chance that Mr Ramsay would have wasted \$970 million just to build a greater station at South Yarra, which would have inconvenienced so many small businesses and taken away their ability to run and make profits, because Mr Ramsay is a big supporter of small business. He and I have had many discussions outside the chamber about this.

I also know that Mr Ramsay would not invest in a project that only returned 20 to 33 cents in the dollar. He might invest in a project that returned 45 cents in the dollar because the previous government had signed up for the east–west link, but in fairness to Mr Ramsay, I appreciate that he was probably not consulted on the bona fides of east–west link. He probably was not given the details, and as a result I will generously allow Mr Ramsay a bit of a free pass. I do not believe he was responsible for the architecture of what would have been one of the most economically irresponsible deals that this state has seen for anywhere near 20 or 30 years.

Ripping \$1 billion out of other projects — which is what we would have had to have done, had we continued with the construction of South Yarra’s part of Melbourne Metro — would have been devastating across a network that is in much need of investment. Why is it in much need of investment? Because those opposite, when in government over four years, failed to properly invest in public transport. Unfortunately we have been left with a public policy that is building the Melbourne Metro tunnel and that is looking after a whole range of infrastructure projects because those opposite decided that they would play politics with public policy instead of going the other way around and using public policy as the destination, not politics.

We refuse to do that. We will be rigorous in our economic analysis and in terms of why and how we invest in infrastructure projects, and if the opposition wants to have any credibility whatsoever on any economic infrastructure projects, it should try to undertake the same level of rigour as the Labor Party has undertaken. I will go one step further: former Liberal Treasurer and member for Brighton in the Assembly Alan Stockdale would never have countenanced the kind of economic lunacy that those opposite displayed in government. As Treasurer, he

would never ever have signed off on the kind of nonsense that was signed off on by the previous Treasurer, the member for Malvern in the Assembly. Alan Stockdale was a solid Treasurer for this state — possibly not exciting, but solid — and would never ever have signed off on a project that returned 45 cents in the dollar to the Victorian taxpayer, let alone 20 to 33 cents. For that reason alone, I will absolutely vote against the motion.

Ms DUNN (Eastern Metropolitan) — What an extraordinary contribution by Mr Dalidakis. One would think we were debating one model of project over another — one by the opposition and one by Labor — when in fact we are just asking for some documents. It is not about the merits of each of those projects. I support the motion to obtain documents regarding the government's deliberations on the South Yarra station — —

Mr Dalidakis — But you agree with me, don't you? You will not be expelled from the Greens if you agree with me.

Ms DUNN — I am not so certain of that, Mr Dalidakis. I will have to check the fine print of our constitution in relation to that point, so I will take that on notice.

This documents motion builds on the good work of the member for Prahran in the other place, Mr Hibbins, who has been on a freedom of information journey to try to reveal exactly what deliberations have taken place in relation to the South Yarra station and what it was that informed the decisions or the lack of decisions around South Yarra and the Melbourne Metro project.

There are some things we do know about South Yarra station. I will refer to some data, but I ask members to excuse me because the data dates back to 2012. Unfortunately it is the latest data that Public Transport Victoria has. It shows that the South Yarra station is used by 2.4 million people a year, with the average evening peak patronage recorded at 3600 people at that time — bearing in mind that these figures are from three years ago.

Mr Dalidakis — What has that got to do with the documents motion?

Ms DUNN — One would hope, Mr Dalidakis, taking up the interjection, that the documents might reveal some modelling on what is happening in relation — —

Mr Dalidakis — Minister Dalidakis!

Ms DUNN — I beg your pardon, Minister. One would hope that the documents might reveal some modelling on what is happening in relation to the movements at that station and the future modelling at that station. I will try in future to address you as 'Minister'.

What else we know about South Yarra station is that it is 5.4 kilometres from Southern Cross station. We know it is an interchange point for four metropolitan railway lines, so it is little wonder that commuters feel like they are being herded into sheep transport when they are trying to negotiate the narrow walkways and access points at peak hour. We know from Mr Davis that there will be enormous growth in the Forrest Hill precinct of South Yarra, with over 5000 residents predicted to move into developments in the next 15 years, so it is inevitable that the conditions at South Yarra are going to get much more crowded. The Melbourne Metro project is an important step in the evolution of Melbourne's public transport system, but ruling out South Yarra station as an interchange station on the future Melbourne Metro line without public scrutiny is curious, to say the least. If the government has nothing to hide in its reasoning, it should make that reasoning public.

We heard a number of statements from Minister Dalidakis about the economic return needing to be viable, and he cited the east-west link project as an example of a project that is not viable. He also cited figures in relation to South Yarra station around the cost-benefit ratio. Why not let the house see the documents so we can make the assessment and understand for ourselves the data that is informing those matters before the house? Either way, it is clear to us that South Yarra station is one of Melbourne's public transport choke points and that a proper upgrade is necessary. What is not clear is the government's integrity in relation to public transport and exposing its plans to public scrutiny. It is a mantra that the Greens are getting used to — 'Show us the business case; show us the modelling' — and we will keep saying it and keep pressing for public scrutiny of public transport planning and all infrastructure planning because we truly believe in evidence-based decision-making. Releasing those documents will reveal the evidence related to making those decisions.

Achieving the optimum network benefit and maximising the benefits of intermodal connections and timetable changes to create a public transport system that provides a real alternative to car travel is too important to progress in secret. It must be the subject of public consultation and the scrutiny of this house. The fact that the Liberal-Nationals coalition is fired up

about a local public transport issue is rather novel, and I congratulate coalition members on their interest in the needs of the public transport users of South Yarra station — and I am pleased they know where South Yarra station is. Perhaps they could also tell us what happened to their interest in Doncaster and Rowville rail.

In terms of the minister's contribution in relation to wanting to assure taxpayers about the government investing wisely, we need to know what underpins that decision-making. We need to know why the government is prepared to invest — or in this case not invest — in this particular project. We know that South Yarra station is already struggling to serve over 8000 passengers a day, with an extra 5000 residents. We know it is one of Melbourne's busiest railway stations and is well overdue for an upgrade. We know that the government is refusing to commit to or even talk about the much-needed interchange at South Yarra. The government has discounted it and presented the house with information that truly needs the scrutiny of the house and the public. We need to understand why the government has come to that decision.

South Yarra commuters still suffer from overcrowded trains by virtue of South Yarra being the second-last stop before the CBD, and the situation is only going to get worse if there is no Melbourne Metro interchange and the Cranbourne-Pakenham line bypasses South Yarra station. We need to understand how not having a Melbourne Metro interchange at South Yarra will address overcrowding at this station. What informed that decision? What did future modelling in the area show? This is about being open and transparent and allowing the house to undertake its scrutiny function, which it has every right to do. Therefore the Greens certainly support the motion.

Mr DAVIS (Southern Metropolitan) — I thank members for their contribution, and I thank the Greens for their support on this matter. I find it extraordinary that the government would oppose this motion for the reasons outlined by Mr Dalidakis. That is an enormous step into a new zone — to oppose, publicly, like this, the release of documents that would inform the public. The essence of the motion is that it is in the public interest that these documents be released, allowing for further understanding of the government's decision-making process in its rejection of South Yarra station as a connected station in the Melbourne Metro project.

Motion agreed to.

PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS) BILL 2015

Second reading

Debate resumed from 19 August; motion of Ms PATTEN (Northern Metropolitan).

Ms MIKAKOS (Minister for Families and Children) — It is with great pleasure that I rise to speak on the Public Health and Wellbeing Amendment (Safe Access) Bill 2015. I indicate to the house that the government agrees with the intent and objective of this private members bill. The government supports the view that women should be free to access legal medical procedures without harassment and intimidation. As someone who proudly supported the decriminalisation of abortion in 2008, I also personally support a woman's right to choose and to have access to legal medical procedures without harassment. I take this opportunity to recognise the work and the advocacy of Fiona Patten on this important issue. She has highlighted the importance of and the need for reform in this particular area.

I acknowledge that the community has wideranging and strong views regarding abortion, but what we are debating today is not about abortion itself; it is about not being impeded when seeking a lawful medical procedure. It is vital that women can access legal and safe health services without being subject to harassment and intimidation. It is also vital that women can access these services without having their privacy compromised by being filmed or photographed while accessing these services. This is an important issue, and it is absolutely vital that we get this right. We cannot afford to have any unintended consequences arise by virtue of the bill not being precise.

I am aware that Ms Patten has indicated to members that she is prepared to move some amendments to her own bill to correct some issues that have come to light. It is important that we have an enforcement mechanism in relation to these issues. It is important that the scope of the bill does not have unintended consequences in terms of capturing pharmacies or other medical services that might provide medications such as the morning-after pill. It is important that we have a piece of legislation that can achieve the policy intent sought through this private members bill. This is why the government has announced its intention to introduce a government bill to establish safe access zones around health services that provide abortion services.

The introduction of a government bill will be in direct response to the Supreme Court decision last week.

Those proceedings were brought by the East Melbourne Fertility Control Clinic against Melbourne City Council and sought enforcement of the nuisance provisions of the Public Health and Wellbeing Act 2008. In that case the court found against the clinic and in favour of Melbourne City Council.

This case demonstrated that we have a deficiency in our current laws. It is now clear that our current laws have failed to provide police with the necessary tools and powers to prevent the harassment and intimidation of women accessing legal abortion services. The government has been working collaboratively with Ms Patten since the introduction of the private members bill to identify and amend issues with the bill to ensure it is clear and enforceable and to ensure that it appropriately balances the rights of women to access legal health services with the right of freedom of speech. This has been a collaborative process, and I thank Ms Patten for her willingness to work with us to achieve our common goal of protecting women from harassment in these circumstances.

By way of background in terms of the case I referred to, there was a recent decision handed down on 26 August. In the course of the court case the Supreme Court received evidence from a range of witnesses around the extent of the harassment that had occurred at the East Melbourne clinic. The court heard that nearly every day for more than 20 years protesters have stood outside the clinic. Some days there are as few as 3 people, but other days there are up to 100 people present. In effect for more than 20 years there have been protesters providing so-called sidewalk counselling to women trying to access this clinic.

In particular I want to refer to the witness statements and the other evidence the Supreme Court received, because I think it is important that members are aware of the extent of the harassment and intimidation. In its judgement the court referred to the witness statements and described the activities of the protesters.

The witness statements refer to people standing outside the clinic every day for more than 20 years from Monday to Saturday inclusive in numbers varying from 3 to 12 persons, with 50 to 100 persons once a month. They refer to people approaching women who come to the clinic and imposing their presence, even when clearly unwelcome. The witness statements refer to people harassing women who enter or leave the clinic and engaging in arguments with the women and passers-by. They refer to individuals attempting to block women's entry to the clinic and blocking the footpath outside the clinic, and individuals entering the laneway that runs alongside the clinic to follow patients

or to stand and pray, sing and shout outside the clinic's consulting rooms. They refer to protesters jostling and striking people passing the area and entering the clinic; making offensive, frightening and misleading statements to patients and staff; engaging in loud singing, praying and shouting clearly audible inside the clinic; intimidating and harassing patients of the clinic with the effect of deterring patients from attending the clinic; and causing significant injury to the personal comfort of staff members, patients and others.

This is the nature of the evidence that the Supreme Court heard during the course of this recent court case. Nevertheless, the court was curtailed under the law as it presently stands from being able to make orders directly in response to this behaviour. This behaviour has caused untold trauma to the women accessing the service and the staff who work at the East Melbourne clinic. The safe access zone legislation seeks to prevent this ongoing level of harassment that existing laws have failed to address. I point out that this is not just a problem at the East Melbourne clinic; I am aware that there was a problem at the Royal Women's Hospital in the past when in 1986 it too was forced to seek and was granted an injunction to prevent the right-to-life group protesting on its premises.

A number of community groups have indicated their support for legislation to create zones around abortion services. Emily Howie from the Human Rights Legal Centre has said:

Whilst in a number of ways this is a partial win for our client, it obviously does not provide an adequate solution. This case focused on one clinic, but what we need now is a clear law to ensure that all Victorian women can access health services without being harassed or intimidated. It's time for the government to introduce safe access zones for abortion clinics across Victoria.

Dr Susie Allanson from the Fertility Control Clinic, who is an East Melbourne clinical psychologist, has said:

It shouldn't take a court case to ensure women can safely access our services. It's clear from this decision that more is needed. We need clear laws that protect a woman's right to access medical services, and I strongly believe that safe access zones are the most sensible way to ensure that.

The Royal Women's Hospital has called for greater protection of privacy for women accessing abortion services. It argues that it is vital that women are able to seek professional medical assistance in a safe clinical setting.

Rita Butera, the executive director of Women's Health Victoria, has said:

Women's Health Victoria supported abortion law reform in 2008, ensuring that women have the right to a safe and legal abortion service. We now need to ensure that this is available without intimidation, obstruction or violation of medical privacy. As a community we have allowed this to go on for too long. It is time to take the next steps.

Beth Wilson, the former health services commissioner of Victoria, was quoted in the *Age* of 5 June 2015 as having said:

Victoria also needs a bubble zone clause similar to Tasmania's ... It's time for this to be raised again so that women seeking legitimate health services are no longer forced to undergo a barrage of shaming and harassment.

There is very strong support for this issue, particularly from those individuals working in the health system. I acknowledge that the issue of the need for exclusion zones was first canvassed in the final report of the Law Reform Commission regarding abortion in 2008, and in that report the Law Reform Commission stated:

There is understandable community concern about the 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.

Given that at the time it was thought that the existing laws, such as injunction orders, provided adequate protection for abortion clinics, this aspect of that report was not proceeded with. However, the recent Supreme Court decision indicates very clearly to Victorians that the current laws relating to injunction orders do not in fact provide adequate protection. Members would be aware that in November 2013 Tasmania, as part of its decriminalisation of abortion, introduced exclusion zones of 150 metres as part of its legislation.

In my concluding remarks I state that it is important that we do not conflate the abortion issue in its own right with this issue as it relates to access to legal medical services. They are two distinct issues. We had a very long and I thought considered debate in 2008 around decriminalisation of abortion. I know that members in this house as well as in the community, as I indicated earlier, have a range of views on this issue. Research has shown that the vast majority of the community supports a woman's right to choose, and that is a view I share. But in terms of the bill before us, as I indicated to the house at the outset, the government intends to introduce a government bill by the end of the year to address this issue.

We will work with Ms Patten to ensure that the bill addresses the objectives of her private members bill. We will also ensure that consultation takes place with key stakeholders, including hospitals, day procedure centres, women's groups, the Australian Nursing and Midwifery Federation and the Australian Medical Association. We will also consult with Victoria Police to ensure that the bill provides officers with adequate enforcement powers to address the activity at the East Melbourne clinic, and also with civil liberty and human rights groups to ensure that the appropriate balance is struck between freedom of speech issues and the rights of women to access legal health services.

It is important that we strike the appropriate balance. People do have the right to protest. We are very fortunate to live in a democratic nation. There is no issue with people protesting about this issue on the front steps of this Parliament and there is no problem with people protesting about these clinics from a respectful distance, but it is appropriate for Parliament to address deficiencies in the current law to address the circumstances where people are clearly intimidating and harassing people going about their business and seeking access to what are legal medical procedures. I thank members for their patience.

Ms WOOLDRIDGE (Eastern Metropolitan) — I too am pleased to be able to contribute to the debate today on the Public Health and Wellbeing Amendment (Safe Access) Bill 2015, brought to the Parliament by Ms Patten as a private members bill. In leading the debate on behalf of the coalition, I am pleased to be able to inform the house that members of the parliamentary Liberal Party will have a free vote on this matter. We believe that there are issues that go fundamentally to our members' moral and social perspectives on this matter, and therefore I am pleased that members will have the right to vote freely in their consideration of the bill.

The bill addresses issues, as Ms Mikakos has said, that have been 20 years in the making. For 20 years, people of opposing views have been in conflict about access to a clinic in Wellington Parade, East Melbourne. Those people have been women seeking for a range of reasons to access the reproductive health services provided at the clinic and a group of individuals who appear under the broad banner of Helpers of God's Precious Infants and who have a view particularly about what they call kerbside counselling — that is, in relation to providing advice and suggestions to women entering that clinic.

I respect the fact that there is a wide range of views on this matter and that people come to it from different perspectives. The bill we are debating today has at its

heart the implied freedom of political communication — and I think we all support political communication as an absolutely fundamental tenet of our democracy — but also that people have a right to privacy and a right to access legal health services. Rights and freedoms are not unlimited. When two groups are in conflict with each other, the question is where those rights and freedoms should be limited when they impinge on other people's rights and freedoms. Getting the balance right between those is what this bill is all about. Members have to consider how we will continue to allow people to communicate their views on this matter while other people can comfortably, safely and free from intimidation and harassment access services which they are legally entitled to access.

It is difficult to strike that balance. While this is an issue that people all around the world are grappling with the balance needs to be struck. That is why I also support the intent of the bill. I support the right of women to access health services, be they provided at East Melbourne or anywhere else across this state. There have been areas of conflict and protest outside the Royal Women's Hospital and other clinics across the state. Women need to be able to access services for a range of reasons, one of which may be for reproductive matters, particularly for abortions in this case. They need to be able to do that in such a way that they feel safe and in a place where they are not intimidated or harassed but can do so privately at a time in their lives when they can be exceptionally vulnerable.

One of the arguments against this bill is that there are other mechanisms by which the matter could be resolved. People ask whether legislation is needed to address it. From talking to the police there is no doubt that police officers consider that they are limited in their capacity to address the issue and that the issue needs to be addressed. This is not something that can continue. As I said, this has been going on for 20 years. The issue needs to be addressed and resolved. The view of the police is that there is clearly harassment and intimidation happening, and that should not be the case.

Similarly, the recent Supreme Court case involving the Melbourne City Council, which Ms Mikakos mentioned, shows that the public nuisance provisions obviously do not go far enough to resolve the matter and that a legislative solution is needed. In its 2008 report into abortion services the Victorian Law Reform Commission highlighted that the issue needed to be addressed and said that the Attorney-General should do so and should resolve the issue with a legislative solution.

On the specifics, the bill was read a second time last week, amendments further clarifying and defining some elements of the bill have been circulated by Ms Patten, and we have also had a commitment from the government that a government bill will be introduced before the end of the year. At this point it is not worthwhile going through the elements of the bill in great detail, given that the likely progress of the bill is that while it is debated it will not necessarily be resolved, because the government will introduce another bill. That process will be helpful because a number of concerns and issues have been raised about the bill before the house. The process that is to be undertaken will enable some of those issues to be further discussed, consulted on and resolved going forward.

I do not intend to go into the details of the specifics of the bill other than to say it is largely based on the Tasmanian legislation that has been in place for a couple of years. The bill has some differences from that legislation. Shortly I will comment on what some groups have said about some of those differences and on some other concerns and issues that have been raised.

However, there are different models for legislation addressing this issue. Part of the process will allow us to look at some of the different models so that we can work out what will be the best legislation for Victoria for consideration by Parliament. In addition to the Tasmanian model which is legislated, consideration is taking place in the ACT and in New South Wales, and there is legislation in Canada and a number of the states of America. All of those can be drawn upon in deciding how best to craft the legislation and strike a balance on the competing rights and freedoms, as we are seeking to do.

I particularly thank the Minister for Police for facilitating a briefing from the police. That was given by the station commander at Melbourne East, Acting Inspector Huntington, and Superintendent Millen, who looks after the Melbourne district. We talked through the reality of the situation — that is, what is actually happening on a day-to-day basis and what they believe needs to be resolved. The message from them was very clearly that, as I mentioned earlier, there is intimidation and harassment going on. They may be called, they turn up, things are all quiet and calm and then they leave and some of the activities resume. Going to the clinic is clearly an important part of their work. It is one of the top priorities of the police each and every day, as it has been for the best part of 20 years. The police are of the definite view that things cannot continue as they are. They say it is a hard situation for police. One of the best

things that could be done is a physical separation of the entrance of the clinic from the people who are congregating outside that entrance. A physical separation would be important in achieving the objective of safe and free access without intimidation.

The police members have also mentioned that they have sought, with some of the materials displayed, to bring a case about offensive materials. The case was upheld, but it is currently under appeal and that is another example of the fact that without some clarity in relation to the specifics of these types of situations, using some generally available law sometimes adds more complexity than clarity to the situation. Essentially what they are saying is that they want to break away from a front door siege mentality — and those were their words, not mine in relation to how it feels on a day-to-day basis and why this situation needs to be resolved. They did, though, highlight, which is fair enough, that the bill does not, for example, include the capacity to dispose of any evidence that might be collected. That is an example of something that through further consideration and a bill from the government, could be included to make sure that all the elements are part of a bill that comes back and is considered by this house.

One of the other key points that I think was important in their discussion of this matter is that at the moment if an individual feels harassed, intimidated or beset by the process of accessing the clinic, it is very much up to the victim to initiate proceedings — initiate action in relation to their concerns, make statements, end up in court and in many ways relive their experiences of having to access the clinic and why they were there. The police are of the view that it would be very helpful to have a mechanism by which they could act, rather than them observing what is going on, it being inappropriate behaviour, and rather than the victim, after the fact, having to undertake what can be a retraumatising experience in the process.

There has been some interesting research done such as the dissertation titled *Anxiety in Women Having an Abortion — The Role of Stigma and Secrecy* by A. Humphries in 2011. Interestingly 20 per cent of women — and they surveyed women who were attending the fertility control clinic in East Melbourne — reported that the picketers had attempted to block their entry into the clinic. The psychological measures completed by the women indicated considerable distress in response to the picketers. There is no doubt that in a very traumatic situation what is happening at the moment in East Melbourne is significantly further affecting the mental health and

wellbeing of the women who are seeking to access those services.

Just today at lunch, I was talking to a couple of gentlemen at the Prostate Cancer Foundation of Australia in relation to raising awareness there when one man said to me that his office was nearby and he had to walk past the clinic on Wellington Parade, East Melbourne, every day, and he felt nervous and anxious even just walking by because of the presence there. That was just an interesting aside in relation to the environment that is created.

I also sought advice from a number of others, and Ms Mikakos has mentioned some of those I have spoken to, in terms of their concerns or the issues raised or their support in relation to the bill. Women's Health Victoria said:

Overall, we are very pleased to see the introduction of legislation which will support women to access reproductive health services without harassment or intimidation.

Women's Health in its press release of 19 August also said:

Medical privacy and the right to safely access health services is taken for granted by most Victorians. However, this has not been the experience of women who have for years been forced to contend with harassment and obstruction when accessing some reproductive health services.

I also heard from a range of other people. The Rationalist Society of Australia said:

The RSA has always been a strong advocate for freedom of speech and the freedom to protest, but targeting women who are at times in a vulnerable and sensitive emotional state is unreasonable and cruel.

As a fair society, we have an obligation to balance the right to protest against the rights of the vulnerable to access safe and legal medical services without intimidation.

I felt the contribution in a submission to the Scrutiny of Acts and Regulations Committee by the Victorian Equal Opportunity and Human Rights Commission was also very thoughtful, and I appreciated that it provided me with a copy of that submission. It lands very much in the same place in relation to how I feel about the bill. It talks about how the draft bill:

... promotes a right to privacy ...

... also engages the right of protesters to freedom of expression —

and —

... the right to freedom of religion or belief.

It goes on to say that:

The commission considers that legislative schemes establishing what are commonly referred to as 'buffer zones' or 'bubble zones' can be compatible with the human rights outlined above —

the rights I have just mentioned —

provided the appropriate balance is struck.

The commission goes back to the point that we acknowledge that people have a range of rights in these areas, but when there are competing rights, we need to balance those rights to achieve a sensible outcome. It goes on to raise some concerns in relation to the bill we have before us. It talks about the 'prescriptive nature' of the approach to declaring a safe access zone of 150 metres and it raises, for example, what happens in the ACT under the exposure draft bill, where:

... the relevant minister is responsible for declaring the area, which is to be protected around a premises at which abortions are provided.

That is another alternative which the commission has asked to have considered. It also thinks that the prohibited behaviour as outlined in the bill is 'overly broad' and greater clarity could be provided in terms of those actions.

We are actually in a situation where there is, from my perspective, support for the intent of the bill, support for the issue being resolved and support for people having a right to communicate around the issues they are passionate about, particularly political communication, but importantly it is a right that must be balanced in relation to people's access to safe reproductive health services and to their privacy in relation to accessing those areas. There is now the opportunity to work further in relation to what final legislative position is considered by the house, which would be very useful, and I would obviously welcome the opportunity to contribute to that process.

This is the start of the debate. There is more debate to come, but there is the potential for this legislation to be considered by both houses of Parliament before the end of the year. I give credit to the work of Ms Patten in raising this issue and doing the work to bring a legislative model before the chamber. There is obviously opportunity for further work to happen in relation to that model, but from a personal perspective I am very supportive of the intent to resolve these issues satisfactorily and ensure that women can access safe legal health services in a way that is appropriate for them at a very difficult time in their lives.

Ms SPRINGLE (South Eastern Metropolitan) —

The Greens are very pleased that all sides of Parliament are at long last working together to introduce safe access zones around abortion clinics. We are discussing the Australian Sex Party's bill today, but since the government yesterday made its intentions very clear, as others have pointed out, the real discussion is about the issue, the need for reform and the risks of delay more than anything.

The Sex Party and Ms Patten must be commended for introducing this bill to the Parliament. I think a lot of people have been waiting for legislative reform, given the challenges of the last two decades, and even though some people will say there have been mechanisms to address them, they have not been enforced or there have been barriers to enforcement. Some of us may have more of a handle on those barriers than others. The reality is that the problems continue and therefore legislation is necessary in the view of the Greens. Ms Patten has placed this issue squarely on the legislative agenda and I think we are all grateful for that.

The government must also be commended for its response. It has recognised the importance of this issue and made a clear and unequivocal commitment to introduce its own bill before the end of the year. The opposition must also be commended for approaching this issue in the constructive way that I know it has. Women have been getting harassed, intimidated, tormented and assaulted for 20 years outside Victoria's abortion clinics. We are talking mainly about the clinic in East Melbourne, because that is where a lot of the trouble has been, but as others have pointed out it has been happening at other locations around the state.

In July 2001 clients and staff of the Fertility Control Clinic in East Melbourne were traumatised almost beyond belief when an anti-abortion activist shot dead security guard Steven Rogers, the father of seven children. I offer my condolences to the family of Mr Rogers so many years later and recognise that the recent discussion may well have been painful for them. It is also worth remembering that the anti-abortion protesters were back outside the Fertility Control Clinic the very next day.

It is a testament to the resilience, tenacity and commitment to the health and wellbeing of Victorian women that clinical psychologist Susie Allanson and the staff of the East Melbourne clinic have continued their work under such stressful conditions over such an extended period of time with, until now, no end in sight. For that I offer my sincerest gratitude. It has been a long and difficult road. For many women they have

offered vital support and care during what can only be described as one of the most challenging times in a woman's life. Whilst I acknowledge the statement of the Minister for Families and Children that this is not a debate about abortion but about safety and privacy — and it is — there are some things I would briefly like to reflect on because I think they are important to this debate.

Over the last 48 hours my inbox has been inundated with emails from concerned citizens lobbying against this bill, and I know many of my colleagues here in the chamber have received a similar volume of correspondence. No matter what the crux of each complaint might be, whether it be an issue of freedom of speech, the rights of the child or religious convictions, the overwhelming impression I get from these emails is that there is little regard for the view that having an abortion is one of the most difficult decisions a woman can make. Women who consider this course of action do so very carefully. They are, generally speaking, making an informed choice and are smart enough to know what is right for them. The right of agency must be respected. It is a misrepresentation to suggest that the vast majority of these women are ill-informed or have not considered all the possible repercussions and consequences of what they are doing and therefore require some assistance, counselling or support outside a health centre. This is not a decision that anyone makes lightly.

I did not have my termination at the East Melbourne clinic and so did not experience the harassment and intimidation that women experience there on a daily basis, although I do witness it regularly when I pass the clinic, which I probably do a couple of times a week. However, I know firsthand what it is like to be in the vulnerable space that a woman occupies when she is considering abortion as an option. It is a vast breach of our duty of care as lawmakers to allow this perpetration of trauma over some of our most vulnerable to continue. Most anti-abortion campaigners outside abortion clinics are not as dangerous as this group. The Helpers of God's Precious Infants is an international anti-abortion organisation that has maintained a continuous presence outside the East Melbourne clinic for the last 20 years. It says its activities are strictly aimed at peacefully counselling, encouraging and assisting women to reconsider their decision to have an abortion, but the clinic's staff regularly complain that protesters do cause significant problems.

The Greens have long been in favour of reform in this area. We have campaigned for abortion law reform since we were first elected to the Victorian Parliament in 2006, and earlier. At this point I would like to

acknowledge my parliamentary colleague Colleen Hartland for all her years of work on abortion reform in the state of Victoria. Her tireless work with stakeholders for more than a decade has contributed tremendously to where we are today, and for that I offer my profound and enduring thanks.

Safe access zones were an important part of that campaign. When the 56th Parliament voted in favour of abortion law reform in 2008, the Greens wanted safe access zones included in the act. The Victorian Law Reform Commission's report of February 2008, which informed the new legislation later that year, encouraged the then Attorney-General to consider options for a legislative response to the issues posed by protesters outside clinics. Safe access zones were outside the scope of the commission's terms of reference, but clearly the commission believed reform was necessary.

In 2011 my colleague Ms Hartland set her parliamentary intern the task of coming up with a way of maintaining both a woman's right to access legal health services and another person's right to protest against abortions. Contrary to a lot of the correspondence we have all received over the last 48 hours, every member in this chamber has regard to the right to protest and the right to freedom of speech and understands how important it is to maintain those tenets of a healthy democracy. That parliamentary intern was Ms Hilary Taylor, who has since graduated from Monash University and is now a lawyer. Ms Taylor's report, titled *Accessing Abortion — Improving the Safety of Access to Abortion Services in Victoria*, was an excellent report, and I know it still assists members across this chamber when informing their views.

Essentially Ms Taylor's report recommended the creation of bubble zones, or safe access zones, around clinics. They would mean that the rights and freedoms of members of the Helpers of God's Precious Infants, other groups and other anti-abortion activists are protected but also that the rights of women accessing clinics to privacy and to safe and lawful treatment — let us remember that abortion is a lawful health service in this state — are also protected.

We know how bubble zones work. There is a bubble zone around Parliament, and that does not stop anyone from protesting outside Parliament, nor should it. There is certainly much less need for a bubble zone around Parliament than there is for one around an abortion clinic. Members of Parliament are here because of our views and values, and it is important that we be lobbied, picketed and protested if people see the need. However, that is not that case for a woman making what is often

the most significant decision of her life. If people want to protest against abortion, they should come here to do it, but if it has to be outside an abortion clinic it should at the very least be a distance away so women are protected. If people want to counsel women against having abortions, they should get the appropriate qualifications and do it in a way that does not cause additional trauma.

It was not Victoria but Tasmania that was the first Australian state to take up the commission's urging on safe access zones. In 2013 the Tasmanian Parliament passed legislation that created a 150-metre safe access zone around abortion clinics, within which it is now unlawful to engage in prohibited behaviour. It is also unlawful in Tasmania to record or distribute a recording of a woman accessing a clinic. I acknowledge the work of the Tasmanian Greens, who worked constructively with the then Tasmanian government to improve that legislation. I also congratulate the ACT Greens, who in October will put up a bill of their own that will introduce access zones around clinics in the Australian Capital Territory. That bill is the result of wide consultation and is the culmination of many years of work by law reformers and clinic workers together with the ACT Greens.

The bill we consider today largely mimics the Tasmanian legislation, with a few minor changes. The Greens think — and I do not think we are alone in thinking — that the wording of the original bill is too broad in the Victorian context, considering our history, so we worked constructively with the Sex Party to improve the original version, and over the past week or so Ms Patten has flagged some amendments that came out of the discussions she and her staff had with us and, as I understand it, with other parties as well. We kept working on the bill and continued to seek advice from independent experts, to whom we are extremely grateful, and we have proposed our own amendments.

To its credit, the government has decided to go ahead with this reform, which we are pleased to hear. It has also nominated a time line, which is good. The government's bill will be introduced before the end of the year. Hopefully it will contain all the strengths of the current bill and will reflect wide consultation on the part of the government, which I was glad to hear Ms Mikakos mention in her speech. The Greens will continue to work constructively with all parties in this Parliament to ensure that we get the best possible outcome. But time is of the essence. Women must be protected from harassment and intimidation, and every day the government delays the introduction of its bill is one more day that women at clinics like the one in East

Melbourne will not be protected from harassment and intimidation.

Last week's decision by the Supreme Court was a technical one, but some anti-abortion protesters have interpreted it as a green light to continue causing what the existing law calls nuisance outside the East Melbourne clinic. It was not a green light, but that Supreme Court decision did highlight the inadequacies of the current law regarding this particular issue. We look forward to the government's bill in the coming months, if not weeks, and we in this Parliament must hold the government to its word.

Dr CARLING-JENKINS (Western Metropolitan) — I rise to speak on the Public Health and Wellbeing Amendment (Safe Access) Bill 2015, brought before the house by Ms Fiona Patten. This bill, quite simply, offends me. It offends me that the facts are not being told — the facts about peaceful protesters who are being painted as right-wing religious nutbags who harass and intimidate vulnerable people. It offends me that Fiona Patten has been supported by the opposition, and now the government, to bring forward a bill that is biased and does not consider the facts, and it offends me that the government would refuse to give due consideration to all the facts, simply accepting the premise and taking the bill over without consultation with key stakeholders. I note that the Minister for Families and Children in her contribution said a consultation process would occur, and I encourage that. I would like to add pregnancy support centres and the Helpers of God's Precious Infants to the list Ms Mikakos read out.

This bill as it stands clearly sets out that everyone has a right to protest anywhere and everywhere, provided it is not outside an abortion clinic, that everyone has a right to speak freely and openly, provided it is not at an abortion clinic, and that everyone has a right to dispute any issue, provided it is not about abortion clinics. This bill discriminates against one group of people — people with pro-life values.

The role of Parliament is to safeguard the freedoms of this society — in this case, the freedoms to assemble, to protest and to speak. This is a task all parliamentarians sign up for. It is a responsibility to our society first, before our personal agendas. Parliament has a responsibility to investigate the claims that have been made in putting this bill forward. These claims have been challenged quite vigorously by the Helpers of God's Precious Infants. It is worth noting that in the recent Supreme Court case, which has been mentioned several times today, the plaintiffs did not plead the facts of nuisance, nor did they request the judge to do so.

Therefore the existing laws were not tested. I believe Ms Patten's bill is based on a false premise that members of the Helpers group have been falsely accused of a number of things, and they should have the right of reply. That is natural justice.

Here are some facts. Ms Patten has participated in protests outside the clinic against the Helpers group and has been verbally abusive to them. Ms Patten has claimed that I was harassing women at the East Melbourne clinic, and these claims were published in the *Herald Sun*. This is not true. I visited the Helpers group on one occasion earlier this year, but I did not approach one person accessing that clinic. I have a lot of evidence that pro-abortion activists have been abusing protesters for many years, running them into the traffic, assaulting them and even breaking someone's jaw. Members of the Helpers group have been victims of this abuse for many years.

A few years ago one of the men employed by the East Melbourne clinic was found guilty of unlawful assault without conviction in the criminal jurisdiction of the Melbourne Magistrates Court. An excerpt from the decision handed down in that case by the magistrate, Frank Hodgens, on 2 April 2007 is as follows:

Mr Jarman, my attitude to the assault and the evidence generally is that this is a comparatively serious assault because it involved an aged person.

...

... the evidence is that you pushed the complainant violently a second time onto the footpath and on that occasion he skidded and suffered abrasions.

Assaults outside the East Melbourne clinic have not always led to convictions. In 2002 Ben O'Brien was pushed, punched and knocked to the ground by an employee of the clinic. Despite there being several witnesses, an audio recording and photographs, no police action was taken. Later this same employee grabbed the scarf of one Helpers member, who was 70 years of age at the time, lifted him off his feet and momentarily choked him. Once again no police action was taken despite there being witnesses to the assault. I have seen footage of this assault, and it is sickening. To the credit of the police, the same employee was charged with assaulting the 72-year-old woman, Mrs Chenhall, in an incident which occurred a few years ago. After a plea bargain he was found guilty of a lesser charge.

One of the biggest and falsest accusations, which has been made by both Ms Patten and Ms Springle to justify this bill, is the continual attempts to tie the 2001 murder of a security guard to these protesters. In the 2001 trial of Peter James Knight for the murder of the

security guard Steven Rogers, Supreme Court judge Justice Bernard Teague made the following statement in his judgement. He said:

For many years you have chosen to live the life of a hermit, much of the time in a makeshift but semipermanent humpy ... From time to time you left that makeshift home, and travelled to other parts of Australia, including Melbourne, by bicycle.

The court found this man to be a loner who was living as a hermit. No buffer zone is going to prevent a loner from entering an abortion clinic or any other practice. This was a tragedy. Every murder is a tragedy, but you cannot blame the Helpers of God's Precious Infants for the actions of one loner, a man who went into a store and stole a rifle and ammunition to complete this vicious crime. This murder is an isolated, albeit very tragic, event and should not be used to justify this or any other bill.

Richard Grant from the Helpers of God's Precious Infants provided this helpful information, and his voice needs to be heard. He says:

The Helpers are always respectful and compassionate towards —

women —

those to whom we offer assistance. We appreciate the turmoil women are experiencing when they are approaching the abortion building.

Yet they continue to be falsely accused of being violent and intimidating. These are just the things that they have been experiencing from the clinic staff.

Richard Grant also says:

On Raphael Epstein's ABC radio program on 26 August 2015, Dr Allanson —

from the clinic —

stated that members of our group have been charged by police with assault and murder. This is grossly defamatory. In the 22 years of our group's existence, not one of us has been convicted of, or pleaded guilty to, assault or murder. By comparison, a number of abortion centre staff have in court either been found guilty of, or pleaded guilty to, assault or other offences against us.

The fact is that FCC guards have photographed us, videotaped us and taken audio recordings of us; none of this hard evidence shows any wrongdoing on our part. But we can produce an abundance of ... evidence of FCC personnel, including security guards but not confined to them, using abusive, threatening, obscene and sexually explicit language, interfering with our property, and pushing, shoving and physically obstructing Helpers, mainly our women.

That is right — they are mainly targeting their women, many of whom are in their 70s.

Please be assured that any filming done by the Helpers is for self-protective purposes only ...

It was, in fact, the police who recommended to us that we use video cameras to protect ourselves, particularly as the FCC, unlike some other abortion centres, does not use surveillance to screen the footpath outside. Very recently, a violent assailant who broke the jaw of a peaceful 70-year-old war veteran outside an Albury abortion centre would have avoided legal redress if the assault had not been filmed.

...

The Helpers are a group of extremely generous, peaceful, law-abiding citizens, who take the view that even if it takes the offer of a significant amount of money to help pregnant women keep their babies, this offer must be made. On some occasions we have provided financial support of well over \$20 000 to pregnant women in desperate financial strife.

These are people who offer solutions and practical help.

In a state where there is no mandatory counselling, no need for a GP referral for an abortion, which means no need to have information about holistic healthcare associated with abortion, and no need for a woman to be informed of the services available to her, such as pregnancy support, many women record stories of turning up first to an abortion centre. In the absence of any other avenue for promoting choice, the Helpers are often the only group providing an alternative — providing a choice — and many women have taken up that choice and that offer of help. Introducing bubble zones, or whatever we call them, is actually preventing this kind of help being offered to women in need.

In today's *Herald Sun* the following was published headed 'Protesters helped me'. It says:

Like Fiona Patten MP ... I approached an abortion clinic about five years ago.

I was 12 weeks pregnant. The pregnancy was unexpected and I made an appointment at the clinic in response to pressure from her father.

As I approached the clinic I was gently approached by an older lady who gave me a brochure. Her only words were, 'Do you really want to do this?'. I said, 'No'.

People speak negatively about 'the protesters' at the front of abortion clinics, but these lovely people saved me and my baby.

Fiona Patten's freedom of access bill, proposing to keep people who offer abortion alternatives 150 metres from the clinics, denies access to help.

I ask members of Parliament to vote against this bill so that women like me can have real choice.

Here is another story that has been supplied to me by the Helpers. The names have been changed to protect the identity of those involved. An email reads:

We both are grateful to you to have Sam in our life. I still remember that day back in December 2010, when we went to family planning clinic in Carlton and met the Helpers of God's Precious Infants. It is because of you all who motivated us to continue ahead and face the challenges with your help and support. We are really thankful to everyone who supported us to have such a beautiful baby in our life. I've not seen the God, however you all are God for our family. Thanks for helping us in our bad times.

Another email states:

I wish to say how grateful my wife and I are to the people who belong to the Helpers of God's Precious Infants for offering help to my wife and to myself when we went to the pathology control clinic in East Melbourne.

This enables us to cancel the appointment of the abortion and therefore to keep the little baby Nathan, who is now six years old. Now he is a little beautiful boy.

We thank God for people who were there for us that morning and the little baby now alive.

I could go on — the Helpers have approximately 300 similar stories — but for the sake of time I will not.

If emotive stories do not lead members to reconsider this bill, then perhaps academic facts will. In the journal *Contraception* in 2013 — I note that this is not a pro-life journal and that this paper was not written by pro-life academics — Foster et al published a research article headed 'Effect of abortion protesters on women's emotional response to abortion'. They did this because little was known about women's experiences with and reactions to protesters and how protesters affect women's emotional responses to abortion. They interviewed almost 1000 women seeking an abortion between 2008 and 2010. Most facilities that they went to reported a regular protester presence. One-third identified protesters as being aggressive towards their patients. Nearly half of the women interviewed said that they had seen protesters. The conclusion of this report was that while protesters may upset some women seeking abortion services, there are no lasting effects. It states:

... exposure to protesters does not seem to have an effect on women's emotions about the abortion one week later.

If members do not wish to listen to facts, if they wish to continue to believe that protesters are entirely in the wrong, then perhaps they will listen to expert opinion. Our own Scrutiny of Acts and Regulations Committee tabled what I interpret as a scathing report on the bill yesterday, pointing out numerous errors and unintended consequences. Recently on the 3AW *Drive* program

Australian Human Rights Commissioner Tim Wilson was interviewed about the buffer zones. He is reported as saying:

No, I don't think we should; there are similar buffer zones that operate in Tasmania.

I have no issue whatsoever with making sure people enter these clinics without harassment, or violence, or threats of intimidation.

But when you actually make it unlawful to express their opinion I think that goes too far.

Civil Liberties Australia also says that the Tasmanian buffer zone law, which this legislation is based on:

... as it applies to protest, is not a proportionate response and restricts free speech inconsistently with the International Convention on Civil and Political Rights ...

It also says that the Tasmanian buffer zone laws conflict with the implied rights of political communication.

I got the opinion of a barrister regarding objections to the bill based on the protection of human rights. He said that the law is in direct contravention of the Universal Declaration of Human Rights of 1948, to which Australia is a signatory. He cited many relevant breaches, including article 19, which states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

He also cited article 20(1), which states:

Everyone has the right to freedom of peaceful assembly and association.

I will now turn to some specific aspects of the bill. There are just a few things I would like to say. In new section 185A there is a definition of 'safe access zone'. A radius of 150 metres from a premises at which abortions are provided is very ambiguous. Is it a lateral radius or is height included? Is the 150 metres calculated from the centre of the premises, the edge of the building or a fence line? If the premises is a large building complex, such as a hospital, does the 150 metres apply to the whole hospital or just the part of it where abortions are performed? Does this also mean that a chaplain in a hospital cannot speak to a woman about her options if she asks?

One of the classic tests of a good law is that it can be understood by those whom it governs. For example, we have road signs indicating changes to speed limits so that if we are arrested for speeding, we have no excuse. It is the same with parking signs. How, then, are people

to know where the 150-metre safe zone starts? Will it be signposted? How will it be enforced? Will police do manual measurements, for example, every time they are called? These are questions that need to be answered and addressed in a redraft of the bill.

There are also questions regarding the statement in clause 185B that reads:

A person must not engage in prohibited behaviour within a safe access zone.

I spoke to a barrister about this, and he described it simply as 'dumb drafting'. He asked, 'What does this really mean — that a person who is within a safe access zone must not engage in prohibited behaviour or a person must not engage in prohibited behaviour that would have an effect on someone who is within the safe access zone?'. Vision carries and noise carries. If someone is 151 metres away and they display a poster or a billboard that is visible from within the 150-metre zone, are they committing an offence? What if he or she calls out to someone in the zone from outside it? What if someone standing outside the zone uses a long-range laser pointer to highlight a person going into the clinic? These are silly examples that were given to me by the barrister, but they point out that this bill needs to be seriously considered before coming back to Parliament.

I also draw members' attention to the penalty outlined in clause 185B. The penalty is 500 penalty units — or 100 penalty units as per the amendments, which have been circulated — or 12 months imprisonment. How can these penalties be justified? I will provide some examples. Under this bill, if a person stood outside a clinic with a pamphlet, the penalty would be 100 or 500 penalty units or 12 months imprisonment; however, for common assault the penalty is 3 months in jail or 15 penalty units. Under this law, if a person were to pray on the opposite side of the road to a clinic, the penalty would be 100 or 500 penalty units or 12 months imprisonment; however, for assaulting or resisting a police officer the penalty is 3 to 6 months imprisonment or 15 to 25 penalty units. Another example: if a person spoke to someone outside an abortion clinic, the charge would be 100 or 500 penalty units or 12 months imprisonment; however, for obscene, indecent or threatening language or behaviour in public, the penalty is 2 months imprisonment or 10 penalty units for a first offence and for third or subsequent offences 6 months imprisonment or 25 penalty units. This seems grossly unfair. I can only conclude that the people involved in drafting this bill have a serious problem with anyone who holds a pro-life point of view. It is not the job of this house to impose such disproportionate penalties.

I believe this bill is seriously flawed. The facts upon which it is based are in dispute. The work of the Helpers members who have provided a valuable community service needs to be acknowledged, and stakeholders — all stakeholders — need to be given a voice so that we are not just listening to a one-sided, biased opinion. I am sorry that it appears that this bill will not be taken into the committee of the whole. If it were, it could be scrutinised in further detail and many of the questions I have raised could be answered and possibly addressed. I encourage the government to take these views into consideration when drafting its own bill, and I would like to emphasise again the need for wide consultation.

Ms FITZHERBERT (Southern Metropolitan) — Today we have quite an unusual debate because we know that the bill we are debating is going to be replaced by a bill that will first be debated in the Legislative Assembly. Yesterday the President referred to this debate as a debate on the principles of the bill rather than on the specifics, so that is what I intend to address today.

I have thought very carefully about this bill. I think it has significant flaws, which I will outline. However, I note that Ms Patten does not claim that it is perfect and has said that it is open to change. She has made that very clear. Many of the people who have contacted me in relation to this bill have raised issues of freedom of speech, and they have done so in numerous ways. Free speech is a basic component of our society and our system of government. In Australia it is not part of our constitution, but all the same most Australians know and believe they have a right to freedom of speech. They do, but it is not an absolute right. Importantly, freedom of speech does not have some kind of power to automatically override other rights or freedoms. It is not the trump card of individual freedoms.

In 1722 Benjamin Franklin wrote of the need to balance the right to freedom of speech with other possibly competing freedoms. He said it quite well — way better than I think I could, so I will use his words. He said:

... without freedom of speech, which is the right of every man, as far as by it, he does not hurt or control the right of another.

This kind of caveat is included in most attempts by government to codify free speech. The 1948 United Nations Universal Declaration of Human Rights and article 19 of the 1966 International Covenant on Civil and Political Rights both make statements concerning free speech. Paragraph 2 of article 19 of the covenant on civil and political rights states:

Everyone shall have the right to freedom of expression ...

The covenant goes on to explicitly state that this is not an absolute right. Paragraph 3 states:

It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order ... or of public health or morals.

In Australia we currently have many restrictions on freedom of speech, and they are based on the terms I have just listed. These restrictions relate to defamation, contempt of court, contempt of Parliament, pornography, public decency, censorship and copyright. This list shows that Parliament can remove or reduce an element of freedom of speech, and it regularly does so, albeit I would say in ways that are usually supported or at least accepted by most people.

There is significant case law that concerns free speech in Australia. I am not about to go for a long frolic through all of it, but I will say that much of it centres on an implied freedom of political communication as part of our system of government. The kind of communication that our free speech case law focuses on is usually broadcast in nature. In other words, it generally focuses on cases that examine free speech as expressed through comments in a newspaper or some other form of media or through a protest on the street — the kind we see outside this building on a regular basis, as we should.

The main point I want to make about this is that much of our case law on freedom of speech in Australia is not about circumstances where one individual wants to say something directly to another and try to impose their will or values on that other person. In recent days I have received a number of emails — I would say hundreds — as I am sure many other members have, that refer to Victoria's Charter of Human Rights and Responsibilities Act 2006. Section 15 of the charter act refers to freedom of speech. Its first two subsections read:

- (1) Every person has the right to hold an opinion without interference.
- (2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether —
 - (a) orally; or
 - (b) in writing; or

- (c) in print; or
- (d) by way of art; or
- (e) in another medium chosen by him or her.

Many of the emails I have received have referred to these two subsections without referring to the third subsection, which appears immediately after them. This subsection serves to create or anticipate limits to the freedoms outlined in subsections (1) and (2).

Subsection (3) states:

- (3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary —
 - (a) to respect the rights and reputation of other persons; or
 - (b) for the protection of national security, public order, public health or public morality.

To my knowledge it has not been tested, but because of these additional clauses, in my opinion the Charter of Human Rights and Responsibilities Act does not necessarily protect the actions of the anti-abortion protesters. I should say and make it quite clear that it is definitely not just those who are opposed to abortion whose right to protest is curtailed. Those protesters have definitely not been singled out in any special way in this state, certainly not by this bill, in the context of there being other groups and kinds of communication that are reduced in some way from a pure free speech basis.

The limitations in the Charter of Human Rights and Responsibilities Act are reflected in Victorian law, including some very recent legislation that deals directly with this issue of curtailment of speech. I am thinking in particular of the Sustainable Forests (Timber) and Wildlife Amendment Bill 2014, which was debated in this place in 2013 and 2014. In the case of forestry, the bill created timber harvesting safety zones, which included a 150-metre buffer zone. It also provided for a buffer zone around places where duck shooting is taking place. This is what the member for South Barwon in the Assembly said about that bill in December 2013, and I mention that member not for any reason other than that his contribution was fairly representative of the arguments that were being put:

We have a timber industry here in Victoria, and obviously duck shooting is permitted in season. Those are lawful activities so those people deserve the right to go about their business, in the case of timber harvesting, or recreation, as far as duck hunting goes. People have the right to protest but we have to ensure that that is done in a safe manner.

What has been happening in relation to timber and ducks is that basically the fines, the penalties that are in place have not

been acting as a strong enough deterrent to people behaving in an inappropriate manner when they are protesting. Timber workers and duck hunters have rules to comply with, and so should protesters be complying with the laws of the land.

The point made by the member about having to balance rights held by different groups and individuals was spot-on.

In addition to the restrictions on protest and free speech in relation to forestry harvesting and duck shooting, there are other ways that we restrict free speech and protest. As I have observed, the anti-abortion protesters are at Parliament on most sitting days, and I think this is entirely appropriate because we are lawmakers. But we do not have to walk through a group of protesters as we come up to the back door of Parliament. The protesters are at the back gate because they are not allowed right at our back door or at the top of the steps of Parliament. I would call that a buffer zone, although I have not personally measured how far it is. I have also observed over many years of long Saturday afternoons that there is also a small buffer zone around every polling booth in this state.

I see strong parallels between the restrictions on protests around duck shooters and in areas of timber harvesting and the bill brought before this chamber. In East Melbourne and at other places that provide abortions we have a long and constant history of protest. To me this is very much a clash of individual rights. Those who have been emailing me over the past few days clearly think that their right to free speech about other individuals' circumstances and choices trumps the rights of people trying to enter the clinic either as patients, supporters or staff. I do not accept that view. There is another set of rights that is relevant and undeniable in East Melbourne. Abortion is legal in Victoria. Women have a right to one, and this is a personal decision regardless of the opinions of others, and there are also rights to privacy in the course of medical treatment. I believe that the approaches made to individual women in East Melbourne undermine those rights.

Another argument made to me repeatedly in recent days was that what is happening in East Melbourne is not a protest, it is an offer of help being made to women. This is one example of the emails I have received over the last couple of days:

I am appalled by the introduction of legislation to ban free speech outside abortion clinics. Women need to be able to make an informed decision on what options are available to them. The killing of an innocent child is not the end of their problems. It is only the start of many issues these women will have to deal with knowing that they have killed a life that they

conceived. Every abortion stops a beating heart. That is the stark reality that women need to hear.

The view of the person who wrote to me was that women need to hear those comments immediately outside a clinic, with little chance of avoiding them, so that the women, who it is assumed are adults and are capable of making a decision themselves, can then seek the kind of information that they need.

It is also said that the City of Melbourne and the police have sufficient powers to deal with any inappropriate behaviour. The City of Melbourne recently said in a public statement that it does not have sufficient powers, and I understand that local police have also said they would like greater clarity. Ms Wooldridge went into some detail on this issue.

The crux of the issue is that I do not think it is reasonable for women to have to make their way through a group of protesters and have their own circumstances and choices directly challenged by those protesters. The women's right to self-determination, to make their own decisions about their pregnancies, as they are entitled to by law, should take precedence over the right of the protesters to free speech. It is especially unfortunate that protest, or sidewalk counselling, happens at what is a particularly vulnerable time for most women.

My own view is that the proposed buffer zone of 150 metres is too big, and I note the comments made by the Scrutiny of Acts and Regulations Committee in relation to prohibited behaviour within the buffer zone. I think we can create a sufficient distance between the protesters and the women without going this far, and I would like to see a much smaller margin. I note the comments from Dr Carling-Jenkins about practical issues concerning the application of zones, and I agree that aspects like this need to be considered very carefully. The East Melbourne clinic commented several years ago to the media that all it wanted was for the protesters to be moved over the road alongside the railway line. This seems to me to be a common-sense solution, but it raises questions about how we draft legislation that would accommodate this, including how other clinics with different streetscapes would be treated.

I want to make it clear also that I do not think that the women attending the clinic should necessarily be prevented from seeing or hearing the protesters. If the protesters want to stand on the street opposite the East Melbourne clinic and sing or pray, I think that is okay; or if they want to hold signs that state their opposition to abortion, I think it is reasonable for them to do that. I also think it is fine for them to hold a sign that says

something like, 'If you're reconsidering an abortion, please come over and we will help you'. But I do not think that vulnerable women should have to make their way through a group of protesters on their way into a clinic to get an abortion. This would be by its nature, I imagine, an uncomfortable experience, especially if, unlike most people in this chamber, you have never had to walk through a protest. Without casting any aspersions on anyone who protests at the clinic today, I imagine most women who go there are aware that someone was murdered at the clinic some years ago. I repeat that I am not implying or asserting anything in relation to the protesters; my point is simply that it is well known that an extremely violent act happened in that place some years ago.

What it comes down to is that one individual — a sidewalk counsellor — is trying to impose their own values and preferred decisions on another person. I have seen the point made that if people consider this harassment, then why do they not take some kind of action? I think it was Ms Wooldridge who earlier referred to the police saying — if I am remembering correctly — that it was appropriate for individuals to take action. I suspect that most women who walk through this protest tell themselves that they will never have to do it again and that it is best to just move on and to forget about being stopped and asked, 'Please don't kill your baby', and be shown pictures of aborted foetuses.

Privacy is another issue. Most of us do not want our medical histories made public; they are no-one else's business. If an individual took action and challenged these protests through legal channels, her medical history and circumstances would inevitably come under scrutiny. So to me it is unsurprising that to date no-one has done this. And I understand that, but it does not help the next woman.

I want to make a couple of comments in response to some of the things that Dr Carling-Jenkins said earlier. I certainly do not characterise the Helpers as right-wing nut bags, and I do not dispute that the Helpers would have experienced verbal abuse and often violence. But in my view the description that Dr Carling-Jenkins gave of what happens outside that clinic is all the more argument to keep those groups of people separate and to at least have some kind of demarcation line, so that those sorts of unfortunate and unpleasant scenes do not happen.

I will finish as I began by saying that I am interested in seeing the bill that the government has said it will prepare. I hope that it addresses some of the flaws in this bill that I have referred to. In particular, I would

like to see a better balance between reasonable public comment and freedom of speech — and the rights of individuals to access abortion without experiencing unwelcome approaches, and in some cases, intimidation.

Ms PULFORD (Minister for Agriculture) — In 2008 the former Labor government brought legislation into this place to remove abortion from the Crimes Act 1958. This was a long and challenging debate for all who were members here at the time. It followed the introduction of a private members bill by my good friend Candy Broad, a former member for Northern Victoria Region, which served to bring to a head an issue that had been simmering for 40 years.

The then Victorian government sought the guidance of the Victorian Law Reform Commission, not on the question of whether or not abortion should remain in the Crimes Act but on the question of how it should be removed from that act. Very specific terms of reference were drafted, that work was undertaken, and there was a great deal of community engagement and discussion over many months leading up to the introduction of the government's legislation.

I was very proud to have been able to support the removal of abortion from the Crimes Act — something that we had inherited in the Victorian statutes when our criminal code was imported from England a very, very long time ago. As part of that debate and our consideration of those issues, there were many amendments proposed and many different issues canvassed, including the question Ms Patten's bill seeks to address today.

During the course of those months when members of Parliament were considering this issue, I had cause to meet with Susie Allanson from the Fertility Control Clinic in East Melbourne. Diary alignment being what it was, we met at about 8 o'clock in the morning before Parliament. Day procedures of any kind tend to require people to turn up at that time of the day. As it happened I went for my meeting at the clinic in East Melbourne probably around the time of day people would be turning up for their terminations or perhaps consultations with medical staff as they contemplated the choice that they might make. I had to run the gauntlet of the protesters. I had to do so without being faced with an unwanted pregnancy, and without contemplating a termination. But just turning up for a meeting, I experienced heckling and posters being waved in my face. I can only imagine how distressing this would be for someone who has considered their options, made a decision and turned up to access a medical procedure.

That was back in the days when women relied on the common law for access to safe and lawful abortion. What we have had in Victoria now for a number of years is clarity around those laws, the removal of abortion from the criminal code and a stand-alone piece of legislation that was the subject of lengthy discussion and debate in the Parliament and in the community. I believe the legislation we have now reflects what was the practice prior to 2008 and what is consistent with community expectations. This is a subject on which there will always be divergent views, but what we have in Victoria is a state of affairs where a woman seeking an abortion is absolutely entitled to do so under the laws of our land.

We have some unfinished business, and I think that Ms Patten's bill and the government bill that we will introduce on this same issue will complete that work in some respects. This was a matter that was canvassed by the Victorian Law Reform Commission in its report, and it said:

There is understandable community concern about the 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.

This issue was known and understood at the time. It was beyond the carefully defined scope that we proceeded with in relation to the legislation in 2008. At the time a decision was made to not broaden the scope beyond the reference to the Law Reform Commission, so this remains unfinished business. But each day, for women who have carefully considered their own circumstances and made an informed decision about whether or not they want to access a lawful medical service, having to face this kind of intimidation is, I think, unacceptable.

During the debate members have referred to a recent court case that has demonstrated the need for change in this area and the deficiency in the current arrangements that has been experienced by Melbourne City Council and indeed by Victoria Police.

The question at hand is ultimately one of respect for women who have made this decision. I congratulate Ms Patten for bringing the debate to Parliament for our consideration. I also thank her for the way in which she has been prepared, throughout recent weeks and months, to discuss with members across Parliament a way of achieving the objective. From my experience Ms Patten has been open to suggestions at every point about how to achieve the policy objective and has not

been particularly wedded to this word or that in the legislation.

Previous speakers in the debate have canvassed some of the issues, including the question of the breadth of reproductive health services versus just using the word 'abortion'. Ms Fitzherbert spoke about distances, and I think if we are going to do this, we need to be very careful that we do not create an environment where this activity is prohibited in one location but this just has the effect of moving it to another location. These considerations have been exercising the minds of lots of people, and there has been good discussions around them. My colleague Jill Hennessy, the Minister for Health, announced earlier in the week that she will be introducing a government bill to address this issue. As members will appreciate, resources are available to government that are not available to non-government MPs, and I am confident that we will be able to introduce legislation that acquits some of the concerns members have raised about Ms Patten's bill while being absolutely faithful to the change Ms Patten is seeking to bring about.

It has been a good process. There will be another bill and no doubt another opportunity for us to discuss this issue. I support this bill's policy objectives, as does the government. We have a problem that we need to fix. This debate requires us to participate in a way that is sensitive to the strongly and deeply held views of members of Parliament who are opposed to the decriminalisation of abortion and will remain so and who resist any change in this area. However, this is not a question of people's right to choose; that was resolved a number of years ago in this Parliament. This is a question of people being able to access this legal medical service as they would any other legal medical service — without fear of harassment or intimidation. I look forward to working with Ms Patten as we resolve this question over the coming months.

Ms CROZIER (Southern Metropolitan) — I am pleased to make a contribution to the debate on the private members bill before the house, the Public Health and Wellbeing Amendment (Safe Access) Bill 2015, which has been introduced to Parliament by Ms Patten. I support the intent of the bill, and I will make some comments in relation to my very strong personal view on Victorians — women in this case — being able to access Victorian health services. I strongly believe it is the right of all Victorians to be able to access health services, including in this instance clinics that offer terminations of pregnancy or reproductive health services that are legal in this state. Whilst there are a range of views within the community in relation to elements surrounding those two aspects of our

healthcare system, they need to be respected. Equally other people's rights and choices also need to be respected.

I acknowledge those who have spoken so far for the respectful manner in which they have put forward their views on this topic. Some have very strong views regarding what they feel to be appropriate or right, and this is a very healthy debate to be had.

The bill mirrors the Tasmanian act, and Victoria is certainly looking to replicate elements of that legislation. Under the Tasmanian act, a protest in relation to terminations that is able to be seen or heard by a person accessing or attempting to access premises at which terminations are provided and that occurs within an access zone is prohibited behaviour. An 'access zone' is simply defined by the Tasmanian act as an area within a radius of 150 metres of a premises at which terminations are provided. Ms Fitzherbert eloquently described in her contribution concerns about some of the minor details, and the 150-metre radius exclusion zone is of concern. However, in relation to the intent of the bill, in general those access zones are to prohibit behaviour that includes besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding a person; protests in relation to termination that are able to be seen or heard by a person accessing a clinic or footpath; and intentionally recording someone trying to access that facility.

From personal experience, as someone who worked at the Royal Women's Hospital for 10 years — and I do not think too many midwives have come through this Parliament — during that 10 years I saw women come through the doors at times when they were most vulnerable and when they were in need of support and counselling, but equally they were in need of services that were provided by the hospital. Many of us in Parliament know the Royal Women's Hospital very well. It provides many services to many Victorians and does an extraordinary job, sometimes in very difficult circumstances. As someone who has been involved at the coalface, I can attest to the fact that it is difficult and that emotions run very deep for those people accessing such services. They are worried, pressured, confused and upset. They feel guilty, they feel sad, they feel stressed, they feel depressed and they are grieving.

Nobody can understand that unless they have experienced it, so we have to be very careful here. We are talking about people who are at their most vulnerable, who may be experiencing all those emotions and who, in their eyes, are being harassed or intimidated whilst they are seeking services. Those services might include counselling — and let us not

forget that those services do include counselling for all options, not just one. That is important to understand. Whilst people have a right to express their views and to protest, I very strongly believe that people also have the right to choose and the right to access those services in a non-intimidating way.

The Australian Charter of Healthcare Rights has some guiding principles; it is something I am familiar with, having worked in the healthcare system for as long as I did. It represents true beliefs that probably constitute the reason I worked in the public health system as long as I did. I feel that the public health system is there for those of us who are most vulnerable and who are the sickest. I believe that some of these principles and healthcare rights go to what we are talking about here. The charter refers to:

Access — a right to access health care.

Safety — a right to receive safe and high-quality health care.

Respect — a right to be shown respect, and to be treated with dignity and consideration.

Communication — a right to be informed about services, treatment, options and costs in a clear and open way.

Participation — a right to be included in decisions and to make choices about your health care.

Privacy — a right to privacy and confidentiality of your personal information.

Comment — a right to comment on your health care, and to have your concerns addressed.

As I said, those principles are very important in relation to how we conduct the healthcare services in this country. We in Australia are very fortunate to have such a robust healthcare system; that needs to be acknowledged. I want to go to just a couple of those principles. Firstly, there is respect. As the charter notes:

You have a right to be treated in a way that respects your dignity. Healthcare staff also deserve to be treated with respect and consideration, and without discrimination.

Secondly, there is privacy. The charter states:

Everyone involved in your treatment and care has a professional and legal duty to keep information about you confidential.

These principles relate to the women accessing a service who are being approached by some of those individuals — those kerbside counsellors — who are offering to give their views and to offer their support. That is fine, but I think people need to respect the privacy and the considerations of individuals who want to access these healthcare services. As others have said, many other people are involved in this. Ms Wooldridge

has described how police have spoken to her about the limitations in what they can do to assist such people going about their business. Others have been involved in the recent court case mentioned by other speakers — and I will not go through those details again. Certainly there are barriers in the way of Victorians wanting to access these services. Again, I note that this is about the ability to access a legal service in Victoria. That is what we are talking about. We are not talking about what does or does not happen within those services. It is about the ability to access those services without being inhibited or intimidated. I think the intent of this bill goes to those purposes.

Whilst, as I said at the outset, I have some concerns about some elements of the bill, I note that the government has indicated it will be looking at the bill in more detail in coming weeks to assist in the process and see if some of these issues can be sorted out to ensure we get the bill right. Regardless, the legislation goes to the core principle, which I think is absolutely imperative here, and I am very pleased to be able to rise and speak to the way I really feel about this issue. It is something I strongly believe in, and I am very pleased that our party has given all our members a free vote on this. I know some of my colleagues do not share my feelings. I completely respect their views and think they have a very important contribution to make to this debate. I think we need to take those contributions on board. I think we all need to listen to everybody's views. As I said, I am very appreciative that our party has given members of the coalition a free vote on this and that I have been able to speak on Ms Patten's bill in relation to what I consider is the right of Victorian women to be able to access these legal health services in Victoria.

Ms SYMES (Northern Victoria) — I am pleased to make a contribution to the debate on the Public Health and Wellbeing Amendment (Safe Access) Bill 2015. I start by reiterating that the Andrews Labor government has repeatedly shown that the health of Victorians is a priority and that it will ensure that it enjoys the attention, focus and resources it deserves.

There are so many aspects to the health environment, in which complex issues are an everyday feature. One thing we can surely all agree on, though, is that those seeking treatment of any sort have a right to three things: quality of care, privacy and freedom from harassment or intimidation whilst attempting to access the medical assistance they and their doctor have determined to be necessary. Sadly, in this state over many years this has not necessarily been the case, particularly in the case of one group of women — those seeking access to health facilities that provide, amongst

other things, medical abortions. Instead we have heard what could be described as horror stories of women, already anguished by their circumstances, finding themselves, while on the way to their chosen health facility to meet with their doctor, harassed, heckled, filmed and photographed, a situation which is both intrusive and unacceptable. I am also of the view that it is unfair that women who have made the decision to terminate a pregnancy and are accessing their legal right to do so are being subjected to protesters' placards, banners and handouts that tout emotive messages that can only be interpreted as demonising these women as irresponsible and evil.

While the right to protest must be upheld, so must a woman's right to privacy when making decisions about her body and her family. Of course, this is — and I do not underestimate it — a delicate balancing act, and many jurisdictions are grappling with it. We are fortunate that we live in what is for the most part a tolerant society where different beliefs are respected and, to the best of our ability, accommodated. Exclusion zones do not remove the rights of protesters, their freedom of speech or their right to demonstrate. What exclusion zones do is simply move such activities a little way away — maybe down the street, maybe across the road — in effect providing a suitable distance that in turn produces a balance between the rights of women and their families to access clinics for any reason they may have to, including accessing a legal abortion, and the rights of those who wish to protest.

The decision to have an abortion is personal and complex. In this day and age women have good access to professional, confidential advice from medical professionals, family planning specialists and qualified psychologists. This is both before and at the time of attending an appointment at a clinic. The instances of a woman undergoing an abortion that is not the result of an informed decision would be virtually non-existent. Not only are the services that I have just mentioned easily accessible and readily available, but there are endless online support services — both professional, medical services and advice sites — and women have a right to choose the information that is right for them.

For some women the Better Health Channel might be their choice for accessing information, and of course for other women who might seek to make their decision about the termination based on religious grounds there are plenty of online sources. The Helpers of God's Precious Infants connect with people on Facebook, so there are plenty of opportunities for women to seek the information they want before making a decision about their pregnancy. The fact of the matter is that one in

three women will have an abortion. The activists or street counsellors who loiter outside clinics do not stop those women from needing abortions, they simply make what is already a difficult experience that much harder.

The Andrews Labor government has listened. We will introduce a government bill to establish safe access zones around health facilities that provide abortion services. Similar legislation already exists in some parts of Canada, the US and, proudly, even one state here in Australia. The previous Tasmanian Labor government and former minister Michelle O'Byrne are to be commended for introducing exclusion zones in 2013.

The proposed legislation for Victoria will ensure that women can access what is a legal and safe health service without being subjected to harassment or intimidation or being made to feel overly uncomfortable. We will ensure that women can access these services without having their privacy compromised by being filmed or photographed while there. The government bill follows the Victorian Supreme Court decision last week that many speakers have mentioned today. Briefly, those proceedings were brought by the East Melbourne Fertility Control Clinic against Melbourne City Council and sought to enforce the nuisance provisions of the Public Health and Wellbeing Act 2008. The court found against the clinic.

This case has shown that there are obvious deficiencies in our current laws, which means that police are hamstrung and do not have the necessary tools and powers to prevent the harassment and intimidation of women accessing abortion services at abortion clinics. The Supreme Court of Victoria in its recent deliberations heard from witnesses about the extent of the harassment at the East Melbourne clinic. In summary, they heard that nearly every day for more than 20 years protesters have stood outside the clinic. Some days there can be 3 people present, on other days there can be up to 100 people present. It is very difficult to imagine what running the gauntlet of 100 people must be like on a day when you are already anxious and vulnerable. We can do much better than this.

Ms Fiona Patten has been a vocal and effective advocate for these changes and I congratulate her on her persistence and vigilance in placing on the agenda this important issue. She is fighting for reform in this area and will work with us to ensure that the legislation that comes before the house before the end of the year is comprehensive and effective. As I said, the Andrews Labor government will introduce a government bill to address the issue. We will work with all members of the

house hopefully to address the objectives Ms Patten has put forward in her private members bill.

We plan to ensure that consultation takes place with key stakeholders, including hospitals, day procedure centres, women's groups, the Australian Nursing & Midwifery Federation and the Australian Medical Association. We will consult with Victoria Police to ensure the bill provides adequate enforcement powers that are currently lacking and with civil liberty and human rights groups to ensure that the appropriate balance is struck between freedom of speech issues and the rights of women to access legal health services.

I conclude by confirming my view that this is good and necessary public policy that has my support.

Mr RAMSAY (Western Victoria) — I am pleased to make a small contribution to the debate in relation to the Public Health and Wellbeing Amendment (Safe Access) Bill 2015. I congratulate in this instance Ms Patten for bringing this bill forward for debate in this chamber. It is an important bill, and she foreshadowed, I think even before becoming a member, that her priority was to bring a bill of this type before the house. She has worked diligently to make that happen, and I congratulate her on that.

Having said that, as a new member would find, the road to introducing a bill in the house has its challenges. As Mr Dalla-Riva has pointed out in relation to his chairing of the Scrutiny of Acts and Regulations Committee, there are some technical issues surrounding the original draft of the bill. I think Ms Patten has foreshadowed some amendments and the government has foreshadowed a new bill, so at the end of the day I suspect we will get to a point where technically the bill will achieve the outcomes Ms Patten is seeking.

In my contribution I briefly want to make some remarks on how strongly I feel about this issue. It is not normally an issue that I would stand up and take a strong position on, but given that the party has given us a free vote and an opportunity to speak and given that during the times I am in Melbourne I live in close proximity to the fertility clinic in East Melbourne, I have seen what goes on outside that clinic. I have raised with the Melbourne City Council Lord Mayor, Cr Robert Doyle, on a number of occasions my concerns in relation to the harassment and intimidation of the women who go into that clinic to seek advice and health services at a time when they are most vulnerable. Despite Cr Doyle making sympathetic noises, the feeling I got was that the council was hamstrung in being able to apply any sort of council by-law to moving the protesters away from that environment.

I then sought some information on the act. I thank Ms Patten for providing a briefing on the bill before the start of this sitting week. At that briefing Ms Wooldridge said, as she has in this debate, that the police also have indicated that they are somewhat hamstrung in their ability to move those protesters on.

This debate is not about freedom of speech; it is about people who are trying to intimidate and change the views of people seeking medical help. I note that Dr Carling-Jenkins wants to muddy the waters by talking about the rights and wrongs of abortion. Members of Parliament had that debate in 2008. Although I would have liked to have been, I was not a participant in that debate. The bill is about access to fertility clinics so that the women wanting to avail themselves of services provided at those clinics are not intimidated at a time when they are most vulnerable. That is the issue to which we should confine our contribution to this debate. In relation to that, I do support this legislation.

I should point out that I have had some experience with protesters. I refer to what happened down at Portland when we were shipping live sheep. I think this is where the Greens and I will diverge in our views. Animal rights activists were quite proactive in making their point to the point where there was actually physical aggression. When I was president of the Victorian Farmers Federation, during the channel deepening debate members of Blue Wedges were quite active and aggressive in putting their point of view forward. When the debate on genetically modified (GM) food was taking place, we had the anti-GM protesters. I still have a scar on the back of my head where a protester banner carved into my neck in a quite nasty incident. Protesters can become overenthusiastic and very passionate, and they can extend their activity to physical as opposed to verbal confrontation.

That is my fear in this instance. While those well-meaning members of Helpers of God's Precious Infants standing outside the East Melbourne clinic are wanting to pass on a message, they probably do so beyond just verbal communication, with threatening and intimidating protests. That is what this debate is all about.

Clearance zones are not new. We have clearance zones for a whole range of activities in this state. In fact anyone who went to vote at the last election will have seen that those of us working the polling booths had to step back 3 metres, I think, from the front entrance of the polling booths so that we did not intimidate voters as they walked in.

Mr Morris interjected.

Mr RAMSAY — That is another story. Mr Morris should not divert the debate to another issue. I have a very short time to make my contribution.

On duck shooting, strangely enough there are protesters who want to stand in front of people using shotguns, so we have clearance zones for them too. As I said, we have clearance zones in the state and it is appropriate that we have clearance zones around fertility clinics in this state as well.

We run into some troubled waters in Ms Patten's bill in using the Tasmanian legislation as the model for legislation in this state. Like Ms Fitzherbert, I consider 150 metres to be an excessive clearance zone. I hope that before the government brings its bill to the house it will look at a number of examples across Australia where there are buffer zones that are not so extensive. There can be an argument about where the 150 metres starts and finishes. It could be the line of the title of the building, the entrance to it or wherever there is intimidation occurring. As I said in the briefing on the bill, if we took that to an extreme, 150 metres in a straight line from the East Melbourne clinic would go down to almost the MCG car park. I am not sure that is really the extent of the clearance zone that Ms Patten is seeking. I think she is seeking just to remove the potential for intimidation or conflict, so we need to review that clearance zone.

The Victorian Equal Opportunity and Human Rights Commission has been very strong in its view about the protesters and their actions. The commission calls them a nuisance. I would not call them a nuisance, but I certainly think there is an opportunity for them to be intimidating, as I said.

As I said, the Public Health and Wellbeing Act provides the police with insufficient powers to move on or exclude people who want to protest using their freedom of speech but without intimidation. There is no doubt that we need additional provisions in the act so that police will have the necessary powers to be able to move people on. We also need provisions applying penalties. If there is continuing disobedience and unlawful activity, penalties should be applied. I certainly concur with Ms Patten's bill where it provides that penalties should apply for unlawful activity. That should be so for any legislation, regardless of type, that has been passed by Parliament.

I support the intent of the bill and its outcomes. I also support having ongoing debate on this matter. My hope is that the government will bring to the house a bill that

will be supported to allow women to access health services. I have no idea of the emotional turmoil that women would go through in having to make a decision about termination. It is something about which no man should ever stand up here and say that they can sympathise with, as they would not be able to do so. That is why I have always been reluctant to enter into debates on matters where mainly women are affected by the decisions. I am pleased that there has been a good contribution on this issue from both genders but more importantly that women have had plenty of opportunity to be part of the debate, because it is important that we listen to the views of women. In Western Victoria Region I have been very careful to make sure that I have made myself available to listen to views on this bill from women in particular.

I congratulate Ms Patten. As I said, I am supportive of the intent of the bill and the outcomes that she wants to achieve through the bill. I hope that happens for Ms Patten — and for all of us. I look forward to the amending process and the new bill coming before the house, perhaps in the next sitting week.

Ms LOVELL (Northern Victoria) — This is a rather unusual debate because although members are debating Ms Patten's bill we understand that this is not the bill on which we will vote eventually, because the government will introduce legislation to address the issue of buffer zones around abortion clinics. In saying that, it is very difficult for members to consider their position on the legislation until it comes before the house. I intend to speak in this debate as if it were debate on a motion on the principles of creating buffer zones around abortion clinics.

Certainly I do support the principle of creating such buffer zones. Part of the reason why I support that principle is that as a small-l liberal, a progressive liberal or — as I often like to refer to myself — a Menzies liberal, I believe in the freedom of the individual. I believe in freedom of access to medical facilities by people who choose to use them, I believe in people having the freedom to choose the medical procedures they want to have, I believe in freedom of association and I believe in freedom of speech.

I congratulate Ms Fitzherbert on her excellent, very well thought out and considered contribution. If I could just say 'Ditto', I would. But that is just not enough; in debate members do need to say a little bit more than 'Ditto'.

As I said, as a progressive liberal I do believe in the freedom of the individual and I believe in a right to free speech by those on both sides of a debate. I believe also

in the right of people to peacefully protest on an issue. I believe that people should have the right to choose their own path without undue pressure or influence from others. I believe also in freedom of movement — in other words, the way we move about our society — without being impeded by others.

Sometimes we see some of these rights collide with each other, and we certainly saw that in the protest that happened in Lonsdale Street about two years ago at the Grocon site, when some people believed their right to protest was more important than others' right to access their work facility. That is an example of how we often see these issues collide. It does not actually lead to good results; it leads to confrontation. If people could only peacefully protest, there would not be these problems. That is not to say that I think the people protesting outside the East Melbourne clinic behave in a similar manner to the way those at the Construction, Forestry, Mining and Energy Union Grocon dispute did, but I do acknowledge that for those women who have probably had to make the most difficult decision they will ever have to make in their lives, they would feel quite intimidated by an approach from anyone as they tried to access the clinic. Unfortunately there have been confrontations because of the close proximity of women accessing the clinic to those who are opposed to abortion who are protesting outside those clinics.

Like Ms Fitzherbert, I support a buffer zone, and like Ms Fitzherbert, I think the buffer zone is probably too large at 150 metres. It could be made smaller. We do have buffer zones for several things in this state. We have buffer zones around polling booths so that people are not unduly influenced as they cast their votes. There are exclusion zones around duck shooting and also around forestry activities to separate protesters from the shooters and the forestry workers. In my opinion it has reached a point where we need to have exclusion zones around abortion clinics; however, I think 150 metres is probably a little excessive and we could look at an exclusion zone that is more appropriate.

As I said before, it is everyone's right to protest and to be able to protest peacefully. I put on the record my admiration for the anti-abortion protesters who stand at the back gate of Parliament House. Come rain or shine, winter or summer, they are out there protesting, and it is their right to do that. In her contribution, Ms Fitzherbert also said that the fact that they protest at the gate shows that there is a buffer zone even around this building, because they are excluded from the parliamentary precinct. They cannot be in the car park and try to approach us and speak to us as we get out of our cars, but they can stand there at the gate with their signs and protest peacefully.

I am sure those protesters know who I am and I am sure they know how I voted on the Abortion Law Reform Bill 2008, but they protest silently and peacefully. I will always give them a smile and a wave because, although I may not agree with their point of view, I respect their right to have that point of view and to peacefully protest about it. I should say that I believe Parliament House is the appropriate place to protest about this issue. We make the laws, and if people have a problem with the law, they should protest here and protest against us rather than trying to influence women who have made a very difficult decision. In saying that, it is their right to peacefully protest anyway and if there is a small exclusion zone around a clinic, they still have the right to be there. They do not have the right to harass women who are trying to access those facilities.

I would like to congratulate Fiona Patten, who said, and has said for many years, that if she were elected to Parliament, this was one of her platforms that she would want to pursue. I congratulate Ms Patten on bringing the bill before the house. I recognise that it is extremely difficult to draft a private members bill without the support of parliamentary counsel and without the support of the departmental staff who help when you are a minister. I have been a minister and I know how hard it is to draft a bill — even with all that support — and get it right, let alone trying to draft it by yourself with the help of your electorate staff and maybe some volunteers. I congratulate Ms Patten on getting it this far and on getting the commitment of the government to support her issue.

I also have to say that I wonder why Ms Patten voted against the move-on laws, which could be used to solve this problem and also could be used to solve the problem of the workers — —

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: *Follow Up of Managing Major Projects*

Mr MELHEM (Western Metropolitan) — I rise to speak on the latest report by the Auditor-General, *Follow Up of Managing Major Projects*, which follows on from the 2012 report entitled *Managing Major Projects*. The follow-up report makes for some disappointing reading, as the Auditor-General notes that Major Projects Victoria (MPV) has 'done little worth commending to address my recommendations and their underlying issues' and that 'little meaningful action has occurred to address the core weaknesses' addressed in his previous report.

Major Projects Victoria has unfortunately failed to implement many of the recommendations from the 2012 report, which made 22 recommendations to improve MPV's operations. One of the major issues raised by the Auditor-General was that MPV is an organisation that relies on engaging many contractors to undertake project management and to do a lot of the work because of the fact that it is not able to undertake the work itself but that no proper procedures were followed in outsourcing that work. Since 2012 both MPV and the department have addressed 15 of the 21 recommendations.

Despite that effort there are a number of key recommendations that have not been addressed, according to the Auditor-General, including fundamental issues around how MPV engages and uses contractors and the value for money it provides. In his findings the Auditor-General talked about issues with governance and the importance of the MPV starting to look at implementing the findings in the 2012 report as well as the 22 recommendations in his current report.

It is pleasing to note Minister Jacinta Allan's response to the report, in particular her assurances that action will be taken to address the overuse of expensive contractors and that the department will implement the remaining recommendations in full. I also note that the former Liberal government had two years to bring MPV into line after the Auditor-General's earlier report, but failed to do so.

There is also a response from the acting secretary, Justin Hanney, to the Auditor-General, thanking him for his report and noting that the MPV is fully implementing all the recommendations contained in the 2015 report, with a commitment that this will be done by the end of this year. It is pleasing to see that finally action will be taken as a result of the work the Auditor-General is doing to improve the processes currently in place. This will ensure that Major Projects Victoria is in compliance with its obligation to get value for money and that it streamlines its operations to make sure everything is done in accordance with the procedures and processes in place.

I commend Minister Allan for her quick response and action to make sure we fully implement the recommendations of the Auditor-General. I commend the report to the house.

Auditor-General: *Unconventional Gas — Managing Risks and Impacts*

Mr RAMSAY (Western Victoria) — My statement on a report tonight relates to the Auditor-General's

report entitled *Unconventional Gas — Managing Risks and Impacts*. I am going to respond to that report separately from the current parliamentary committee that is looking into onshore unconventional gas. I am a participating member of that committee and it would not be appropriate for me to comment on the work that committee is currently doing. It is also not appropriate for me to comment, given it is the policy to have the Chair make comment in relation to that inquiry.

However, I am a member for the Western Victorian Region, where two of the most likely sites for unconventional gas exploration in Victoria are located. One is the Otway Basin. The other is Gippsland, which has also been identified as a part of Victoria that could possibly prove viable for onshore unconventional gas exploration. But I do not want to suggest or flag any particular outcomes in relation to the committee's report or the positions of the different political parties in relation to that issue.

I will say that the Auditor-General's report indicates to me that Victoria is not ready to have unconventional gas exploration. In fact it goes into some detail both in its commentary and its conclusions on the fact that we do not have a regulatory framework that would inspire confidence in the Victorian community in relation to unconventional gas exploration. The Auditor-General says in his opening comments:

We do not yet know the extent and commercial feasibility of Victoria's unconventional gas resources.

...

What we do know is that there are significant challenges in developing a sustainable unconventional gas industry.

He goes on to say:

These include potential social and land use impacts and conflicts resulting from Victoria's relatively small land mass, dense population, scarce water resources and high reliance on agriculture, as well as the need to respond to climate change.

There are quite a lot of issues included in that commentary in relation to the potential impacts of unconventional gas.

I also note some of the other comments made by the Auditor-General. He goes further to say:

As a result, the regime has too few environmental controls, weak consideration of the competing interests for the land involved and potential social impacts, a lack of early community engagement and too much ministerial discretion.

In the Audit summary, under the heading 'Conclusions', the Auditor-General says:

Victoria is not as well placed as it could be to respond to the environmental and community risks and impacts that could arise if the moratorium is lifted allowing unconventional gas activities to proceed in this state.

And in the same section, under the heading 'Understanding unconventional gas risks', he says:

As a result, there are significant gaps in scientific information that need to be filled to understand the likelihood, scale and consequences of the risks associated with this industry.

Further, under the heading 'Regulating unconventional gas activities', he notes:

The current regulatory system will not be able to effectively manage unconventional gas risks. The system is complex and fragmented, making it difficult for —

the department —

to effectively implement and administer.

I could go on, but I will just say that the report raises a number of issues about the regulatory controls in relation to the environmental and social impacts of onshore unconventional gas.

My constituents have raised a number of concerns about the potential contamination of water and of fruit production areas because of the risks associated with unconventional gas exploration. I also note that at its recent conference the Victorian Farmers Federation indicated it was seeking an extension to the moratorium. It is also seeking the right of the farmer to allow access. The Victorian Farmers Federation also believes there has not yet been enough scientific research into the risks associated with unconventional gas exploration, and I quote from section 1.2.4 'Issues for consideration in Victoria' at page 8 of the report:

In Victoria, community concern is apparent in the number of community meetings on these issues and local councils opposing CSG or unconventional gas ... For example, the State Council of the Municipal Association of Victoria resolved in May 2014 to oppose any CSG exploration or production within the state. Recently the Victorian Farmers Federation has publicly stated that the ban on hydraulic fracturing should remain in place until at least 2020 ...

They are a couple of significant stakeholder groups that have raised concerns around the lack of science on the impacts — —

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

Commission for Children and Young People: *"... as a good parent would ..."*

Ms SPRINGLE (South Eastern Metropolitan) — I rise to speak on "*... as a good parent would ...*", the 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. The Children, Youth and Families Act 2005 legislates that the state 'must make provision for the physical, intellectual, emotional and spiritual development' of children in state care 'in the same way as a good parent would'. The report of the Commission for Children and Young People tabled in this place last sitting week makes clear that we are failing to live up to our responsibilities. We are failing to act as a good parent would. We are failing our most vulnerable children.

This report states plainly that the system designed by successive governments to keep children safe creates opportunities for sexual abuse. It states that the system designed by successive governments to respond to abuse in the community fails to respond appropriately to abuse perpetrated against children under its protection. It also condemns the system designed by successive governments that does not allow for independent oversight of investigations into reports of sexual abuse and exploitation in residential care.

I challenge any member of this Parliament to tell me they would treat their own children this way. Would members allow their 13-year-old daughter to stay away from home for days at a time with her 24-year-old boyfriend? Would members allow their intellectually disabled 14-year-old son to meet with men who he said regularly anally and orally raped him? Would members offer Panadol to their 15-year-old daughter if she thought she was having a miscarriage? I ask members to imagine that their 14-year-old daughter calls them at midnight from a train station. She is worried and wants to come home. Would members tell her no? At 14 years of age a girl in the state's care was left alone, scared, in the middle of the night. Her worst fears came to pass; she was raped. After this horrific experience she called the unit — I say 'unit', as the state clearly failed to provide her with a home — and was told to make her own way back. Her file does not say whether she received any counselling or medical support following the rape. Is this the response of a good parent?

Before the reader reaches the body of the report, they are warned in large bold letters that 'this report contains explicit material that may cause distress'. Indeed the report is extraordinarily distressing. But imagine being one of the children whose experiences are detailed in

the report — or their parent, grandparent, brother or sister. As distressing as it may be, we owe it to the children and young people who are in the care of the state of Victoria to absorb each and every word of this report, to reflect on what it means for their lives and the lives of their families and to commit to disregarding the short-term political considerations that have plagued child protection for decades when we come together to decide what should be done to ensure that this never happens again. These are real stories. These are real children. This is really happening now, every day. The way the residential care system is structured virtually guarantees that stories like this will occur again and again.

Earlier this year the Andrews government provided \$16 million for additional staff to stay awake around the clock in residential care facilities. My mother worked as a youth worker in Winlaton, which was an institution for girls. Even with the criticisms of the institutional care regime that was in existence for so long, Winlaton did not have security staff overnight, but that is what we now have in our residential care system. It has not fixed anything. It is a quick fix at best.

Commissioner Bernie Geary has outlined nine wideranging recommendations in this report. The Greens support each and every one of these recommendations and commit to holding this government to its promise to implement the recommendations. I commend Bernie Geary and the commission for this report. I thank the many dedicated staff who do their very best every day to provide safe and appropriate residential care for children and young people, and I want each and every child in residential care to know that their stories are being heard. We hear you. We care. You are not alone.

Auditor-General: *Applying the High Value High Risk Process to Unsolicited Proposals*

Mrs PEULICH (South Eastern Metropolitan) — I will make a few remarks on the Auditor-General's report entitled *Applying the High Value High Risk Process to Unsolicited Proposals*. I start by quoting some of the background in the audit summary on page ix, which says:

Effective infrastructure planning and delivery are critical to the state's future prosperity and livability.

The Auditor-General outlines the high-value, high-risk (HVHR) process as being:

... to address systemic weaknesses undermining agencies' performance in developing and investing in major projects.

We know that this has been characteristic of Labor's performance in government. The Auditor-General goes on to say:

The goal of the HVHR process is to achieve more certainty about the deliverability of infrastructure projects, including their intended benefits and ability to meet planned costs and time lines. The HVHR process does this by applying greater scrutiny, including a more rigorous review of business cases and procurements.

He cites an earlier Victorian Auditor-General's Office recommendation calling on the Department of Treasury and Finance (DTF):

... to apply HVHR reviews to unsolicited proposals where the private sector approached government with a proposal to build infrastructure or provide services.

He also expresses that he is not confident that DTF has been effectively applying the new guidelines to unsolicited proposals, which brings me to a recent article in the *Age* in relation to the government's response to an unsolicited proposal to build car parks. The article is headed 'Can't find a car park at the train station? Here's 500 reasons why' and is written by Adam Carey. It outlines a proposal to build a series of three-storey concrete station car parks at Werribee, South Morang and Craigieburn, which are three of the fastest growing suburbs in Melbourne. The use of prefabricated structures would have enabled 500 more commuters per day to park at each station, which would have been a phenomenal achievement. The unsolicited proposal, which had not been made public until the article was published, also included office space and affordable housing within the buildings.

The company that put forward the proposal is Versatile Projects, which submitted the proposal to the Napthine government in October last year following a request from Metro Trains Melbourne and Public Transport Victoria in June for the private sector to pitch concepts for multideck car parks as a way of encouraging more motorists to use the train. The proposal was submitted, but unfortunately DTF sat on it for several months after the Andrews government came to office. Eventually the Treasurer and the Labor government rejected the concept in April 'because it lacked "uniqueness", a key criterion for approval under its guidelines for market-led proposals'. I cannot understand how this proposal could have been ruled out. We are contending with a desperate need for additional parking capacity at suburban stations, and Labor is failing to act. Labor has committed \$20 million to convert government-owned land into railway car parks but has no plans to build multistorey car parks. The lack of funding or the lack of vision — I think both — means the private sector's vision is being squandered.

Lee Kuzmanovic, the chief executive officer of Versatile Projects, said the company put months of work and hundreds of thousands of dollars into preparing its proposal and felt the government's justification for rejecting it was weak. Ms Kuzmanovic said:

The government has offered an opportunity for innovation and job-creation models to come forward through business. Now we did that, we came back with an unsolicited bid that created jobs, direct and indirect, and met a clear need ...

She concluded by saying that the value-for-money proposition was significant. At Syndal station, at a total cost of \$10.8 million, there are 250 car parking spaces being built at a cost of \$44 000 each. By contrast, the modular design her company has come up with would double the number of car parking spaces for the same amount of money. I am disappointed that the opportunities offered by the private sector for us to improve the amenity of our communities is being squandered by DTF and the government —

The ACTING PRESIDENT (Mr Finn) — Order! I thank Mrs Peulich.

Auditor-General: *Biosecurity — Livestock*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Auditor-General's report titled *Biosecurity — Livestock*, which was tabled in August 2015. We are a nation of meat eaters. Aussies love their steaks and burgers — and why not? We have the fortunate status of being producers of the cleanest and healthiest livestock food for export in the world. In 2013–14 our state-generated revenue from livestock was \$11.4 billion. That is lot of meat. Diseases such as foot and mouth disease do not exist in Australia because of our stringent health regulations and inspection regime. We are rightfully ultra strict at our international airports and we take all possible measures to ensure that our state remains comparatively disease free.

We have all seen TV programs about border security, and they are great because they educate the travelling public on biosecurity regulations and what you can bring into Australia. If foot and mouth disease enters Australia, the devastation to our export meat markets would mean losses in excess of \$50 billion. Zoonotic diseases are fairly commonplace for people who work in abattoirs, while farmers, shearers and veterinarians are also at a higher risk of contracting zoonotic diseases such as brucellosis, which can be transmitted to the general population. These diseases are rarely fatal, but the symptoms are pretty nasty and usually last a lifetime.

It is critical that we remain vigilant. We need to ensure that proper resourcing of our primary meat production is not threatened by underfunding of inspection procedures. If we are not watchful, we could seriously undermine the long-term viability of our export meat and bioproducts industry.

The report indicates that there has been a decline in staffing in and resourcing of the biosecurity sector. Private veterinarians are being relied upon to keep a watching brief and detect possible livestock disease outbreaks. However, times have changed and unfortunately there are some professions that no longer consider themselves custodians or meat inspectors for the government. Risk management of this potentially disastrous situation must be addressed. It will be too late once foot and mouth disease takes hold in Australia. It will be too late for dairy farmers, who could not financially survive an outbreak, and too late for the meat lovers of Australia. Our Victorian economy is reliant on international exports, and we have a great reputation as a producer of clean meat. Ongoing frontline resourcing must be maintained to ensure that our export meat industry is viable and sustainable into the future.

The recommendations contained in the report offer common-sense solutions and reaffirm the necessity for improving Victoria's capacity to respond to and/or prevent pests and diseases from entering Australia. The threat of foot and mouth disease is ever present in Victoria, and we need strategies to combat this risk before an outbreak occurs. I support the recommendations of the Auditor-General's report.

Budget update: report 2015–16

Mr DAVIS (Southern Metropolitan) — I wish to comment on the 2015–16 budget update. Yet again I draw the house's attention to the government's broken promises on rate capping. The election promises were clear: the government promised to cap rates at the level of the CPI. The CPI rate in Victoria as of 30 June is 1.1 per cent, but there are very few councils that are remotely near that CPI figure — 3.8 per cent is the claimed average, but many councils impose much greater multiples of that.

I understand the pressures that councils are under, given the unfairness of the way the state government has got around its promise. We have seen cuts of state government funding to councils, so of course they are under great pressure when the state government tears money out of them in the way that it has. The \$40 million country roads and bridges program is going to hit rural shires like Glenelg, Colac Otway,

Corangamite and the Southern Grampians. These critical rural shires will suffer badly under Labor's policy of ripping away funding for country roads and bridges.

At the same time we have seen the aggregate funding to local government fall by \$88 million this year. Even if the \$50 million funding for the interface councils were restored, it would still mean a net cut of \$38 million by the government in its very first budget. It is a whammy for local governments. At the same time the government is expecting them to prepare for rate capping.

The government of course put no time constraints on rate capping. It said it would cap rates at the CPI level; it did not say it would cap rates at the CPI level but let councils off for a year. It did not say that in the election period. The response of the Minister for Local Government to my questions in this chamber makes it clear that there was no such let-off period for councils in the announcement by the then opposition prior to the election.

It is clear that cuts by the state government are making it hard for local governments, and I have significant sympathy for them. At the same time the state government has the power under the Local Government Act 1989 to cap rates, and it could have capped rates for the 2015–16 year. I say to every family out there: when you pick up your rate notice, look to see if it has gone up by more than 1.1 per cent. If it is more than 1.1 per cent, it is a straight-out Daniel Andrews lie — a Labor lie. It is a shameful broken promise. Whether you think rate capping is a good thing or a bad thing, most families are feeling the pressure. People heard that rates were going to be capped at CPI, but that has not happened in Ballarat, Macedon and many other locations around the state.

The most shameful part is the state government charge on those rate notices — the fire services levy. That has gone up by huge licks, at an average of 7.2 per cent across the state, which is far above CPI. That is another state government promise breached. It promised that rates, levies and charges would be capped at CPI, not that they would be indexed at seven times the CPI. It is a shameful increase and a shameful broken promise. Nobody can trust Daniel Andrews. Nobody can trust Natalie Hutchins. They have failed to keep this promise in the very first round. Now we see them setting up a rate capping structure through the Essential Services Commission with a whole series of concocted measures that have no basis in what the normal family feels.

If Labor knew that it was not going to keep its promise, if it knew that it would find some sneaky, surreptitious way around this, then it ought to have been honest with the community before the election. It could have implemented rate capping at CPI this year, it could do it next year, but instead it is using a bogus index nobody has ever heard of — a concoction of wages and other price movements. It might be relevant on one level, but the fact is it is a broken promise.

The ACTING PRESIDENT (Mr Finn) — Order! Mr Davis's time has expired. I wish Dr Carling-Jenkins a very happy birthday for today. It is a very special birthday. Congratulations — it is not every day that you turn 30!

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT — Order! I advise that I have received letters from three members. I indicated earlier in the day that I would adjudicate on these matters. They are in respect of questions that the members contend have not been answered.

Ms Wooldridge wrote to me on Wednesday, 19 August, in respect of questions on notice 570, 571 and 572, all addressed to the Minister for Health, the Honourable Jill Hennessy. Having looked at those questions, I am of the view that question 570 has effectively been answered, and I do not intend to have that reinstated. In respect of questions 571 and 572, I direct that they be reinstated because I do not believe the answers are satisfactory.

Ms Crozier has written to me today in respect of a series of questions she has put to the Minister for Families and Children. They are questions on notice 777 through to 793. I have perused the questions and the answers. The questions — and this is central to the decision I have made on this one — ask the Minister for Families and Children how many children in child protection were not allocated to a child protection worker in various regions as at 1 December 2014. The answer from the minister is that the number of children in child protection not allocated to a child protection worker increased between June 2011 and 1 December 2014 across Victoria. On the basis of that response, I am of the view that the figures were available on 1 December 2014, and therefore it is incumbent on the minister to provide a response to those questions. I will reinstate questions 777 through to and including 793.

Mrs Peulich has written to me in respect of questions on notice 471, 440, 442, 443, 444, 445, 446, 456, 457, 467, 466, 455, 464 and 465. These questions were posed to a number of ministers, but essentially the same question was put to those ministers. The question relates to departmental staff seconded to ministers' offices. I will not go through all the ministers who that information has been requested of, but as I said, the question has been put to a variety of ministers. I note that the answers from each minister to the questions are identical, and I concur with Mrs Peulich that the answers provided to those questions are not satisfactory. One aspect of the answer has been provided, which is an identical response about the description of who those officers are within the ministerial departments, but the question about the number of departmental staff seconded in each of those cases has not been responded to, and it is a matter that could well have been responded to.

Mrs Peulich has also written to me in respect of another series of questions. The letter from Mrs Peulich is dated today, 2 September, and the questions are 25, 26, 27, 28, 29, 30, 31, 33, 34, 38, 40, 41, 43, 45, 47, 50, 51, 52, 58, 59 and 61. The questions are to a range of ministers, and again they are identical. I note that essentially the questions have elicited the same response from each of the ministers who have responded to Mrs Peulich.

I can understand that Mrs Peulich's question is in some ways extensive, but nonetheless, given the numbers on these questions, they were obviously submitted some time ago, and I think the ministers are in a position to provide further and better responses to the questions posed by Mrs Peulich, which are in reference to various board, commission and committee appointments that might have been made by the government. They relate to the process by which appointments have been undertaken, any terms of appointment that should be disclosed, any remuneration applicable and any changes to the level of remuneration where those board, committee or commission positions have attracted remuneration. Having reviewed the answers in respect of those questions, again I concur with Mrs Peulich that the answers are not responsive to the question, and therefore I reinstate those questions which I identified earlier.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Agriculture Infrastructure and Jobs Fund

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Agriculture, and is in regard to the allocation of the proceeds of the long-term lease of the port of Melbourne and in particular the distribution of funds from the Agriculture Infrastructure and Jobs Fund that is to be set up with a portion of the lease proceeds.

My request of the minister is that she provide me with a written response that guarantees that the majority of this fund will not be used to fund projects, such as roads and bridges, which should be funded from other funding sources and that guarantees that the whole of northern Victoria will receive a fair share of funding for projects out of this fund.

During a business round table I hosted last week in Shepparton concerns were raised with me about the lack of proceeds from the port of Melbourne sale coming back into regional Victoria, or more specifically the Goulburn Valley. Considering that at least 25 per cent of Victoria's export produce comes from the Goulburn Valley, this region has rightly identified that it should be a recipient of a fair share of the proceeds of the lease. I am also concerned about the lack of proceeds to a broader area within my electorate of Northern Victoria Region, including the Murray Valley and the north-east and north-west of the state.

In early August the government made an announcement that a paltry \$200 million — around 3 per cent of the expected \$7 billion-plus in proceeds — would be allocated to an Agriculture Industry and Jobs Fund. The government very quickly followed up that press release with four more releases outlining the areas that will benefit from that fund: Geelong; south-western Victoria; central Victoria, specifically Macedon; and western Victoria, specifically the Buninyong electorate. However, I have not come across a release explaining how this fund will support the Goulburn and Murray valleys or the north-east and north-west of the state, despite these regions being pivotal to the agricultural export sector of our state.

The silence on how this fund will benefit these areas may indicate that Labor does not expect them to benefit from it. The Geelong press release specifically outlines that the fund will be used to upgrade Geelong Road to accommodate heavier vehicles. This will only benefit vehicle transport from the west of the state, and it will certainly not leave much of the \$200 million to be allocated to the government's nominated areas in Macedon, Buninyong or south-western Victoria, let

alone anything at all for the Goulburn and Murray valleys and the north-east and north-west of Victoria — there have been no press releases in relation to these areas.

As I said earlier, at least 25 per cent of Victoria's export produce comes from the Goulburn Valley, and the north-east and north-west are home to substantial dairy, beef, sheep and wool, and pig and poultry farming; fruit, vegetable and grain production; and internationally renowned winemakers. I cannot see how it is fair that a fund that has been established from the sale of the port, the biggest users of which are our food and fibre industries, the majority of which operate out of country Victoria, will not benefit three of the biggest production regions of this sector.

That is on top of the fact that the fund itself is only equivalent to about 3 per cent of the proceeds of the sale of the port, with the other 97 per cent planned to be spent in metropolitan Melbourne.

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

Pakenham South West Primary School

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Education. I request that he visit the site of the Pakenham South West Primary School during the construction phase of the new school to receive an update on progress and to discuss the new school's public-private partnership (PPP) project with local stakeholders. The government announced today that the school will open for the start of the 2017 school year.

The government announced today that it will be delivering new schools under a PPP project — 15 brand-new schools to be designed, financed, built and maintained under a \$291 million new schools public-private partnership project. This is extremely positive news for our state's rapidly growing population. The Pakenham area is one of the most rapidly growing populations in our state and indeed in the country.

When one ranks regional areas in terms of growth, both in percentage terms and in absolute numbers, the Pakenham area and the Cardinia and Casey shires routinely rank highly, so building a new school in this community is going to be of great benefit. It is really exciting that the new school will open in 2017.

I also want to note that it is important that these 15 new schools are being delivered under a PPP. Public-private partnerships are just one procurement methodology that

governments should have at their disposal. Not all school projects should be delivered that way, but on occasion it will be the appropriate method. PPPs can deliver whole-of-life savings when designed appropriately. They can deliver the right mix of up-front capital and whole-of-life operating expenditure, and of course PPPs can also bring in appropriate design and other innovation.

I also want to note that one of the features of this school that is particularly important is that it will be co-located with the Henry Family Children's Centre and a future sporting precinct. This will deliver a one-stop shop for families in the rapidly growing community of Pakenham. All in this house would agree that we should maximise the use of community facilities, in particular school facilities, by co-locating them where possible and by allowing maximum use of facilities by schools, and we should maximise the use of facilities that are used by sporting groups and communities more generally.

I congratulate the minister on today's announcement, and I look forward to meeting with him and members of my community as this important local project proceeds.

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Agriculture, and it concerns the need for urgent action to protect the Leadbeater's possum. The most popular elephant in the room, VicForests, should stop logging in the native forests of the Central Highlands of Victoria. The science is clear: endangered hollow-dependent species like the Leadbeater's possum absolutely rely on tree hollows, which take up to 100 years to develop, for survival.

The federal environment minister's \$2.5 million so-called action plan announced yesterday is just shuffling deckchairs on the Titanic when assessed against the overwhelmingly effective and obvious action needed to prevent the further destruction of the identified habitat of hollow-dependent species in the montane ash forests of the Central Highlands. Minister Hunt's action plan consists of commissioning more research and funding volunteers to plant trees. This is a preposterous diversion from the urgent, obvious action that is required — action that is consistent with completing Victoria's transition to commercial plantation-supplied wood. VicForests should stop logging in the native forests of the Central Highlands of Victoria.

It is a cruel irony that Minister Hunt's plan was issued on the very day that VicForests formally listed and gazetted the latest native forest logging coupes. It is now official: VicForests will proceed to log 102 native forest coupes in the Leadbeater's possum's identified home in the Central Highlands, and many additional coupes to those published in the *Government Gazette* are to be logged in the loss-making native forests of East Gippsland. This is a cruel and ridiculous irony from the perspective of Victorians who want to protect endangered species, protect native forests and create the Great Forest National Park.

The action I request of the minister is to listen to the voices of the many Victorians opposed to uncommercial native forest destruction and to act immediately to place a moratorium on logging in the Central Highlands of Victoria while the timber industry task force does its work.

Golden Plains food production precinct

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Agriculture, and I am pleased to see she is in the chamber. It is in relation to the Golden Plains food production precinct, which I know she is very familiar with. I am very proud of this precinct because under the previous government I did considerable work with Golden Plains Shire Council in relation to identifying and setting aside land for intensive farming. I congratulate the federal government on putting \$4.174 million into the precinct; the state government on putting in \$2.9 million; Barwon Water on putting in \$3.4 million; and Golden Plains Shire Council, which put in the considerable amount of \$1.2 million from its ratepayer base. I am pleased to see in the first stage that the council finally has one tenant — a potential \$4 million, 74 000-hen free-range egg farm.

The matter I raise with the minister is that for this precinct to grow it is going to require, firstly, power infrastructure and, secondly, natural gas. At the moment the precinct has neither of those utilities, which is restricting its potential growth. The other issue I raise with the minister is in relation to the buffer zones. I am informed that for a size — —

Mr Finn interjected.

Mr RAMSAY — We have done buffer zones, but I can tell Mr Finn that this buffer zone is in another context. In relation to the intensive poultry industry in that precinct, a 2-kilometre buffer zone is required. Given that the precinct is 4000 hectares in size, obviously that is going to restrict the number of

production houses in that precinct if it requires a 2-kilometre buffer zone. The code of practice for intensive industries notes that buffer zones in Victoria are significantly greater than those in other states. In Inverleigh there are 500-metre buffer zones for poultry production in precincts less than 4000 hectares — and I may stand corrected on that figure. The buffer zone goes outside the boundary of the farm itself into neighbouring farms and therefore restricts the ability of the land to be subdivided.

In relation to buffer zones, the Golden Plains shire has an issue related to intensive industries as well as the issues of power infrastructure and natural gas in this precinct. I ask the minister to meet with me and Golden Plains Shire Council to discuss how we might overcome some of these issues. Perhaps the minister might even meet with the chicken industry in relation to how we might have some uniformity in buffer zones so as not to impinge on neighbouring properties.

The PRESIDENT — Order! In respect of that adjournment matter, Mr Ramsay has again raised two different actions, albeit with chickens in common. I assume the matter Mr Ramsay wants the minister's attention on is buffer zones. If the minister gets there, no doubt the member will raise some other matters. I remind Mr Ramsay that on the adjournment members can raise only one action.

Mr RAMSAY — The action is about the Golden Plains food production precinct, and I raised issues around infrastructure and buffer zones. I am seeking a discussion with the minister on that one item.

An honourable member — That was a fairly paltry explanation.

The PRESIDENT — Order! I agree!

National Emergency Medal

Ms SYMES (Northern Victoria) — The adjournment matter I raise tonight is for the attention of the Leader of the Government. I have previously noted in this place the honour I have had of presenting the National Emergency Medal to Country Fire Authority (CFA) members from brigades across north-eastern Victoria. The National Emergency Medal Regulations 2011 were approved by Her Majesty the Queen in October of that year. The regulations provide that:

The National Emergency Medal shall be awarded to persons who rendered sustained service during specified dates in specified places in response to nationally significant emergencies within Australia; or to other persons who rendered significant service in response to such emergencies.

The 2009 Victorian bushfires were declared a nationally significant emergency, and CFA members who rendered their service during the specified dates of these fires are eligible for the National Emergency Medal. I have personally presented more than 200 medals to some of our most deserving, hardworking country Victorians who gave their time during January, February and March of 2009.

A notable absence in the awarding of these 200 medals was medal recipient Roy Grafton. Roy served the local and wider Victorian communities continually from 27 January to 12 February during the devastating fires of 2009. He was the incident controller, crew leader and firefighter at a number of fires in the Kinglake complex and Mansfield areas. Roy started service with the Merton fire brigade in July 2000. He now resides in England, and the CFA volunteerism coordinator from district 23, Mick Daws, and I have been discussing the fact that it would be a shame to simply post the medal to Roy. Therefore the action I seek from the Leader of the Government is assistance with facilitating the appropriate protocol measures in order to have this special medal formally presented to Roy.

Building industry

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett. In the *Age* newspaper of 1 August 2015 there was a report by Aisha Dow on the role of dodgy building surveyors. Building surveyors play an integral role in Victoria's building industry. Building surveyors are supposed to be responsible for ensuring that new buildings are safe, accessible and energy efficient. But the report in the *Age* states that Victoria's building surveyors have been found guilty in more than 700 misconduct claims in the past six years alone.

The report suggests that there is no great mystery as to why there have been so many findings of misconduct. Phil Dwyer, the national president of the Builders Collective of Australia, points to what he calls the 'cosy' relationship between developers and private building surveyors. The *Age* article then reminds us of the Victorian Auditor-General's recent report entitled *Victoria's Consumer Protection Framework for Building Construction*, which also found evidence of massive conflicts of interest. In that report, the Auditor-General found that the oversight of building surveyors by the Victorian Building Authority is deficient. So not only is there a conflict of interest at the core of the role of many surveyors, there is also nobody who is effectively regulating them. From the point of view of the building consumer, there is not very much

in the way of real protection when things go wrong. Certainly that was what the report from the Victorian Auditor-General's Office (VAGO) found, and my colleague Greg Barber spoke to that report in this place on 10 June this year.

I note that the VAGO report includes responses from Consumer Affairs Victoria, two government departments, the Victorian Building Authority and the Building Practitioners Board. Those responses gave assurances and set out time lines for reviews, some of which were not scheduled to end until the middle of next year. But there were also assurances and reviews in response to the VAGO report of December 2011, *Compliance with Building Permits*.

The VAGO report on consumer protection for building construction says that key agencies have failed to take efficient, timely action to address the deficiencies. For years report after report have demonstrated deficiencies in the oversight of builders and surveyors, the provision of building insurance and the management of consumer disputes. When is a government in this state going to do something to protect building consumers? I call on the minister to take charge of these matters on behalf of building consumers, and demand her own reforms, set out her own time line, and commit to introducing legislation that establishes real and adequate protection for building consumers.

The PRESIDENT — Order! Again, one of the rules of the adjournment debate — and I only sent out a note this week — is that you cannot call for legislation. That part will not be taken into consideration by the minister.

Fire services review

Ms BATH (Eastern Victoria) — My adjournment matter tonight is for the Minister for Emergency Services, Ms Jane Garrett. I call upon the minister to extend the current fire services review until the 2015–2016 fire season. The reason for this is to ensure that local Country Fire Authority (CFA) firefighters in my community and across the state have ample opportunity to put in a submission and that their submissions are given due regard.

The Country Fire Authority is the world's largest volunteer emergency services organisation. It is made up of mums and dads, women and men, in our community who give of their own time. They have other jobs, and they provide their own time. They are highly skilled, and they take great pride in being highly skilled. They are often the backbone of our community. Every small town, rural community and hamlet will

have a CFA station. These firefighters look after our homes, our towns, our farms and our fences.

The short timeframe of a few weeks for written submissions to the fire services review is just not enough time for these people to be able to discuss the terms of reference or make proper submissions. To my mind it smacks of an anti-volunteer agenda. I have been speaking with a level 3 sector commander in my electorate, and he says that his gut feelings are that the United Firefighters Union wishes to gain power over the CFA and to make determinations about what it gets to do. He says that on the whole the morale of the CFA is down and that it is feeling pressure because of a sense that the Andrews Labor government will use the review to force it to merge with the Metropolitan Fire Brigade. He questions both the long-term cost of this to the taxpayer and the impact on the grassroots CFA members.

Local CFA volunteers and communities have been given just a few weeks to lodge their submissions, and my constituent has little confidence that the submissions will be given due regard and carry any weight. He says that he is concerned that the submissions will be washed away by the government-appointed, former Tasmanian police minister David O'Byrne. The one action I seek is that the minister extend the fire services review until the end of this year.

The PRESIDENT — Order! It is good to see that someone has read the guidelines; that is excellent.

Ms Bath — I am a teacher!

The PRESIDENT — Order! I now call on Mr Leane, a stickler for guidelines.

Level crossings

Mr LEANE (Eastern Metropolitan) — Thank you for that lesson. My adjournment matter is directed to Jacinta Allan, the Minister for Public Transport, and it involves an issue I spoke about this morning: the removal of the level crossings at Blackburn Road and Heatherdale Road, both of which fall inside the electorate I represent.

As I said this morning, there were some great consultation forums at both those locations last week. People are very keen to be informed of the ongoing progress of the projects and whether they will start soon. The action I seek from the minister is for her to inform me, so I can let people know, what formal structures will be in place for important stakeholders to

be able to advocate their positions and the positions of others about the ongoing progress of these projects.

Albion railway station

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Public Transport concerning the Albion railway station, which has been brought to my attention by an article in the *Brimbank Weekly* by journalist Ben Cameron. He begins by saying:

Albion railway station urgently needs better security and more police on the beat amid reports of “prolific” car theft and vandalism.

Kings Park commuter Jaryd Tuyau said the passenger side window of his car was broken on 29 July. He believes it was one of 17 cars damaged over just two days at the station.

‘When I spoke to the PSO ... in the car park, he told me mine was one of 10 cars that day ...’

‘The male officer I reported it to [at Sunshine police station] mentioned that seven cars had been damaged the day before.’

‘Nothing seems to be being done about this, yet West Footscray and Sunshine stations have been rebuilt —

by the previous government, I might add —

filled with CCTV cameras and illuminated ...’

‘How about an investment in the security of your passengers and their belongings at stations known for high crime rates?’.

Sunshine police Inspector Dave Byrt says:

‘There’s no doubt that station car parks are an issue for us, and Albion has been an issue.

I think it is about time that the issue was resolved. It is clear that there is a major crime problem in terms of the vehicles that are parked at the Albion station car park, and I think it is about time the minister and the government did something about that. It is more than appropriate, given the statistics and the police concern, that the minister takes this on in a very personal way and directs her department to conduct an upgrade of Albion station to meet the needs of local train travellers. It is not good enough for the government to sit back and say, ‘Well, we know what’s going on. We see how much damage is being caused and how many cars are being destroyed and stolen’ but then not do anything about it, when it is in a position to do so.

Therefore I urge the minister, as a matter of urgency, to authorise at once the upgrade of the Albion station to bring it up to the same level as the West Footscray, Sunshine and Footscray stations that were rebuilt by the previous government under the regional rail project. I

ask the minister to take this on for the benefit of local train travellers.

Portland Bay School

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Education, James Merlino, and it relates to the Portland Bay School, a special development school in south-west Victoria. At the end of July the minister was in Portland and met with representatives of the school, including the principal, Stephen Crossley, and the school council president, Deb Robinson, to discuss a range of maintenance issues, but also the need for a new school site into the future. At that meeting a discussion was had around the need for a feasibility study that would be completed by the department.

Since that time I have been fortunate enough to also sit down with Deb Robinson and have been very pleased to hear reports that the department has had thorough consultations with the school, and they were very pleased with the minister's visit and the subsequent follow-up actions of the department. The action I seek of the minister tonight is for him to give me an indication of exactly when the feasibility study will be concluded, when the school will know and when we will receive the contents of that report.

Mordialloc bypass

Mrs PEULICH (South Eastern Metropolitan) — The matter I raise is for the attention of the Minister for Roads and Road Safety. When I look for local information, I always turn to the *Aspendale Gardens News*, which is the official newsletter of the Aspendale Gardens Residents Association (AGRA), to see what local issues are gaining traction. I note that the association had its annual general meeting on 25 August. The association advertised the attendance of the member for Mordialloc in the Assembly, Tim Richardson, and invited people to come along and hear about the level crossing removal program and the next steps for the Mordialloc bypass. The Mordialloc bypass is the matter I wish to raise tonight, but before doing so I congratulate Tony Firman, the AGRA president, and his team — and I presume these people have been re-elected — Andrew Bearsley, Mark Bruce, Helen Smithwick, as well as other committee members, including John Zeccola, on doing an excellent job on behalf of the Aspendale Gardens community.

The matter I specifically raise tonight is the Mordialloc bypass, previously known as the Mornington Peninsula Freeway extension (MPFE), which I think is a more appropriate term because it creates the extension of the

Frankston freeway to the Kingston leg of the Dingley bypass, which is to be completed early next year. Therefore this is the time to move forward with planning for the construction of the Mordialloc bypass, and I call on the minister to do so. In a report I commented on today, the Auditor-General highlighted that one of our weaknesses is the planning for and funding of infrastructure. This is a timely opportunity for the minister to act on the business case for the MPFE, or the Mordialloc bypass, which found that:

Construction of a new arterial road in the existing Mordialloc bypass reservation is considered to be the optimal solution to accommodate the predicted traffic demands until at least 2046 and relieve Wells Road and White Street.

It goes on to say that it would probably consist of a divided road, at-grade traffic light controlled intersections, a speed limit of 80 kilometres an hour and bike or pedestrian paths. In the newsletter Mr Richardson is reported as having mentioned the \$10.8 million that was allocated by the former Napthine government in order to develop the business case for the Mordialloc bypass, but he made no commitment to it on behalf of his government, saying that it was not on their agenda. It is an absolutely critical piece of infrastructure and it needs to connect to the Kingston leg of the Dingley bypass. It is time now to act on the feasibility study. The next step needs to include detailed planning and project development activities, including preparing a detailed business case for the construction of the project. I call on the minister to not waste any more time and to get a move on because once the Kingston leg of the Dingley bypass is completed, this construction should begin.

Regional rail link

Mr MORRIS (Western Victoria) — I raise an adjournment matter this evening for the Minister for Public Transport, and it relates to Labor's failed rollout of the regional rail link. Just this afternoon I have been tweeting with commuters who are sick and tired of standing all the way to work in the morning and all the way home in the afternoon. My phone notifications have been non-stop this afternoon.

One commuter contacted me in regard to this after he sent a message to V/Line and asked whether it is safe for people to stand when the train is moving at 160 kilometres an hour. V/Line responded that:

The PTV and Transport Safety Victoria have determined that it is not a safety risk however extra hand holds are being fitted to some trains for customers who need to stand. If you have any other questions or queries please let me know.

What we see here is that rather than providing an appropriate service in the appropriate number of carriages, the government's approach is to install more hand holds for commuters on the Ballarat line. Just last week I threw down the gauntlet to the Premier and asked him to meet me last Monday afternoon at 5 o'clock at Southern Cross station, and to meet with commuters on the Ballarat line to discuss some of the issues that have affected them.

Mr Finn — Was he there?

Mr MORRIS — Thank you, Mr Finn, he was not there. No, he did not turn up. The Premier did not turn up, he did not care enough to come along and meet with me and meet with commuters on the Ballarat line to discuss Labor's failed timetable. But I will not give up. Indeed I am going to go down one step in the pecking order and request that the Minister for Public Transport meet me at 5 o'clock on 14 September at Southern Cross station to meet with the commuters who have been so thoroughly disappointed and failed by the Labor government to discuss the issues that the new Labor timetable has created, and indeed to come to a position where we can find some solutions, because I am here to find solutions, I am not about kicking a political football around. I want to find solutions to the issues Labor has caused on the Ballarat train line. I therefore request the Minister for Public Transport to meet me at 5 o'clock on 14 September at Southern Cross station.

Responses

Ms PULFORD (Minister for Agriculture) — The adjournment matters this evening include the adjournment matter raised just now by Mr Morris for the Minister for Public Transport in which he invited the minister to meet with commuters at 5.00 p.m. on 14 September. I certainly know that Minister Allan has met the morning commuters travelling from Ballarat to Melbourne to discuss these issues, but I will pass that on and seek a response for Mr Morris.

Mr Leane raised a matter for the Minister for Public Transport seeking information from Ms Allan about the processes by which people can have their say on the delivery of Labor's commitment to remove level crossings in his electorate of Eastern Metropolitan Region.

Mr Finn raised a matter for the Minister for Public Transport seeking an upgrade to Albion railway station. I will pass that on to the minister.

Ms Tierney raised a matter for the Minister for Education in relation to the Portland Bay School. The information Ms Tierney seeks relates to the completion date for and release of the feasibility study on the upgrade of that school.

Mrs Peulich has been reading the *Aspendale Gardens News* and even furnished a copy of that publication this evening for the purposes of the adjournment debate. Mrs Peulich's matter was for the attention of the Minister for Roads and Road Safety. She sought that there be no delays in progressing the Mordialloc bypass, in particular the next steps, including detailed planning and the business case following the completion of the feasibility study.

Ms Bath raised a matter for the Minister for Emergency Services seeking an extension of the date until which members of her community will have the ability to provide input to the fire services review. I shall pass that matter on to the minister and seek a response.

Ms Springle raised a matter for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation. I note your words of advice, President, about the request for legislation, but I think Ms Springle also sought some action on issues around consumer awareness in relation to a range of building issues, and I will ask the minister to provide a response.

Ms Symes raised a matter for the attention of the Leader of the Government in relation to the protocol arrangements for the presentation of a National Emergency Medal to Mr Roy Grafton.

Mr Mulino raised a matter for the attention of the Minister for Education seeking that the minister, Mr Merlino, visit the location of the proposed Pakenham school and provide both Mr Mulino and the community with information about the project, which was announced by the minister today.

For all of these matters I will seek responses for members from the respective ministers. There were three matters raised for my attention, and I will take the opportunity to respond to each of those now.

Mr Ramsay spoke about the Golden Plains food production precinct, a project with which I am very familiar and one I am very keen to support to see it realise its full potential. It is a great project, and the council has worked very hard on it. When we talk about some of the issues around growing intensive agriculture industries, particularly the poultry industry, where there can be planning conflicts between community and industry that help no-one, I often cite the example of the Golden Plains shire as one community that has flagged

a real interest in providing an environment in which this sort of development would be welcomed with open arms and encouraged.

In response to Mr Ramsay's request that I meet with the Golden Plains shire, I can indicate that I am meeting with the shire on Monday, 14 September. I look forward to talking with shire representatives about those issues and anything — —

Mr Ramsay interjected.

Ms PULFORD — Would you like to come? Can I check with them first? I might check with them first. I always enjoy a good dialogue with the Golden Plains shire. The shire's work on that precinct has been undertaken over a number of years, and truly the shire is to be congratulated on it.

Ms Lovell raised the issue of the Agriculture Infrastructure and Jobs Fund, and we certainly look forward to delivering this fund. I would not take the distribution of press releases to be a particularly useful indication of the allocation of that resource. What I can say to the member is that we look forward to establishing this fund following the successful passage of the port lease transaction legislation through the house, and I would urge members who are involved in deliberations on that bill to move as quickly as they can to acquit their concerns so we can get on with this. The guidelines for this fund will be developed over the coming months. There will be close consultation with industry stakeholders. It is envisaged that this fund will be substantially used to support infrastructure projects — and some other programs — that will create jobs. This is of course above and beyond the Murray Basin rail project, which will provide enormous benefit to people in Ms Lovell's electorate of Northern Victoria Region.

I can assure Ms Lovell that the communities she spoke about in the north-east and north-west of the state and in the Goulburn Valley will have opportunities to benefit from the Agriculture Infrastructure and Jobs Fund. I will not attempt to give the house an exhaustive list, but I have certainly spoken in recent weeks to people in Swan Hill, in Mildura and in Echuca about this. I have met with the Central Victorian Agribusiness Forum. I feel as if I am going to leave some communities out, but this is something we are very keen to discuss with communities that support our agricultural industries right across the state — in regional Victoria and indeed in some of Melbourne's interface communities, where some of our industries, particularly the horticultural industry, are thriving. Ms Lovell should be assured that northern Victoria will

most certainly receive a fair share from that fund, and I encourage members to help us get on with establishing it sooner rather than later so we can get on with that.

Ms Dunn asked in the adjournment about the timber release plan, and I am so pleased because I was really hoping this would happen in question time. A few myths are getting around about the timber release plan that I would like to take the opportunity to debunk. The VicForests timber release plan is an annual process that updates the areas and planned activities for a period of up to five years, so it is a rolling program. Amendments to the timber release plan do not change the areas of forest available under the forest zoning scheme or in any way affect VicForests' legal responsibilities to protect forest values and sustainably manage forests for the long term.

The government does not, contrary to some of the things that are being said about this, have a role in approving the timber release plan. This is a decision of the VicForests board. The board consults broadly when it is updating the timber release plan. It did that, and there was a period of consultation that included a period of several weeks where public submissions were able to be made. VicForests received 21 submissions on the proposed amendment, which I am told is fewer than it has received in previous years.

It is worth noting that not all coupes listed in the timber release plan will be harvested. New areas are added to allow flexibility in VicForests operations, including to allow for the continued detection and protection of Leadbeater's possum colonies, which was part of the question that Ms Dunn raised. What I would dearly love to make clear to the house, because there is a bit of mischief and misinformation getting around about this, is that there is no change at all in the total coupe area. The most recent amendment to the timber release plan that was approved by the VicForests board and gazetted this week added 316 new coupes. This is getting plenty of airplay, but what is not getting so much airplay is the removal of 284 coupes. The boundaries of 29 coupes that were already on the timber release plan were also modified. In terms of gross coupe area there is actually no change.

I indicate to Ms Dunn that there is an additional 10 300 hectares and a reduction of 10 300 hectares. This is not all harvested. VicForests harvests around 3000 hectares a year and five-year harvest limits apply, so there is not 1 hectare more and not 1 hectare less. This all needs to be seen in the context that the government is supporting the establishment of a task force to reach common ground on issues facing the timber industry: job protection, economic activity and

protection of our native flora and fauna. The timber release plan is an annual process, an ordinary process, and it should in no way be interpreted as anything other than that. It in no way precludes the task force from looking at these issues and making recommendations to government.

I am very pleased to have been able to answer that question that has been popping up a bit in the last couple of days.

I have written responses to adjournment matters raised by Ms Patten on 11 June and 5 August and by Mr Ramsay on 18 August.

House adjourned 6.21 p.m.