

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 13 April 2016

(Extract from book 6)

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HANSARD¹⁵⁰



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

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 |
| Minister for Industry, and Minister for Energy and Resources | The Hon. L. D’Ambrosio, MP |
| Minister for Roads and Road Safety, and Minister for Ports | The Hon. L. A. Donnellan, MP |
| Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans | The Hon. J. H. Eren, MP |
| Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries | The Hon. M. P. Foley, MP |
| Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation | The Hon. J. F. Garrett, MP |
| Minister for Health and Minister for Ambulance Services | The Hon. J. Hennessy, MP |
| Minister for Training and Skills | The Hon. S. R. Herbert, MLC |
| Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations | The Hon. N. M. Hutchins, MP |
| Special Minister of State | The Hon. G. Jennings, MLC |
| Minister for Families and Children, and Minister for Youth Affairs | The Hon. J. Mikakos, MLC |
| Minister for Environment, Climate Change and Water | The Hon. L. M. Neville, MP |
| Minister for Police and Minister for Corrections | The Hon. W. M. Noonan, MP |
| Attorney-General and Minister for Racing | The Hon. M. P. Pakula, MP |
| Minister for Agriculture and Minister for Regional Development | The Hon. J. L. Pulford, MLC |
| Minister for Women and Minister for the Prevention of Family Violence | The Hon. F. Richardson, MP |
| Minister for Finance and Minister for Multicultural Affairs | The Hon. R. D. Scott, MP |
| Minister for 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 — #Ms Dunn, 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, #Ms Hartland, 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 Bourman, 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*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, 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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Deputy President: Ms G. TIERNEY

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

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

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

Leader of the Greens:
Mr G. BARBER

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| Barber, Mr Gregory John | Northern Metropolitan | Greens | Morris, Mr Joshua | Western Victoria | LP |
| Bath, Ms Melina ² | Eastern Victoria | Nats | Mulino, Mr Daniel | Eastern Victoria | ALP |
| Bourman, Mr Jeffrey | Eastern Victoria | SFP | O'Brien, Mr Daniel David ¹ | Eastern Victoria | Nats |
| Carling-Jenkins, Dr Rachel | Western Metropolitan | DLP | O'Donohue, Mr Edward John | Eastern Victoria | LP |
| Crozier, Ms Georgina Mary | Southern Metropolitan | LP | Ondarchie, Mr Craig Philip | Northern Metropolitan | LP |
| 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 |
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| Eideh, Mr Khalil M. | Western Metropolitan | ALP | Ramsay, Mr Simon | Western Victoria | LP |
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| 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, 13 April 2016

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

PETITIONS

Following petition presented to house:

Abortion legislation

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Council of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins which will rectify the problems with current law outlined above.

**By Mr FINN (Western Metropolitan)
(1960 signatures).**

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

PAPERS

Laid on table by Clerk:

Crimes (Assumed Identities) Act 2004 — Report pursuant to section 31 by the Independent Broad-based Anti-corruption Commission for 2014–15.

Melbourne City Link Act 1995 — Chubb Properties Pty Ltd Sub-lease pursuant to section 60(11) of the Act.

Statutory Rule under the Local Government Act 1989 — No. 18.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment Notice Gazetted 4 April 2016.

MEMBERS STATEMENTS

Frank Hart and Trevor Buck

Ms PENNICUIK (Southern Metropolitan) — In the last few weeks I was saddened to hear of the deaths of two special people who led very different lives but who played pivotal if unexpected roles in the campaign against channel deepening led by the Blue Wedges Coalition, where I came to know them both.

From his many years as the port of Hastings harbourmaster Frank Hart knew so much about the complexities of the shipping industry, channel design and the risks associated with moving ever bigger ships through the shallow waters of Port Phillip Bay. From there grew our appreciation of the questionable economic justifications for the project — why risk so much for so little? Frank was an expert in the true sense. He was not paid for his opinion; he gave it freely. During the channel deepening environment effects statement and supplementary environment effects statement hearings Frank travelled to the city to hear weeks of the port of Melbourne’s submissions and spent hundreds of hours preparing his own. No doubt his evidence contributed to the highly credentialed 2004 panel recommending that the project should not proceed.

Trevor Buck joined the Blue Wedges Coalition campaign in its early years and was a stalwart in organising rallies, boating flotillas and the West Gate Bridge car and boat cavalcade. Trevor and his fishing friends forged a vital link between more traditional environmentalists and the fishing fraternity, helping to create a true coalition of the diverse interests that care for our bays. He understood that what we do to the land ends up in the sea and that we must smarten up our act for the sake of our waterways. Trevor served on the board of VRFish and also served Blue Wedges as treasurer. An artificial reef will be called Rev’s Reef in his memory.

Both Trevor and Frank devoted so much of themselves to the protection of the irreplaceable asset we have in Port Phillip Bay. I extend my condolences to the families and friends of Frank Hart and Trevor Buck.

Climate change

Mr BARBER (Northern Metropolitan) — Australia has just experienced the hottest March in recorded history. I repeat that: the hottest March in recorded history. I do not know if there is any member who wants to jump up and suggest that the Bureau of Meteorology faked that data, but the anomaly was

1.7 degrees over the long-term recorded average. During that month, though, what action did our state government take to reduce greenhouse gas emissions? As far as any of us know, nil. In fact it extended the life of a proposed coalmine permit near Bacchus Marsh that was due to expire. It did announce that it is extending water pipes to some communities in Victoria that are the victims of global warming, but in terms of that global warming itself, the actions the government took this month made it worse. It knows the actions it needs to take. It can make deep cuts to greenhouse gas emissions with minimal disruption to the economy or to society. It knows the measures it needs to take, but instead it just keeps dithering and watching the problem get worse and worse.

Wear Green for Premmies Day

Dr CARLING-JENKINS (Western Metropolitan) — I rise to celebrate and support Wear Green for Premmies Day, which is taking place across Australia today. Promoted by the L'il Aussie Prens Foundation, today is about making a difference for Australia's smallest battlers. L'il Aussie Prens provides loving support and services to families of premature and sick newborns, raises awareness of premature birth and donates equipment to Australian neonatal intensive care units. Thanks to advances in medical science and neonatal care, survival rates for babies born prematurely at as little as 24 weeks have never been higher. Very premature babies are fragile and have very complicated beginnings. This is one of the reasons the support and advocacy of L'il Aussie Prens is so very important.

I encourage everyone to visit the L'il Aussie Prens website to learn more about the great work it is doing in supporting the families of premature newborns. This is the sixth year in a row that it has been running its Wear Green for Premmies Day. Its website also has a page where people can submit quotes. I will finish with one of them, which is by Julia:

I may be tiny, but my heart is immeasurable.

Birregurra Recreation Reserve

Ms TIERNEY (Western Victoria) — I rise to speak on the upgrade of facilities at the Birregurra Recreation Reserve, which will serve the Birregurra netball and tennis clubs. On 30 March I had the pleasure of meeting with representatives of the tennis club and the football and netball club as well as councillors and officers of the Colac Otway Shire to announce a \$100 000 Andrews Labor government grant for the court redevelopment at the Birregurra Recreation

Reserve. The project will entail the construction of two netball courts, one of which will be multi-use, and two tennis courts, along with the installation of sports lighting at one of each of the tennis and netball courts to enable practice and play at night.

No fewer than 60 people turned out to the funding announcement with only a few days notice on the eve of the Easter long weekend. This is testament to the commitment, passion and dedication that the Birregurra community, like many rural and regional communities, has for its sporting clubs. With this in mind, I would like to acknowledge the enormous effort the Birregurra Tennis Club put in to raise an enormous amount of money for this project. It was the driving force behind the whole redevelopment plan, and it has played an integral part in this redevelopment coming to fruition.

As I mentioned on the day, it is an absolute pleasure to announce funding support for not only a great project but also such a dedicated community. This project, and indeed the tennis and netball clubs themselves, simply would not be in existence if it was not for the volunteers who put in hour upon hour of work each and every week for the betterment of the clubs and their members. For this I thank and congratulate them. I look forward to going back to Birregurra to see the finished product.

Women of Empire exhibition

Mr MORRIS (Western Victoria) — It was with pleasure that I accepted an invitation from the Ballarat RSL sub-branch to take part in the Women of Empire exhibition in which we were asked to write a letter to the fallen. My letter to the fallen is as follows:

To an unknown Australian soldier of the Great War,

While I do not know your name, I want to thank you for the sacrifice you made to protect Australia, and I want you to know that Australians remember you.

Life in Australia is different to the way you remember it.

Quiet towns have grown into bustling cities. Today there are more than 24 million Australians and this country is bursting with opportunity for each and every one of us. Thanks to the sacrifice you made to protect us, children grow up knowing that they can be whatever they dream of being.

We move quickly now; every day millions of cars, trains, buses and planes cross this country and circle the globe, moving people from Beijing to New York and just about everywhere in between.

Ideas move quickly too. In this modern Australia we can send ideas to the other side of the world in an instant. We are always thinking, always connected, always moving.

But every year something incredible happens. Australians living in this frantic new world pause and let the noise and

movement of modern life fall away. We pause to remember you.

On Anzac Day veterans, servicemen and women, mums, dads and children rise before dawn and make the journey to the shrine or cenotaph in their town or city. As the sun rises above the horizon we remember you.

I wish you could be there this year to see the faces of young Australians who never knew you, but who honour your bravery and sacrifice. Every year there are new faces and every year your legend grows.

We may not know your name but you are a part of every one of us, we carry your story with us and we remember you.

Harold Preston Reserve Pavilion

Ms SHING (Eastern Victoria) — On 7 April I was pleased to represent Minister John Eren from the other place in officially opening the Harold Preston Reserve Pavilion in Morwell, which has been upgraded as a result of grants from the state government and the Latrobe City Council. It was a pleasure to join with Traralgon Olympians, in particular Tammy and Jim, who built the initial facility in 1980, to celebrate the fact that female facilities for referees, volunteers and players have now been incorporated into this facility. This will make the experience of practising and playing soccer all the more easy and equitable for women participating in the sport in the Latrobe Valley. This is an important initiative, part of a \$10 million commitment to make sure that women can better participate and are not forced to change behind sheds or in cars as a consequence of not having change rooms of their own.

Federation Training

Ms SHING — On Friday, 8 April, on behalf of Minister Steve Herbert I was pleased to announce \$3.79 million in funding for Federation Training to assist in the maintenance of its bubble facilities, which provide support and ongoing resourcing to students across Gippsland and also make sure that courses such as forestry, construction, tourism and graphic design are preserved within the Gippsland region, thus providing better educational opportunities for people following the vicious cuts enacted by the former coalition government.

Greater Geelong City Council

Mr RAMSAY (Western Victoria) — Yesterday we saw the Andrews government play out the final act in the death of a mayor by 1000 cuts. The irony was that it also took out the whole council in order to get rid of Mayor Lyons. The report of the Commission of Inquiry into Greater Geelong City Council had not yet been tabled as the Andrews government tried to first read a

piece of legislation to sack the council and deny the Geelong ratepayers their democratic right to an election for four and half years. Strangely enough the unofficial version of the report landed at the *Geelong Advertiser* two and a half weeks ago, so the Geelong community has been nicely primed for the main event. That in itself deserves an inquiry into Natalie Hutchins's office.

There is no doubt the Halliday report demonstrates a poor culture of bad behaviour and poor governance which must be addressed, but the City of Greater Geelong is not the only dysfunctional council in my region. I have more questions than answers stemming from the report. Why was Darryn Lyons the only councillor named, given there is a history of workplace bullying at the council? Why was it only elected representatives who were all tarred with the same brush and sacked? Why were council staff who were accused of bullying not named, shamed and investigated by the Ombudsman?

There are serious issues to be addressed. To his credit Keith Fagg tried to demonstrate the shortcomings of the direct election model and corrupt ward funding. Darryn Lyons inherited a governance system that was not to be his friend, and now he is its scapegoat. Labor sees him as a threat to the natural order of Geelong Trades Hall and to control of the city. Labor wants to put its own henchman in to run the city beyond the next state election in order to push through a governance model on which the Geelong community has not had an opportunity to be consulted, denying the ratepayers of the City of Greater Geelong the right to vote for their own representatives. Why can administrators not administer — —

The PRESIDENT — Time!

Box Hill Institute

Mr LEANE (Eastern Metropolitan) — I was also very pleased to represent Minister Herbert last week at the Box Hill Institute to announce \$3.7 million of community service funding that will go towards Box Hill TAFE's vital role in helping disadvantaged students gain access to training and job opportunities. This is a part of public TAFE that some private providers do not utilise — the opportunity to bring on and help students who need assistance to make sure they can get through a training regime that will afford them a great opportunity to gain employment into the future.

I really appreciate, and I have seen firsthand, the great community service Box Hill TAFE has provided to the area. One of the great community services it provided

was the reopening of the Lilydale TAFE campus, which was unfortunately savagely closed by the previous government. The government appreciates Box Hill TAFE stepping up to the mark there. I also know small local charitable organisations that are assisted by Box Hill TAFE on a daily basis. I appreciate representing the minister, and I appreciate Box Hill TAFE.

Battle of Pozieres

Mr DRUM (Northern Victoria) — While this week, especially tomorrow, and this year's Anzac Day will be mainly centred around Vietnam veterans, and I fully support the attention being brought to them, I would like to also bring the attention of the house to the Battle of Pozieres in the First World War. Pozieres was a battle that comprised our greatest losses and our greatest casualties. In the fighting around Pozieres the 48th division had 2834 casualties from 16 July to 28 July and 2505 more from 13 August. The 1st Australian division lost 7700 men, the 2nd Australian division had 8100 casualties and the 4th Australian division lost 7100 men. Many of these people were never reclaimed and buried because the bombing and the battle were so intense that many of these soldiers were buried and unburied and then buried and unburied.

So much of the attention around World War I and the Western Front and the Battle of the Somme goes towards Villers-Bretonneux and Fromelles, but Pozieres has been a little bit forgotten. I think it is really important that this year, on 23 July, we acknowledge that Pozieres was the site of our most horrendous losses. Many of our men were not reclaimed; they were left there to become part of the soil of the Western Front. We lost 62 000 Australians in World War I. The other statistic that we need to be very, very mindful of is that within two years of our men coming home we lost another 60 000, so they obviously came home in very poor condition. On 23 July we should remember the Battle of Pozieres.

Australia Lebanon Chamber of Commerce & Industry

Mr ELASMAR (Northern Metropolitan) — On 1 April I was delighted to attend, along with my parliamentary colleague Mrs Inga Peulich, an inaugural event proudly hosted by the Australia Lebanon Chamber of Commerce & Industry (ALCCI). The purpose of this special occasion was to introduce its new initiative aimed at bringing together young Australian Lebanese entrepreneurs under its banner.

The ALCCI was formed to provide a support network aimed at educating, promoting and highlighting the skills and achievements of young Lebanese Australians. I applaud the ALCCI and its efforts to smash the negative stereotyping of young people from Middle Eastern backgrounds and to demonstrate to the community the value they bring to their country, Australia. I wish the ALCCI every success in its new venture.

INFANT VIABILITY BILL 2015

Statement of compatibility

Dr CARLING-JENKINS (Western Metropolitan) **tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), a statement of compatibility is not required.

The effect of section 48 is that none of the provisions of the charter affect the bill.

Second reading

Dr CARLING-JENKINS (Western Metropolitan) — I move:

That the bill be now read a second time.

It is a privilege to present the Infant Viability Bill 2015.

When I first stood up in this place, I made a commitment to the human flourishing of all members of our society. This bill focuses on, promotes and supports the human flourishing of mothers and their viable, preborn children. It is built upon a life-affirming approach. It is as much pro-woman as it is pro-child — achieving a balance not often achieved in legislation relating to abortion. It treats, protects, and assists both mother and baby when they are at their most vulnerable.

The Infant Viability Bill makes necessary reforms to the way mothers and their preborn children are cared for in the later stages of pregnancy.

It is a bill which promotes holistic care for women, promoting a support structure — a deliberate, person-centred approach — to address the current gaps in our inadequate pregnancy health care system.

It is a bill which supports babies from the time they have reached the age of viability — promoting again a complementary approach of deliberate, person-centred care.

In order to achieve this aim the Infant Viability Bill makes necessary reforms to the Abortion Law Reform Act 2008 and to the Crimes Act 1958, which are currently out of step with world common practice, with medical advances, including the progress in neonatal practices, and with community expectations.

Victoria's abortion laws are extreme in comparison to those of most countries in the Western world which acknowledge viable preborn babies. For example, 43 states in the US prohibit abortion after a specified point in pregnancy, most commonly from 20 to 24 weeks. There is now a federal push to ban late-term abortion across the US. In Europe most countries, including those known to be strong on social liberty, such as Belgium and the Netherlands, only allow abortion on demand during the first trimester, after which restrictions and regulations increase the later a pregnancy progresses.

In Victoria our current laws do not place adequate restrictions on abortions, which have been recorded as occurring at as late as 37 weeks gestation for psychosocial reasons, according to a 2011 report by the Consultative Council on Obstetric and Paediatric Mortality and Morbidity.

In Victoria preborn babies are dying at the age of viability — for no other reason than they are yet to be born. It is traumatising our medical practitioners, who are life affirming in their approach to patients. It is leaving families in horrendous situations, where they feel that the abortion of their much-loved and anticipated child, who has now been diagnosed with a life-shortening condition, is their only option. It is leaving mothers with post-abortion grief.

The death of a preborn child is recorded in our road toll from late gestation, and we mourn their loss. Public sympathy flows for parents and families — as it should. A life cut short is grieved for. But many do not stop to think of, and mourn for, babies or their parents and families who suffer from abortion in the later stages of pregnancy.

This simply is not right. This is not what a compassionate, civilised society should be doing.

A focal point of this bill is the distinction of 24 weeks gestation. The decision to go to 24 weeks was not an arbitrary one — it was based on consultations with medical professionals and took into account the distinction already made in the Abortion Law Reform Act of 2008. The decision was made predominantly on the basis of 24 weeks gestation being, in practice here

in this state, accepted as the point of viability for infants.

It is at this point that many members of our community do not expect abortions to be occurring.

In March of this year a Galaxy poll was taken here in Victoria regarding abortion. It posed a number of questions. When respondents were asked if they were in favour or opposed to abortion when the pregnancy is past 20 weeks, 64 per cent of respondents were opposed, and 11 per cent did not have a defined position. Only 25 per cent of the respondents were in favour. Why then do we continue to have legislation supported by only 25 per cent of the population? The majority do not support or expect late-term abortions to take place. Even people who would consider themselves to be pro-choice are opposed to late-term abortion. I suspect the number of respondents who did not support late-term abortion would have been much higher if an emotive question had been asked, like, 'Do you believe that babies, once they have reached the age of viability in the womb, should be allowed to be aborted?'

This bill is a more balanced, reasonable approach to what is the current practice. It provides a care structure to support its aims.

I now turn to the specific provisions of the bill.

Holistic care

The first section of this bill is devoted to the provision of holistic care.

This bill obligates medical practitioners, who are specified in this bill as doctors, nurses and psychologists, to facilitate the provision of access to holistic care in certain circumstances. Holistic health care is a comprehensive person-centred care system which takes into account the physical, emotional, social, economic and spiritual needs of a person. It is to be delivered immediately, as a response to distress, according to the guidelines set out in this bill.

Unfortunately this type of care is not necessarily current practice. For example, the *Age* reported on 22 October last year, in an article headed 'Suicidal mother pleads for late-term abortion at Royal Women's Hospital', that the mother seeking a late-term abortion was given an appointment with a social worker scheduled for four and a half weeks later. While after some effort this appointment was brought forward by request, it is simply not good enough for a woman to be made to wait that long so late into her pregnancy.

Many families have recounted to me the poor communication of their options, especially when their child has been diagnosed with a disability. I have long been an advocate for people with disabilities and have heard many stories about the struggles which are caused by social barriers — barriers which impose judgements and restrictions on their lives. The lack of information, the slow referral process and the ‘not knowing where to turn’ are all features which cause additional and unnecessary distress to parents who are told that their child may have a disability.

The current laws are in deficit because they do not provide for immediate access to holistic care for women in distress. This can be addressed in policy, but as a member of a party not in government a legislative approach is all that is available to me in order to address this pertinent issue. It will be incumbent upon the current and future governments to ensure that women are receiving the health care they need when they need it under this legislation.

Under this bill, if a woman in distress seeks medical advice, or care, and is known to be 24 or more weeks pregnant, the doctor, nurse or psychologist (who is the first point of contact) to whom she has presented must provide comprehensive care to the mother. The health professional may find this to be within their area of expertise, and so may assist her personally. Or they may refer her on. For example:

if she is suffering from a health condition, refer her to specialist health services;

if she is homeless, ensure access to housing support services;

if she is experiencing family violence, arrange for support and crisis intervention;

if she is struggling to afford the expenses of a child, refer her to pregnancy support services who can provide material and social support to the family;

if she is struggling with a diagnosis of disability, refer her to disability support services who can provide her with an understanding of the quality of life her child will enjoy, and her options for care and support under the incoming NDIS scheme.

This referral system does not need to be overly burdensome to health care professionals. The Department of Health and Human Services can provide a list of services to ensure that up-to-date services can be accessed quickly and easily. This should become a more professional referral process, as opposed to the ad hoc processes currently in place.

It seems ludicrous to me that in 2016 there is one group of women still being discriminated against in health care — they are mothers. We have been mothers since time began — it is not a modern phenomenon which we are unprepared for! It is time for governments to value motherhood and adequately provide for holistic care that meets the true need of mothers.

In preparing this bill I have consulted widely with medical academics, general practitioners, nurses, obstetricians, gynaecologists, midwives, psychologists and psychiatrists. In the expert opinion of the medical professionals, there is no reason why once a preborn child has reached the age of viability at 24 weeks gestation that the child’s life must be sacrificed for the sake of its mother’s.

As a result, this bill covers the premature delivery of a live child from 24 weeks gestation, should a medical emergency arise. This ensures that comprehensive care is provided to babies from 24 weeks gestation. In cases where there is a substantial risk to the mother’s health, such as hypertensive disorders (e.g. pre-eclampsia), cardiac problems (e.g. heart failure), or haemorrhage (e.g. placenta praevia), then a registered medical practitioner will usually perform a premature delivery in a hospital that has neonatal care facilities. There are three levels of neonatal care available here in Victoria — tertiary level NICUs (or neonatal intensive care units), of which there are 4; secondary level special care nurseries, of which there are 18; and primary level neonatal care, provided within hospitals with labour wards.

This bill is not just about formalising practice already in place, although the structures are certainly already there. It is about providing legislative support for this level of care. It is about inspiring a life-affirming culture for mothers and their babies.

Women upon whom a late-term abortion is performed are at risk to their health, including their mental health. In 2015 Dr Elizabeth Johnson stated that the stresses that led women to seek abortions:

... are not fundamentally alleviated or ameliorated by late-term abortion. Indeed, late-term abortion places these women at greater risk of surgical complications, subsequent preterm birth, and mental health problems, while simultaneously ending the life of an unborn child.

Quite simply, women deserve better. The risks women are being exposed to are unnecessary. I refuse to choose between women and children — I do not think this is a choice that needs to be made in our civilised society. This bill works to systemically eliminate the need for a late-term abortion, by providing the care and support

required to continue a pregnancy. It upholds the principles of non-violence, non-discrimination and justice for all.

As Serrin Foster pointed out:

Early feminists argued that women who had abortions were responsible for their actions but that they resorted to abortion primarily because, within families and throughout society, they lacked autonomy, financial resources and emotional support.

Early feminists — who focused on legal issues, especially around women’s suffrage — recognised abortion as a symptom of deeper, underlying problems within society. To them, true feminism was about addressing the underlying problems. This bill does just that, by promoting a comprehensive care structure which will facilitate autonomy, improve access to resources, and ensure that women and their preborn children receive the support they actually need.

Neonatal care

The second aspect of this bill focuses on neonatal care.

Within this section of the bill, I have introduced an obligation to take reasonable steps to preserve a child’s life. A registered health practitioner will be required to take all reasonable steps to ensure that babies born alive from 24 weeks gestation are provided with appropriate neonatal care to preserve the child’s life — however long, or short, that may be. This will encourage approaches to be taken that respect the dignity of the baby’s life — something that is not often talked about.

Since 2008, there have been many medical advances. Premature babies now have a better chance of surviving, with fewer complications than ever before. We know that around two-thirds of babies born at 24 weeks gestation who are admitted to a neonatal intensive care unit will now survive to go home.

In cases where a baby may not have much hope of long-term survival, they can still be comforted before their death. This is in stark contrast to what happens currently when a baby survives a late-term abortion here in Victoria where they are denied appropriate care, including the denial of comfort and pain relief.

Babies born — either prematurely or at full term — who may be deemed as incompatible with life can be provided with perinatal palliative care, also known as perinatal hospice — a holistic care option which surrounds the mother, the family, and the baby with comfort and support through the baby’s diagnosis, birth and death. The aim is to help parents embrace whatever life their baby might be able to have, before and after

birth. It provides comfort therapies that will allow the parents time to bond and make meaningful memories with their infant.

A study published in 2013 in the *Journal of Obstetric, Gynecologic & Neonatal Nursing* found that perinatal palliative care is an emerging focus of care aimed at achieving the best possible quality of life for the family as they await the conclusion of their pregnancies, providing seamless, comprehensive, and holistic support during and after the delivery process.

Some of the most up-to-date studies such as one published last year in the *Prenatal Diagnosis* journal show that women who terminated their pregnancy following a prenatal diagnosis of a lethal fetal defect, reported significantly more despair, avoidance and depression than women who continued with their pregnancy. The article concluded:

Abortion does not resolve cases where a lethal fetal anomaly exists; abortion destroys one of the patients — the youngest. Patients and their families can and should be offered the option of perinatal hospice to support them in the same way we do families with an adult member for whom treatment has become futile.

I am a firm believer that every life deserves a lifetime — no matter how short, no matter how complicated, and whatever disability we may have. It is important to note here that many abortions of children with disabilities do not involve diagnoses that are likely to be fatal — they include conditions such as Down syndrome, cystic fibrosis and spina bifida. This is a form of disability discrimination, especially when it occurs so late in pregnancy that these babies, if born alive, would be able to survive.

Amendment of other acts

The last section of this bill covers amendments to other acts.

Once preborn babies have reached the age of viability, they should receive the full protection of the law, and be treated with dignity and with respect. Many receive such dignity, even in death, such as victims of road trauma, or those who pass away peacefully after a period of perinatal palliative care, or those who are stillborn, who are placed with dignity and respect into ‘cuddle cots’ — refrigerated cots which allow parents and family members to say goodbye.

However, there is a minority — a significant, but silenced number — who do not.

This bill gives this minority a voice, by limiting the operation of the Abortion Law Reform Act 2008 to less than 24 weeks.

The amendments made by this bill are simple. Sections 5 and 7 of the Abortion Law Reform Act 2008, which provide for abortions after 24 weeks, are repealed.

There are two sets of penalties within this bill: one is directed at the person performing the late-term abortion — usually the doctor. They will be responsible for ensuring that abortions are not performed from 24 weeks gestation. If they breach this condition, they are liable to level 6 imprisonment, which carries a maximum term of five years. This is certainly not an overly harsh penalty. It is, in fact, the same penalty as for the offence of recklessly causing injury.

The second penalty is directed at the operator of the hospital or clinic at which the late-term abortion is performed. The operator must, therefore, practise due diligence to ensure that late-term abortions are not occurring under their roof. This is not a large or burdensome penalty, but I believe it is sufficient to encourage compliance.

There is a clear prosecutorial exclusion over a woman upon whom a late-term abortion is performed. This bill will not prosecute women. I will not criminalise women who are at a vulnerable point in their lives. This bill promotes a supportive approach to women in distress, not a heavy-handed one. I will never support legislation where mothers are criminalised for having an abortion.

Conclusion

This bill is about supporting mothers and their viable children, children who are on the threshold of birth. It treats babies, from the preborn state of viability, and their mothers, with dignity and with respect.

I celebrate the intrinsic value of each individual life — no matter how short, or complicated, or difficult; it is that simple. Babies of viable age have a natural right to their life, which is recognised in this bill. This bill also defends the rights of mothers to be given the care and support they deserve.

I understand, and empathise with, despair. Despair in pregnancy, despair in devastating diagnoses, despair with life. Where there is despair, this bill brings hope. When a mother despairs, this bill will ensure that she is surrounded by the hope, support and comfort she needs. It ensures that she does not have to travel this journey alone. It ensures the hope of life for herself and for her preborn child. It is time to stop denying mothers this

hope. It is time to make a stand for the hope which comes from life. It is time to become a society which treats its most vulnerable members with the dignity they deserve.

I commend this bill to the house.

Debate adjourned on motion of Mr JENNINGS (Special Minister of State).

Debate adjourned until Wednesday, 20 April.

PRODUCTION OF DOCUMENTS

Debate resumed from 23 March; motion of Ms WOOLDRIDGE (Eastern Metropolitan):

That this house —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
 - (a) 11 February 2015 in respect of port of Melbourne documents;
 - (b) 25 February 2015 in respect of West Gate distributor documents;
 - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
 - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
 - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
 - (f) 5 August 2015 in respect of Peter Mac Private hospital documents;
- (2) notes the failure of the government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the Constitution Act 1975, which includes the right to require the production of documents, and the power to make standing orders under section 43 of that act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the

reasonable exercise of its role and powers to scrutinise executive behaviour;

- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), standing orders are suspended to the extent necessary so as to provide for the motion —
 - (a) to be a procedural motion for the purposes of standing order 5.03;
 - (b) to take precedence over all other business;
 - (c) to be put without amendment; and
 - (d) in the event that it is negatived, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

Mr MELHEM (Western Metropolitan) — I rise to speak on the production of documents motion moved by Ms Wooldridge, which provides for the suspension of the Leader of the Government if he fails to produce the documents the opposition has requested. I am bemused at the approach the opposition has taken. It goes against everything this Parliament has been doing for the last 100 years.

I have done some work on this, and I have gone through some of the precedents around these matters in trying to ascertain where the opposition is coming from. I have done a bit of a comparison between what the Leader of the Government, Mr Jennings, has done in the last 15 months and what previous government

leaders have done over the years. If I just compare Mr Jennings with the Leader of the Government in the last Parliament, Mr Davis, on producing documents, it is clear there is a very stark difference between the two approaches. I think this motion probably should be about holding Mr Jennings accountable for his goodwill. He has been more than generous in trying to accommodate the opposition and trying to make this Parliament and this house a bit more transparent.

If Mr Jennings has committed any crime, I think it is that he has been too nice and too accommodating, and for that maybe he should be punished, but not for his lack of cooperation with the house. I can give members a few examples. One is the sessional orders, where the opposition now has double the number of questions in question time than it had in the previous Parliament. With ministers I expect them to answer questions, but that was not the case for the opposition in the last Parliament, which I was a member of, albeit briefly — for 12 months. I recall that it was very rare for Mr Davis, as the Leader of the Government back then, to answer questions, whereas the approach of Mr Jennings in this house has been completely different. The President can ask ministers to answer questions and put in written answers the next day or in two days, depending on which house the responsible minister is in. That was not the case in the previous Parliament, but it is now, under the sessional orders which were initiated by the Leader of the Government.

We have an opposition that is hell-bent on punishing the Leader of the Government by suspending him for six months if it does not get everything it asks for. I will come back to the sort of punishment, if any, that will be imposed. It is just ridiculous. We are wasting the Parliament's time debating an issue that goes against every precedent in this house, the other house and even the House of Commons and the House of Lords in the UK Parliament, from which a lot of the traditions here come, such as the standing orders. I will address these things later on. But basically because Mr Jennings refuses to comply with the request — it does not matter whether the request is reasonable or unreasonable — opposition members are not happy, therefore they will suspend him for six months.

Let me go through the resolutions. The coalition motion notes the government's failure to comply to the satisfaction of the Council with resolutions of the Legislative Council seeking the production of six categories of documents. The motion lists them:

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

- (b) 25 February 2015 in respect of West Gate distributor documents;
- (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
- (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
- (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
- (f) 5 August 2015 in respect of Peter Mac Private hospital documents.

The government has, as I said earlier, provided a considered and final response to each of the requests for these documents listed in the motion. There is only one case where no document was provided, and that was the request in relation to the Australian grand prix. With all the other requests the government has provided documents to the Council. On the grand prix, for which an act was actually established under a coalition government, successive governments have not released any documentation in relation to that because that is consistent with the Australian Grands Prix Act 1994. Whether we agree or not with the staging of the grand prix, the fact is successive governments — coalition and Labor governments — basically maintained that position, and rightly so in accordance with the act.

However, with this motion we have the opposition and the Greens party basically wanting to punish the Leader of the Government for complying with the act and complying with the regulations. They want to push ahead and suspend him for six months. Opposition members should really go and have a look at themselves in the mirror. As I said earlier, even though the former Leader of the Government in the 57th Parliament, Mr Davis, was faced with a similar motion and refused to comply with that, he was not punished and suspended for six months. I think it probably would not have been a bad thing if that had happened, but that was not the case. Yet here the opposition wants to apply a different standard.

The government is claiming executive privilege for, I think, only one document or part of documents which contain personal information, cabinet-in-confidence information, commercially sensitive information, material obtained from third parties in confidence or documents which could disclose draft or deliberative materials. They are examples where the government did not release some of the material, and rightly so. That is in accordance with the applicable legislation.

Mr Barber — Which act?

Mr MELHEM — Well, executive privileges, Mr Barber, and freedom of information.

Mr Barber — Which act do I look up to find executive privilege?

Mr MELHEM — Mr Barber is the expert here to know which one to look at, so he can look it up. If he cannot find it, he can google it actually. It is there.

One resolution sought documents on the privatisation of the port of Melbourne prepared by KPMG in 2014. The response is a copy of the scoping study prepared by the previous coalition government. Again the coalition is asking for something it already has. The coalition has access to it but says, 'Oh, we'll ask for it anyway'. If the opposition already has access to documentation, because the report happened under its watch, why would the coalition go and ask for it again? If the government does not release it to the opposition's satisfaction, then suddenly the Leader of the Government becomes a villain and should be suspended from the house for six months? It is the coalition's own document. It is my understanding that there is only limited information in this document. It was withheld from release specifically for its financial and commercial content, as well as material obtained in confidence. As I said earlier, this document request was sought from the former Napthine government, so basically it is the opposition's own document.

The production of documents motion which sought the West Gate distributor documents is another case in point. The resolution requested a copy of the following documents relating to the West Gate distributor:

- (a) the business case;
- (b) interim or final traffic and traffic management studies, reports or briefings;
- (c) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;
- (d) Aboriginal cultural heritage studies, reports or briefings;
- (e) advice on compliance with the Hobsons Bay planning scheme and Maribymong planning scheme and proposed consultation on required planning approvals;
- (f) departmental advice and briefing documents; and
- (g) evidence of consultation on the above.

Because the resolution sought all the documents, including but not limited to the seven specific categories and documents, the government identified that 23 000 documents would have needed to be assessed to respond to this resolution —

23 000 documents! In limiting the government's response, with only seven categories of documents specified in the resolution, 38 relevant documents were identified and a response was given to the Legislative Council on 23 June 2015. The government outlined that 13 of the documents were to be released in full; one was released in part because I think some personal information was deleted from that; and 24 documents were withheld, with 4 documents withheld due to cabinet-in-confidence information and information that would damage the state's financial or commercial interests or otherwise jeopardise trust and confidence between them and certain officials. I will come back to that point later on.

I think I have touched on the Australian grand prix. I will give this to them: the Greens have pursued that issue every time under successive governments, and that is fair enough. But this time they have decided, 'We are taking a different approach now'. They decided not to pursue the suspension of the Leader of the Government in the last Parliament, but apparently they want to do that with the current Leader of the Government.

The other papers that the opposition seeks to have released are documents relating to the Cranbourne-Pakenham rail corridor project. This request was the subject of a motion moved on 25 February 2015. Just to refresh people's memory, that motion sought:

- (1) the value-for-money evaluation for the Cranbourne-Pakenham rail corridor project, required under item 2.4.1 of the Department of Treasury and Finance's unsolicited proposal guidelines for the purpose of assessing 'whether value for money is being achieved for government, including that the benefits to government are being maximised';
- (2) all meeting minutes and other documentation relating to any working group established for the Cranbourne-Pakenham rail corridor project in order to complete the stage 2 preliminary assessment under item 2.3 of the Department of Treasury and Finance's unsolicited proposal guidelines;
- (3) all minutes and other documentation relating to meetings held by the Treasurer, Minister for Public Transport and other relevant portfolio ministers to provide early guidance to the Cranbourne-Pakenham rail corridor project working group, established under item 2.3 of the Department of Treasury and Finance's unsolicited proposal guidelines, on whether the Cranbourne-Pakenham rail corridor project proposal fits with government priorities and policy directions; and
- (4) any reports, data and summaries produced following community consultations undertaken during July and August 2014 by the Department of Transport, Planning and Local Infrastructure.

What was the response from the government? The response to the request was the release of three documents in full and the withholding of one document in full.

In the documents released in full the only information that was deleted or removed was the personal information, but otherwise they were actually released in full. The first was the Cranbourne-Pakenham corridor project community survey and submission overview. The second one was the Cranbourne-Pakenham railway project communication with stakeholders engagement. The third was the community consultation material. In regard to the only document that was withheld, the value-for-money evaluation, the government said it claimed executive privilege over that document on the basis that disclosure would reveal directly or indirectly the deliberative process of cabinet.

I will come back later on to talk about executive privilege. If someone can put in a motion every time to basically release every document they can think of, including documents which contain commercial-in-confidence material — talking about money, people tendering for projects and all those sorts of things — that is basically going to just create chaos, especially where you have projects that have not started, where tenders have not been awarded and where people are still in the tendering process. You do not do that. It is a simple rule of business that if you are going to get best value for money, you do not want company A to know what company B is bidding and what its bottom line or upper limit is because that will destroy competition. This is sensitive information, particularly the workings of cabinet. It has been well established in the Westminster system that governments can claim executive privilege on these types of documents. That has been done by every government over the years, and rightly so.

But for some reason the opposition decided to ignore that. That is exactly what the opposition would have done when it was in government. Whether government members are suffering from dementia and have forgotten that they were doing that or they do not understand quite how the system works, I do not know. The only thing I can conclude is that they just basically want to create as much mayhem as they can.

The other documents subject to this motion were sought via a motion moved on 10 June 2015 in regard to the Advanced Lignite Demonstration Program. That motion sought:

... any agreements in relation to the Advanced Lignite Demonstration Program between the state of Victoria and —

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

Those documents were requested on 10 June 2015 and the response was given not long after that, on 11 September 2015. The government has not been sitting on its hands and doing nothing; it has actually been very helpful. Looking at Mr Jennings, his biggest crime in this Parliament is actually being too helpful. He has been too nice to the other side, and he should be punished for that. I reckon he is too helpful. Sometimes if you are too generous with people and you try to do the right thing, if you try to be transparent and up-front, they take advantage of you. They do not get it. They just basically want more.

Mr Morris — How long would you put him out for?

Mr MELHEM — I am coming to that. Make sure you are around, Mr Morris, because I am going to talk about that. I am actually going to go back to what should be the right punishment, and it might be for a different reason — for being too helpful! So I tell Mr Morris to hold his breath. We might talk about that after lunch, the way we are going. People can relax a bit, have a bit of lunch, and then we can talk about that. We will leave that until after lunch.

Going back to that, on 11 September 2015 the government responded to the request. Three documents were identified as the relevant documents, and all three were released in part. When we say ‘in part’, only commercial-in-confidence and personal information was withheld from the release. The government has complied with that request. You do not expect a responsible government to put commercially sensitive information out to the market. That basically destroys confidence in governments. If the government starts doing that, no business would have any confidence in this state.

Mr Ramsay — What about dumping that report into the *Geelong Advertiser*?

Ms Shing — What? You saw it before we did.

Mr Ramsay — It leaked out of the office — the champions of leaking reports.

Ms Shing — You saw it before we did.

Mr Ramsay — Yes, we read about it in the *Geelong Advertiser*. That’s what we did.

Mr MELHEM — That is good. You have read it now — so read it.

So I do not see the reason they are complaining about this. I suppose they are complaining for the sake of complaining. By the way, these documents were signed by the previous government. These are the opposition’s own documents; it signed them. Members opposite just have to look up who the minister was at the time. They have the documents; they are their own documents — ‘Give me my own documents’. They could have at least said, ‘Look, can we have these documents, because we have lost our copies of them? Can we get a copy, because we have lost them? I do not remember where they are’. These are their own documents.

Mr Jennings — It is to feed divisions within the Liberal Party.

Mr MELHEM — Maybe that is why — members opposite need to start working together a bit more. We could have done — —

Honourable members interjecting.

Mr MELHEM — That is good — I have all day, don’t I, and next week? I am in no hurry. Maybe I should start from the top on this one.

Going back — I think it was the Advanced Lignite Demonstration Program document; I think that is the one — members opposite could have done the responsible thing and released their own document.

Honourable members interjecting.

Mr MELHEM — I have lost where I was, now I have to start again. I may have to go back to the beginning.

Mr Jennings — From the top — 22 minutes. You can cap that.

Mr MELHEM — I think I should go back to the beginning. By the way, my understanding is that no funding has been provided to this project. Nothing happened there, and no funding would have been provided until the program had met essential milestones. The other thing is that the company withdrew from the project in mid-2015. That is a project document that was done under the previous government. It signed the document. The project did not go ahead. I cannot see the logic in members opposite suddenly deciding they want to be interested in that, even though the project — —

Mr Barber — It’s the whole global warming thing.

Mr MELHEM — I think maybe it is, yes.

Mr Barber — It's the whole city grinding to a halt transport nightmare kind of thing.

Mr MELHEM — Maybe, yes.

Mr Barber interjected.

Mr MELHEM — That is fair enough. I did not think like that.

We turn to the Peter Mac Private hospital document, which was subject to a resolution of 5 August 2015. What a wonderful building. The resolution talked about:

... a copy of all documents in relation to the establishment of the Peter Mac Private hospital on the site of the Victorian Comprehensive Cancer Centre (VCCC) including, but not limited to —

- (1) the business case;
- (2) presentations and/or documents prepared for the Peter MacCallum Cancer Centre (PMCC) board or subcommittees;
- (3) a copy of the agreement (be it a contract, MOU, heads of agreement or any other agreement relating to the relationship between PMCC and the private provider selected), or the most recent draft, together with working papers relating to this agreement between PMCC and the private provider selected to operate the private hospital on the 13th floor of the VCCC;
- (4) the state government contract with the Plenary Group to lease the 13th floor of the VCCC, or if there is no such contract, any document constituting or evidencing a commitment to Plenary by or on behalf of the state to take up a lease of that floor, any subsequent agreements (draft or otherwise) for PMCC to sublease this space from the state and any document recording the cost to the state of that lease;
- (5) information (not already covered by (1)–(4)) provided to the Department of Health and Human Services by PMCC in relation to the business case for the establishment of Peter Mac Private; and
- (6) documents provided to the Department of Health and Human Services from the VCCC proposing future use of the 13th floor.

That request was made on 5 August 2015, and on 24 November Mr Jennings, the efficient Leader of the Government, responded to the request and identified 43 documents relevant to the request. Twenty-one documents were released in full and 10 documents were released in part. Twelve documents were withheld in full as they contained cabinet-in-confidence and commercial-in-confidence material. So basically 43 documents were identified. The government has

released what it can release within the guidelines and withheld — —

Mr Barber interjected.

Mr MELHEM — Not Mr Barber's guidelines. If we go with his guidelines no-one will come and invest in this state. If we use his guidelines, businesses and everyone else will be running away from the state.

Mr Barber — Really?

Mr MELHEM — Absolutely. They will go to the other states. They will probably leave the country. When you have got no care or responsibility you can ask for whatever you want, because you will never be accountable for anything. But with power comes responsibility, and that is something Mr Barber has not yet experienced. Responsibility comes with being in government.

Mr Barber — Really?

Mr MELHEM — Absolutely. You never know — —

Mr Barber — Are you saying the Greens have never been in government?

Mr MELHEM — In this state. The Greens are now working on that now in their new coalition with the Liberal Party. They might have a chance. We will see.

Mr Barber — The ACT and Tasmania.

Mr MELHEM — There you go. I am sure the Greens in those governments have taken a different approach from that taken by the Greens here. I am sure that when the opposition asked the Greens government in the ACT for documents there were some that were withheld, and probably for the right reason too. That is the difference.

The government has undertaken a robust process to determine what will be on the 13th floor of the Peter Mac building to ensure that every square metre of the Victorian Comprehensive Cancer Centre (VCCC) is dedicated to supporting all Victorians touched by cancer. I gather there is a disagreement between the former government and the current government about what should be done with the 13th floor. That is fair and reasonable. The former government had a plan. It is no longer in office. A new government has come in and has a contrary view to that of the previous government. That is part of democracy. It does not mean that the plan we are trying to put in place is the wrong one or is no good. You might disagree with it; that is fair enough.

But it is no different to a situation where Labor was in government and lost office and the coalition came in and suddenly decided it wanted to change a policy on a particular project such as the 13th floor of the Peter Mac. That is its prerogative as a government. The former opposition was clear on its position when it went to the election.

A market sounding process has demonstrated huge interest from both the public and private sectors wanting to be involved in the VCCC. The government has been inundated with interest from those wishing to be involved. This is an argument about whether we turn the 13th floor of the Peter Mac into a private provider or have open access. That is the process that this government is going through.

If I look at what the Andrews government has done since that resolution in November 2014, it has responded to 11 of the 13 document requests made by resolutions of the Council, and it has released 219 documents in part or full and withheld only 45 documents. I will go through them later on.

If the opposition really cared about disclosure, it would not have treated the Victorian public with contempt with its dodgy east-west project. I remember in this house when we asked for the business case we were provided with a document. I think it was about half a dozen colour pages with lots of pictures and not much content. There has been a lot of discussion in this house about how we asked the government of the time to release its business case but we never got it. Now those opposite complain about the position of this government with regard to how much information it has released or not released, even though the track record of those opposite is abysmal. It is not a good record. It is not a record to be proud of. I think opposition members should look at themselves in the mirror and do a bit of analysis and reflection about what they did in government — what documents they released and did not release. They should compare that with the performance of this government for the last 15 months and see who has got the runs on the board. It definitely will not be the opposition. It will not be the Liberal Party or the National Party. I think the Labor government will win hands down.

The reason some of the documents were not released is the claim of executive privilege. Many speakers talked about the issue that the Legislative Council has the power to request the government of the day to produce specific documents held by government agencies and departments. That has been recognised. There is no argument in relation to that point. However, Parliament's power to order the production of

government documents is not unlimited. That is something that is important for us as parliamentarians to reflect on. We may have the power to ask for specific documents, but it is not an open-ended process. There is not a carte blanche. You cannot ask for anything and everything under the sun. There are certain areas where governments can refuse or decline to provide documents. There are reasons for that, and I will go through those reasons shortly.

There is an accepted principle that government may withhold disclosing documents in response to an order for documents when disclosure would be contrary to the public interest. This basis for withholding disclosure is called executive privilege. I think we all know about that. I have learnt about that in the last three years. I think it is very important that people should be reminded of it.

The government has adopted a principled approach of claiming executive privilege in relation to documents subject to an order for documents. In considering a claim for executive privilege, the government — any government — will assess whether the release of the information would be prejudicial to the public interest. I think that is a very important test that we should use for any request — that is, if something is not in the public interest, it should not be released, but if it is in the public interest for it to be released, government should comply. We believe we have complied. We do not believe that was the case on every occasion with the previous government, but I will come to that later on.

These principles were set out in the Attorney-General's letter to the Clerk of the Legislative Council dated 14 April 2015. Those provisions ensure the protection of documents which if released would 'reveal directly or indirectly the deliberative processes of cabinet'. I think it is well known that under our system any document subject to cabinet process is a privileged document — —

Mr Barber — Any document?

Mr MELHEM — Anything to do with cabinet where cabinet decides it is privileged.

Mr Barber — Any document that just gets wheeled through cabinet?

Mr MELHEM — We can if we want, but we are not doing that, Mr Barber. We have been giving you information. The information we have given Mr Barber in 15 months is far more — I do not know how many times more — 10 times more what he has had in — how long has he been in the house requesting documents?

Mr Barber — About 9 or 10 years.

Mr MELHEM — Nine or 10 years. I reckon Mr Barber has had more documents in the last 15 months than he had in 10 years. If we were going to do a statistical analysis, Mr Barber would find that he is miles in front. He did not get much from the previous government. When I was here in the last Parliament — I think it was only for about a year or so — I did not see Mr Barber putting up a motion to suspend Mr Davis as the Leader of the Government when he refused to give him documents. Mr Barber did not do that. Mr Barber might say, ‘We didn’t have the numbers’, but he did not actually go ahead with it. He did not do that.

Mr Jennings — Because he was not as nice as me.

Mr MELHEM — He was not at all; he was horrible.

Mr Jennings — He got away with whatever he wanted.

Mr MELHEM — I know. He was terrible; he was a terrible leader. He was not nice at all. Mr Ramsay was much nicer than he was —

Mr Ramsay — We are just waiting for lunch.

Mr MELHEM — What time is lunch? We have an hour or two. I will go back to the Attorney-General’s letter to the Council. It talks about any release of documents that could reveal high-level, confidential deliberative processes of the executive government, or would otherwise jeopardise the necessary relationship of confidence between a minister and the public service. That is another area that I think we need to be very careful of. There has to be a fair bit of confidence between a minister and the public service in relation to advice and in relation to work that is being prepared, because if you do not have that confidence, then I think that could undermine the whole integrity of the public service, which is there to give advice without fear or favour. You do not want to move into a *Yes, Minister* type situation. I think it is very important to maintain that confidence between the two.

Going back to the letter from the Attorney-General to the house, documents will not be released if that would reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to a statutory confidentiality provision; for example, section 10.1.30 of the Gambling Regulation Act 2003. So, again, for certain documents falling under that category, the government will claim executive privilege.

The letter goes on to state ‘anything that could reveal confidential legal advice to the executive government’ as another reason where government will not release a document. It also says documents will not be released where this could:

otherwise jeopardise the public interest —

I talked about public interest earlier —

in particular where disclosure would prejudice national security or public safety —

that is straightforward —

prejudice law enforcement investigation;

materially damage the state’s financial or commercial interests (such as ongoing tender processes, or changes in taxation policy) ...

I talked about the Cranbourne example and the West Gate distributor. These contracts are subject to an ongoing discussion about tendering processes. It is my understanding that as part of any tendering process even the responsible minister would not see some of these documents because if that minister is going to make a decision about awarding a contract, they would not be able to know whether company A or company B is bidding for something —

Mr Barber — There is only one proponent for the West Gate distributor; it is Transurban.

Mr MELHEM — Maybe there is, but there will be dozens and dozens of other companies that will be involved in constructing that particular job.

I am glad Mr Barber raised that point, because he is right: there are two principal clients, if you want to call them that, for the West Gate distributor — Transurban and the state government — and maybe the federal government if it decides to chip in some money. I am not sure if it is chipping in any money at this stage — is it?

An honourable member interjected.

Mr MELHEM — No, apparently not. They are the clients, if you like, but then you have got all these other companies which are not part of the Transurban consortium. So it is Transurban and the state government, and we never know — the feds might come in. They are the clients. Mr Barber is right: they are the clients. But then you have dozens and dozens of other companies coming in to put in tenders to construct the project, but they are not related to Transurban or the state government. Whether it be Transfield Services, John Holland or Lend Lease —

multinational companies — underneath them will be dozens and dozens of other subcontractors putting in tenders as well to do some of the work. All that goes into a melting pot.

You do not want to go and say to John Holland, for example, if it is bidding for the tunnel section of that project, ‘Look, they’re bidding for \$2 billion’, so Lend Lease will know how much they are bidding for and say, ‘Okay, they’re bidding for \$2 billion. If we come in at \$1.999 billion, we might have a chance’. You do not do that. It is commercial in confidence. You do not just release these documents because someone asks for them, because what would happen then is that this company would take advantage of the client, which is in this case the state government. Victorian taxpayers are the ones who would be disadvantaged at the end of the day.

Therefore when asked for information in relation to the example I have just given it is fair and reasonable that the state government declines to release that information, because it is not in the public interest. Members of the opposition are talking about the public interest in releasing information, but the side letter regarding the east–west link from former Treasurer Michael O’Brien cost the state an enormous amount of money.

The letter goes on to talk about anything that would ‘prejudice intergovernmental and diplomatic relations’, so that falls into that category, or ‘prejudice legal proceedings’.

They are some of the rules or guidelines or reasons why the Andrews Labor government has claimed executive privilege in relation to some of the documents — not all of them. As I outlined to the house back in April 2015 and as I said earlier, that approach is consistent with the Westminster parliamentary system and is based on a considered analysis of the law. I think many other cases will actually support that. There is a reason why that is in place. Executive privilege exists to protect the Westminster system, including the confidentiality of the cabinet process, which I have been talking about, because if you do not have that, then basically you have chaos.

Mr Herbert interjected.

Mr MELHEM — Apparently since 1600 and something, going back to the motherland. Was it 1600?

Mr Herbert interjected.

Mr MELHEM — The whole world; absolutely — democracies over the world. But it seems to me that the opposition decided to ignore that.

Mr Herbert — Since BC.

Mr MELHEM — I think it would be BC; probably going back to Roman days. As I think I mentioned earlier as well, executive privilege protects the proper functioning of the public service as well as protecting the interests of the state more broadly, including the integrity of its dealings with the private sector. They are very important things.

I think it is fair to say that in Victoria over the years, under various governments — and that is the beauty of our system — we have had really good standards. That is why businesses have had confidence in doing business in Victoria, and in Australia generally, over the years — because we have some robust systems in place. We have a system that is built on trust. We have transparency. Compared with some other countries where in order to get something done you have to talk to someone and then they will talk to someone else, we do not have that level of corruption in relation to government procurement policies and projects et cetera. Thankfully we do not have that in this state. That is something we should protect. That is why from time to time governments can and should claim executive privilege when it comes to protecting the public interest as outlined in the letter by the Attorney-General to the house.

Where do governments get the power to claim executive privilege? The government’s power to claim executive privilege comes from the Constitution Act 1975, and the power of the Legislative Council to call for documents is determined by reference to those powers held by the United Kingdom House of Commons in 1855, subject to any inconsistent act. In the United Kingdom in 1855 the House of Commons power to call for the production of documents was subject to established exceptions, including Crown privilege, which is now known as executive privilege, and the government’s assertion that documents were the subject of executive privilege was a sufficient reason for refusing the production of documents to the House of Commons.

Executive privilege represents a limit on the Legislative Council’s power to call for the production of documents. Again, it is not a carte blanche where every time a member of the house asks for a document the executive government must comply because someone asked for the document.

Now we understand that there is always going to be an argument about whether governments hide behind executive privilege and basically release no documents — —

Mr Morris — You are admitting it.

Mr MELHEM — Let me tell Mr Morris that his government did not release much at all in four years. He should go and look at the record. We have actually done far better than that.

We can argue about the operation of executive privilege and why that should be in place; it is always going to be debated. It is not necessarily a straightforward exercise. I think the only way that can be judged is by evidence. I look back to what I said earlier about how many requests have been made in relation to the production of documents and how many documents have been released in return. If you look at, for example, the past 15 months, you can see the statistics speak for themselves. We have provided the house with more documents than were provided in the entire last Parliament, where the former government — now the opposition, and its members are making the complaint about us not releasing documents — in four years released very little. If you compare what documents it released to the number of documents that have been released in the last 15 months, I think you will find it is a really embarrassing comparison. We have more than likely produced 10 times the number of documents that were produced in four years of the previous government in only 15 months in power.

It is not a carte blanche situation. Governments can legitimately withhold cabinet documents and in some cases commercial-in-confidence documents. We definitely do not agree with the opposition's assertion that basically whatever you ask for you should get. There are many precedents.

The Freedom of Information Act 1982 is another area under which members of Parliament, and members of the public can ask for the release of documents and release of information. The Freedom of Information Act contains provision for the protection of certain limited categories of documents. These provisions shall be applied consistently to documents sought by the Legislative Council. Those provisions ensure that documents are protected that, if released, would reveal directly or indirectly the deliberative process of cabinet; reveal high-level confidential deliberative processes of the executive government, or would otherwise jeopardise the necessary relationship of confidence between the minister and the public service; reveal information obtained by the executive government on

the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions — for example, section 10.1.30 of the Gambling Regulation Act 2003; and reveal confidential legal advice to the executive government. The provisions also ensure the protection of anything that would otherwise jeopardise the public interest.

It is vital that a principled approach is taken when considering the release of documents requested by the Legislative Council to ensure that the release of information to the Parliament is consistent with the principle governing the release of documents under the Freedom of Information Act 1982.

I will go back to recap on some of the numbers I talked about earlier in relation to the production of documents for this, the 58th Parliament. Since December 2014 the Council has made 14 orders for documents, and the Andrews Labor government has provided responses to 12 of these. For the 12 responses tabled so far, 264 documents have been identified as relevant, 164 documents have been released in full, 55 documents have been released in part and only 45 documents have been withheld in full.

I will briefly go through the only documents that have been withheld. Documents in relation to the West Gate distributor were withheld. This project is still under active recruitment, and while cabinet documents and commercially sensitive material were withheld in full, 13 documents were released in full and one was released in part. As we know, there have been some changes to that project, and that is why some of these documents have not been released. I have already talked about the grand prix. I have also talked about the Cranbourne corridor and Peter Mac. In relation to South Yarra railway station, I think two documents were withheld which contained cabinet-in-confidence and deliberative material.

There are two other orders, as I understand it, that the government has not responded to. The first is in relation to the Punt Road public acquisition overlay document, as well as document briefings, legal advice, consultancy reports and other documents held by VicRoads and other departments and agencies. That order was made on 9 December 2015. The second is in relation to the level crossing removal project and all documents created or referred to since 4 December 2014 relating to the level crossing removal Caulfield–Dandenong project proposal. That order was made on 24 February.

The last two orders are unanswered orders, because the requests are very substantial. They request a significant volume of documents and relate to matters that involve significant legal and commercial considerations, and the government is working in good faith to respond as soon as is possible to these requests. The government has not responded to the Council and said, ‘Bugger you. Bugger off. We’re not going to supply you with any documentation’. We are working through that, and in due course a comprehensive response will be given to the Council in relation to these two matters. Because of the complexity and sheer volume of documentation, obviously the government will be going through this paperwork to make sure it is not compromising the public interest, it is not compromising the tendering process and it is not compromising sensitive information these documents might contain — some privacy matters and things that will fall under the Freedom of Information Act and executive privilege, as outlined earlier. On my understanding, some progress has been made in relation to those two matters, and that will be forthcoming.

I might go to some comparisons with how things went in the 57th Parliament when the coalition was in charge and how it handled production of documents under its watch. In the 57th Parliament the coalition provided documents in relation to just three of Labor’s requests for documents in the Legislative Council. I am talking about the Wallace Street, Morwell, drainage work report and the motion moved by Mr Viney; the planning advisory committee report motion moved by Mr Tee; and the Urban Growth Boundary Anomalies Advisory Committee report motion moved by Mr Tee.

No documents at all were provided following Labor’s other requests for documents. For example, on the motion relating to ambulance response times moved by Mr Jennings we are still waiting for a response, but I do not think we are going to get that; on the motion relating to Patrick stevedores relocation from Webb Dock East moved by Mr Tarlomis no documents were provided, and we are not likely to get them; and of course with the big one, the motion in relation to the east–west link business case moved by Mr Tee, a lot of time was spent in the previous Parliament in relation to this matter, and as I said earlier, the only thing released was just a glossy executive summary, which contained none of the details of this project. Those opposite want to talk about form. In fact we got to a stage where we decided, ‘Why bother asking this government to provide any information?’ — I am talking about the former government — because it had form in basically not releasing anything.

I go back now to what the Andrews Labor government has done since it came to office. It decided to look at changing the way this place operates. It has put in place some reforms to improve the way this Parliament works and make sure there is transparency. The reforms it put in place include, for example, establishing a non-government majority on the powerful Public Accounts and Estimates Committee. We were under no pressure to actually do that. In relation to the reason that was done, I go back to the Leader of the Government, Mr Jennings. One of his biggest crimes in this place was basically trying to — actually, it is not a crime; I think it was a great thing, and that is to his credit — lift the standard in this place and make sure we have a transparent government that works well with the Parliament, and trying to provide more oversight by the Parliament over government, hence the agreement to establish a non-government majority on the Public Accounts and Estimates Committee.

Back then we did not have the numbers in this house and we knew we were not going to have the numbers on the committee. Therefore we could have taken the safe option and said, ‘No, we’re not going to do it. We’re under no obligation to do that’. But no, we wanted to be transparent and we were not afraid of putting everything on the table, and so that was established. We have also provided additional resources to support crossbench and Independent MPs. A fair bit of work was done on ending the regime of FOI secrecy that was run from the private offices of former Premiers Ted Baillieu and Denis Napthine. I will go through later on the whole freedom of information issue. Instead of the ministers dealing with those freedom of information matters, they were given to staff to deal with.

We have also delivered on our promises to appoint a non-government MP as chair of the parliamentary Accountability and Oversight Committee, which I referred to earlier, and to double the number of questions from opposition MPs by introducing supplementary questions in question time in the Legislative Assembly. We have given the opposition double the number of questions in the upper house as well, in this chamber. What people used to categorise as Dorothy Dixier questions, which were asked by government members of ministers during question time about particular matters, we have done away with. We have given the opposition — combined — the opportunity to ask ministers 10 questions and 10 supplementary questions, when under the previous Parliament it was allowed 5 questions. That is double — in fact, it is more than double; it has gone from 5 questions to 10, and then there are the supplementary questions which have been introduced in the Assembly.

Also — and I touched on this earlier as well — for the first time the President in this place has the power to require additional information from a minister if their answer is deemed insufficient. I recall some of the questions that were asked of the former government's ministers in this place, in particular of the Leader of the Government at the time, Mr Davis. If you got a straight answer to a question, that would have been Christmas come early. If you look at *Hansard* and analyse the lines of questioning by the then opposition of the former government ministers, in particular the Leader of the Government at the time, and then do an analysis of how many answers were given that basically addressed the questions, you will find it was not many.

When the opposition at the time complained about that in points of order, the President's responses — and rightly so — were 'I cannot direct the minister to answer the question' or 'I cannot tell the minister to answer the question'. But under the new standing orders, whilst the President might not be able to direct a minister to answer questions in the way they should be answered or that the other side would like them answered, at least he can direct the minister to supply the information in a written answer to try to address the question. That is another example of the leadership shown by the Leader of the Government, Mr Jennings, in relation to that point. Let me say he has been cautioned about being too generous, and his response has been 'No; we want to be transparent. We want to be accountable. We are going to answer all these questions. We are going to go through that process'. The changes were made to the standing orders, and now members of the opposition and the crossbenchers have the opportunity to ask ministers more questions than ever was the case in previous parliaments.

I will go on to talk about some of the examples of the various documents requested and where things are at — for example, some of the resolutions were in regard to the KPMG port of Melbourne scoping study. That motion was moved on 11 February 2015 by Mr Barber. It was addressed to the Treasurer, and the Treasurer responded to that on 23 June. One relevant document was identified, one was released in part — commercially sensitive and personal information. That was done.

On the east-west link contract Mr Rich-Phillips moved a follow-up motion on 18 March 2015. That was an interesting one because it requested a copy of the opposition's own document. The contract was signed by the previous government, so Mr Rich-Phillips had a copy of it. Nevertheless, that motion was moved. A request was made on 11 February 2015. There was a follow-up on 18 March, and the response was tabled on

15 April. Forty relevant documents were identified and 40 were released, mostly in part. Commercially sensitive and personal information was removed. That is another example of our complying with things. The ridiculous thing is the opposition was asking for its own documents — not something new.

The same thing occurred in relation to the West Gate distributor, and I talked about that. On the Cranbourne-Pakenham rail corridor, all those documents were released. Ms Wooldridge's motion in regard to the West Gate distributor documents was resumed on 25 February and directed to the Minister for Roads and Road Safety. A final response was given on 23 June 2015, which included 38 relevant documents identified: 13 were released in full, 1 was released in part because some personal information was taken out, and rightly so, and 24 documents were withheld in full on various grounds — cabinet in confidence, damage to state financial or commercial interests, jeopardising trust and confidence between ministers and officials.

Motions were moved on 25 February by Mr Barber in relation to the Cranbourne rail project and by Mr Davis in relation to the City of Bayside C125 amendment report prepared for the Minister for Planning. There was a response on — —

Mr Ramsay — On a point of order, Acting President, I am just wondering if you would ask Mr Melhem if it is his intention to filibuster until question time at 12 o'clock. Given I am the next speaker on the list, I was wondering if I need to be in the chamber for the next couple of hours, given that he has now spoken for 1 hour and 9 minutes.

The ACTING PRESIDENT (Ms Dunn) — Order! That is not a point of order.

Mr MELHEM — Going back to the City of Bayside C125 amendment report, which Mr Davis moved a motion about on 25 February, there was a response from the Minister for Planning on 14 April 2015. My understanding is one relevant document was identified, and that was released in full. We should get a credit for that. Maybe that should take one month off of the punishment for Mr Jennings, so it would go down from six months to five months because he complied with that. But maybe that will be in the opposition's contributions later on. Mr Jennings might get some credit and have one month shaved off the punishment suggested by the opposition.

Also in regard to the Advanced Lignite Demonstration Program documents motion moved on 10 June, the Minister for Energy and Resources responded on

11 September 2015, and there was a further response on 12 April. Three relevant documents were identified and three were released in part, and the only thing that was left out was some commercially sensitive and personal information.

I will not repeat some of the other matters, but on the South Yarra railway station another motion was moved by Mr Davis on 2 September 2015. The matter was also mentioned by him on 10 June 2015, and the Minister for Public Transport responded to Mr Davis on 6 October. My understanding is that 11 documents were identified, with 8 documents being released. Seven of these documents were Council written adjournment responses and replies to constituency questions which have been published in *Hansard*. One document was released with the removal of personal information and two documents were withheld on the grounds of executive privilege.

Mr Davis gave notice of another motion in the house on 18 August 2015. This was for the attention of the Minister for Planning and sought the production of documents in relation to the City of Port Phillip planning scheme amendment C107. The motion was moved on 7 October 2015 and was responded to on 11 November 2015. To date 59 documents have been released. Again the only thing that has been taken out is personal information. So this is another credit that should probably be given to Mr Jennings, and we are now down to four months. The way he is going he will have a credit for any future crimes the opposition might decide to accuse him of and be able to stay in this house.

Another order was made, this time in relation to the Punt Road public acquisition overlay. The order was made on 9 December 2015, with a response from the Minister for Roads and Road Safety dated 20 January 2016, and that is progressing. I am sure the good minister, Mr Donnellan, will respond to the house in relation to this request, and I am certain, knowing him, that he will do his utmost to respond positively but with the same restrictions and caveats in relation to sensitive matters that may fall under executive privilege, and that will be taken into consideration.

A further motion for documents to be produced was introduced by Mr Davis for the attention of the Minister for Roads and Road Safety, this time on the level crossing removal project. The order was for the production of all documents created or referred to since 4 December 2014 relating to the level crossing removal project from Caulfield to Dandenong et cetera, and that request is now pending. The response will be on its way to the Council.

If I may, I will now just talk about the performance of the previous government in relation to its response to freedom of information requests, for example, and look at its track record. If we look at what the Leader of the Opposition did when she was a minister in the former government, it is clear she was pretty good at trying to stymie or block any request whenever she could in relation to the freedom of information system. I think the evidence shows that she was probably the worst offender in the Baillieu and Napthine governments when it came to denying freedom of information requests by members of Parliament and by the public. I will go through some examples.

As I indicated earlier, some of these requests are about serious matters. They are matters that should be handled by ministers but have been delegated to their staff to deal with. That is fair enough: you get your staff to do your work. We would not expect a minister to search for all these documents, because there are staff to do that. I get that. But the least you can do is get the minister to put his or her signature on a letter to the person who requested the information. I get that the staff will do the work; I do not expect the minister to do that, because ministers are busy sometimes. But they should not fully delegate the task to staff — to analyse the request and make a decision. That is basically outsourcing their role under the act to a staff member.

There are quite a number of examples of this. Apparently it was the practice under the former government. For example, the former Premier, Ted Baillieu, employed Don Coulson in his private office as a dedicated political freedom of information adviser who oversaw freedom of information responses across government. Peter Ryan had decisions made by his chief of staff, Ben Hindmarsh. Other ministers in that government also delegated the task. With Louise Asher in the Legislative Assembly it was the same thing — the decisions were made by her chief of staff. With Robert Clark in the Legislative Assembly the decisions were made by his chief of staff, Ben Davies. I have a few letters here that have been signed by these people, not the ministers. They outsourced that task. Some could question why they even occupied the chair of a minister if they were not prepared to take responsibility. With Kim Wells in the Legislative Assembly it was the same thing; his chief of staff was handling all that. With Martin Dixon in the Legislative Assembly it was the same thing. With Michael O'Brien in the Legislative Assembly, I wonder whether he signed that side letter or had his chief of staff sign it. No, I think he signed it. With Ryan Smith in the Legislative Assembly it was the same thing.

Ms Wooldridge was taken to the Victorian Civil and Administrative Tribunal (VCAT) on 18 occasions in her first 12 months as a minister. So if we want to talk about the record of this government and that of the Leader of the Government and his attention to meeting the requirements of the house to produce documents and compare that with the performance of the current Leader of the Opposition, we can make up our own minds, because the facts speak for themselves. The list goes on and on. In some cases people who went to VCAT did not even get a response when they put in a request. It may have taken six months sometimes, if they were lucky.

Some of the areas were in relation to freedom of information requests, and I am not just talking about requests from the public.

Mr Finn — Tell us about the royal commission.

Mr MELHEM — Well, I am happy to talk to that, Mr Finn. That is what the Liberal Party is very well known for. If it does not get its way, it gets consultants to do its dirty work.

On 1 March 2011 Gavin Jennings sought documentation from VCAT in relation to implementing year-round concessions on energy bills. That request to then Minister Wooldridge remained outstanding; there was no response. There was another VCAT appeal from Mr Jennings in March 2011, and the list goes on and on. John Lenders had a number of cases in relation to seeking documentation from the current Leader of the Opposition when she was a minister, and he had no luck getting answers.

Mr Ondarchie — You must be proud of this speech — very proud of this one.

Mr MELHEM — Oh look, Mr Ondarchie made it to the house!

Those are examples from some of the former opposition leaders. They basically totally outsourced their responsibilities in relation to the production of documents and freedom of information requests. If you want to go and criticise someone, if you want to basically say, ‘Someone is not doing what they’re supposed to be doing’, the first thing you do is take a hard look at yourself and say, ‘Okay, when I was in that position what did I do? Did I do a better job than the person I am now asking to do a good job?’. The answer to that is very simple. On the performance of the former government — the same people who are complaining today about the Leader of the Government not producing documents — the statistics do not stack up. We have the runs on the board: 10 to 1.

Mr Ramsay — What runs are they?

Mr MELHEM — We produced far more documents in the last 15 months than the coalition produced in four years, and I reckon you could multiply that number conservatively by 10. I was going to leave that until after lunch, but I might as well talk about it now.

The leaders of the Legislative Assembly and the Legislative Council from time to time debate motions about whether or not ministers have complied with resolutions of the house in relation to various matters. From time to time the mover of these motions decides to go all the way, and then the house may impose some penalty on the member who has not complied in relation to these matters by way of a resolution of the house.

There are a number of examples, but none of the examples match the penalty the opposition is putting forward here. For example, on 22 November 2007 a former Leader of the Government, Mr Lenders, was suspended for contempt for repeated refusal to produce documents in response to a Legislative Council order. My understanding is that motion was subject to a lot of debate, and Mr Lenders was punished, if I can use that word. He was put on trial, and what was the verdict? He was suspended for the remainder of the sitting day. What is being asked for in the motion today? Six months! Opposition members are a bit harsh.

In another example from 11 June 2009 Mr Lenders was suspended for contempt for repeated refusal to produce documents in response to a Legislative Council order. Again he was suspended for the remainder of the sitting day — not six months. On 5 October 2011 he was again suspended — Mr Lenders was a repeat offender — for contempt for repeated refusal to produce documents in response to a Legislative Council order. He only got half a day for that one. Even though some people say he was a repeat offender, in the space of three years he was suspended for one day, then he got another one-day suspension and a half-day suspension, so he got a discount. He must have done something between those dates where he produced more documents.

If we apply the same principle to this motion, we see that opposition members today are arguing the very points they argued in the 56th Parliament. I compare those examples with what Mr Jennings has delivered in the past 15 months. If you use the same principle, I do not think he should even get a warning. We are talking about the same people prosecuting the same argument. We have got some new faces but we are still talking

about the same party and the same group. What we have today is the same circumstance. Mr Lenders was suspended for one day, one other day and then half a day. Based on that I reckon if Mr Jennings were found guilty, he should just get away with maybe a verbal warning. But no, the opposition seeks a six-month suspension.

Mrs Peulich — Do you want the telephone directory to help you with this?

Mr MELHEM — If you've got that, I don't mind; I have got all day. Have you got some more? I am happy to use that — you never know.

Honourable members interjecting.

Mr MELHEM — Put simply, it is the coalition's motion. They could actually see some sense and say, 'Okay, let's talk about real stuff'. It is their motion; it is not mine.

Honourable members interjecting.

Mr MELHEM — You're so tough, Mr Ondarchie. I am scared. Mr Ondarchie should not let his ability stop him. You are so tough — come on!

Mr Ondarchie interjected.

Mr MELHEM — No, it is you. You are the one who is doing that.

Mrs Peulich — Are you getting paid penalty rates for this?

Mr MELHEM — I do not think so. I am on a fixed salary, actually. We do not get penalty rates here. I think we get paid enough to do this job; we do not need penalty rates.

The list of the punishments — I will call them punishments — for various MPs over the years goes on and I cannot see any penalties of six months there. That is the problem: if you put the people opposite in charge, they will take us back to the medieval days.

Mrs Peulich — Medieval days?

Mr MELHEM — Yes. We will be talking not just about six-month suspensions but God knows what — about some horrible stuff. We can talk about some of the punishments that opposition members might want to think about and some of the tortures they might want to apply to Mr Jennings because he did not comply fully with their requests.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Melhem, to continue.

Mr Ramsay interjected.

Mr MELHEM — What? You're still here? Aren't you leaving?

Mr Ramsay — I'm the next speaker. I'm waiting to go next.

Mr Finn — And I'm waiting for him.

Mr MELHEM — That's good. That's a relief. Let us consider if this opposition is fair dinkum about responsibility and accountability and fair dinkum about transparency. Let us evaluate what this government has done in the last 15 months, particularly the Leader of the Government, and all the concessions the government has given the opposition, and yet the opposition is so ungrateful. My biggest dilemma with Mr Jennings, and I have told him this, is that he has been too generous. He has been too transparent because he wants to do the right thing, and I respect him for that. But the opposition is taking advantage of that. Because he was doing the right thing, now we are going to suspend him for six months. Wow! Do you reckon Victorians are going to look at that and say —

Honourable members interjecting.

Mr MELHEM — I mean, for not giving over a document because its release is going to actually compromise the public interest test? But the opposition says, 'We don't care about that. Give us the documents!'. Thank God we are not living back in the 1500s when Queen Mary, otherwise known as Bloody Mary, was in charge. But we have got Queen Mary here. If she got her way, Mr Jennings would probably be executed forthwith because he dared to disagree.

Mr Ramsay — If they move you any further to the left, Mr Melhem, you'll be in the Greens camp.

Mr MELHEM — What is wrong with Mr Barber? Do not reflect on Mr Barber; that is not nice. He is actually your partner. You do not talk about your partners like that.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Melhem will go back to the motion we are addressing.

Mr MELHEM — I have forgotten what it is now. I will have to go and recap what I was saying. Where was I? I might have to start again, I think.

Mr Herbert — It is about using this place for their own party political means.

Mr MELHEM — Thank you, Mr Herbert.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! This is not a time for members to spar across the chamber. This is a time for Mr Melhem's contribution. I ask Mr Melhem to continue to address the motion in front of us.

Mr MELHEM — Thank you, Acting President. I am trying to go back to where I was. I was about to conclude, and now I have forgotten what the conclusion was, so I might have to start again. I might have to recap some of the stuff. But I suppose I have only about 5 minutes left.

To go back to some of the punishments that have been dished out in the UK House of Commons, I think we should take some notice of them because, as I said, there has been a lot of connection between their system and our system.

Mr Finn — Our system is their system, in case you didn't know.

Mr MELHEM — There you go. Thank you, Mr Finn, that is a very valid point. So it is about time you started taking notice of them. You should, but you are ignoring that. I have tried to find out about some of the alleged breaches and misconduct and what were the punishments or sanctions applied by the House of Commons. I have gone through them and I think you guys are just very harsh in what you are trying to do to Mr Jennings. Poor Mr Jennings is trying to do the right thing. He is trying to be helpful. I have witnessed some of the arguments he has had about complying with some of the document requests. He would just go and belt them and say, 'You've got to produce these documents'. But instead of getting a reward he is getting punished.

Mr Herbert — How did they pick six months rather than three or two or one?

Mr MELHEM — I am trying to work that out, Mr Herbert, and I cannot work out the logic.

Mr Ondarchie — On a point of order, Acting President, as exciting as this contribution is, if Mr Herbert and Mr Melhem want to have a personal conversation between the two of them, rather than having it on the floor of the chamber maybe they can take it somewhere else.

The ACTING PRESIDENT (Ms Dunn) — Order! That is not a point of order, but if Mr Melhem could confine his comments to a contribution about the motion, that would be very much appreciated.

Mr MELHEM — If I go back to the suspensions that have occurred over the years in the Victorian Parliament and those in the UK House of Commons, I think it is fair to say I have covered the sanctions this house has imposed on leaders of the government on a number of occasions when they have refused to comply with Council requests for documents. The maximum penalty imposed was one day on two occasions, and half a day on one occasion. At least the opposition should have the decency to reflect on its motion and go back and say, 'While we are fair dinkum about this, we are not happy about Mr Jennings, and the house should debate and impose a fair and reasonable sanction'.

We do not believe there should be any sanction. That is our position, and we hold it strongly because we believe — or I believe — the Leader of the Government has fully complied with all the requests of this chamber. In fact I think he has gone beyond what he is obliged to comply with under the rules and regulations of our system. In fact he has been far kinder and more generous in his response, and rightly so, because that is the sort of government we want to have in place to make sure we are open and transparent. We might disagree on things, but we actually respond. The runs are on the board. The statistics speak for themselves. We just have to go and analyse those records.

Imposing a six-month suspension is just absolutely crazy. In fact it is not just crazy, it is absolutely stupid.

Mrs Peulich — He doesn't have to go in and take it if he's produced the documents — simple.

Mr MELHEM — I'm sorry, it doesn't work that way.

Honourable members interjecting.

Mr MELHEM — I had better conclude now, because I think Mr Ramsay is keen to —

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! Just to clarify, has Mr Melhem concluded his contribution?

Mr MELHEM — I am about to, but I am just amused by the conversation. I cannot hear myself.

The ACTING PRESIDENT (Ms Dunn) — Order! I ask Mr Melhem to continue.

Mr MELHEM — Thank you, Acting President. In conclusion, I have got to say this — —

Mr Davis — Thank goodness!

Mr MELHEM — That could take an hour or two, Mr Davis, so do not get too excited. I am actually pleased Mr Davis has now joined us, because he missed when we were talking about how wonderful he was not when he answered questions and there was a lack of production of any documents as a leader in the previous Parliament. Basically he managed to produce zip documents in the previous government. As a matter of fact, what I read was that early on the document requests moved by Mr Davis, like the South Yarra station and various others, were fully complied with by the Leader of the Government and the government, so we have done pretty well in relation to his requests.

What I say to opposition members is this: it is time to have a look at yourselves. It is time to reflect. If they are fair dinkum about how this house should function, if they are fair dinkum about these documents, they should reflect on their motion, withdraw their motion and acknowledge that the Leader of the Government, Mr Jennings, has more than complied. He has done what no other leader in recent history has done in complying with requests from this house to produce documents. He has produced all the documents needed to be produced under the various Westminster guidelines. Members opposite should stop treating this house with contempt, and I think they should start treating the Leader of the Government with what he deserves — he should be given accolades for his work — —

The PRESIDENT — Order! In accordance with standing orders we will go to questions without notice. I understand that Mr Melhem has not concluded his contribution.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

SECUREcorp

Ms PATTEN (Northern Metropolitan) — My question is to the Special Minister of State, Mr Jennings. Yesterday it was revealed that a Chinese-based company, China Security and Surveillance Technology (CSST), will purchase the Melbourne security firm SECUREcorp for \$157.5 million. SECUREcorp has contracts for the

MCG, the Phillip Island grand prix, the Spring Racing Carnival, the Melbourne Museum, Monash and Victoria universities and defence sites. It also has a presence throughout Melbourne's CBD, providing patrols as well as operating CCTV security for the City of Melbourne. CSST is owned by Mr Guoshen Tu, described by the Chinese press as a mysterious figure with links to the government and worth \$1 billion. Given the reasonably small sale price is unlikely to set off an investigation by the Foreign Investment Review Board, can the minister explain what steps the government is taking to ensure the integrity of security operations at major sites across Melbourne given a foreign national will now have full access to them?

Mr JENNINGS (Special Minister of State) — I thank Ms Patten for her question. I think it is totally appropriate for the Victorian government to apprise itself of any relevant issues in relation to this sale, so her question is timely and appropriate. I do not actually want to get too far ahead of the assessment about what that exposure may be, so I do not want to necessarily imply any assumptions about where that assessment may lead to, but I think it is totally appropriate for the Victorian government, and I would think most appropriately through the police portfolio, to have a look at the issues. Because of the connection to the network of CCTV footage and the way in which they are a part of police operations, I think that is the portfolio through which we may seek some guidance about the way in which those matters should be assessed.

I also, on the basis of my knowledge of this issue, indicate that probably Ms Patten's assessment is correct and that the financial transaction itself may not trigger the interest of the foreign investment review process, but I think there obviously would be some degree of national interest in this regard as well. I would think that the commonwealth government should be mindful of that given the significance and the strategic importance of this industry, this sector, and the role that it plays in public wellbeing. So I think there are certainly a range of issues that are worthy of investigation. I would expect that the police portfolio will embark upon an appraisal of those issues and outline the scope of what concerns, if any, may flow from this transaction.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister for his answer, and hopefully that appraisal might be available to us at a later date. Considering that, I also would be interested to hear from the minister if he could inform the house of what contracts for what

sites and what contract value the Victorian government has with SECUREcorp and whether the government itself will be conducting any reviews into those contracts now that SECUREcorp is to be purchased by China Security and Surveillance Technology.

Mr JENNINGS (Special Minister of State) — Certainly I would think that any advice that I would be able to provide the member with would be dependent upon the nature of those contracts. I am not immediately clear who, if anybody, is the repository of the list of those contracts. Again, through police operations engagement with CCTV operations across the state they may be in the best position to know in what public facilities and in which precincts CCTV footage contracts are undertaken. I will in the first instance rely on their advice about that matter, and I will seek some indication of what their level of knowledge may be about the scope of that and when I can report back on it. I will obviously be subject to direction and the expectation of the chamber to comply with that within at the very least two sitting days. I cannot necessarily, hand on heart, say how easy that list may be to compile, but the member herself has identified a range of public venues that it may apply to.

Duck season

Mr YOUNG (Northern Victoria) — My question today is for the Minister for Agriculture. If a motion was to be passed through this house along the lines of ‘That pursuant to section 23 of the Subordinate Legislation Act 1994 Wildlife (Control of Game Hunting) notice no. 01/2016, published in *Victoria Government Gazette* s32 on 29 February 2016, be disallowed’, what would be the actual ramifications of that motion?

Ms PULFORD (Minister for Agriculture) — I thank Mr Young for his very, very detailed question about the mechanism to place limits on the default setting for duck hunting season. As Mr Young is well aware, the default arrangements exist in the wildlife regulations and those restrictions are for a 10-bird bag limit, of course no closures, and 2 blue-winged shovelers being the limit for hunters. Each year the practice is to undertake an extensive bird count and survey and to take advice from the Department of Environment, Land, Water and Planning and advice from the Game Management Authority before determining whether or not the season should proceed unamended or whether there is a case for changes to be made.

The answer to the member’s question is that a number of restrictions that are in place would be invalidated.

There are many locations in Victoria that have been impacted this season by changes or restrictions to the default setting, including part of Lake Toolondo, Heywoods Lake, Round Lake, Kow Swamp, Reedy Lakes, Lake Elizabeth and Johnson Swamp State Game Reserve. All of the restrictions that are currently in place or have been in place at some point during the season would cease to be there.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for her answer. My next question simply is: would the government support such a motion?

The PRESIDENT — Order! My concern with the supplementary question is that given that the matter referred to in Mr Young’s substantive question is no longer on the notice paper, the question really now falls into the realm of hypothetical, because the matter is not before the Parliament and not before the house. I will give the minister the opportunity to comment if she wishes, but the minister should be advised that I do have concerns about the supplementary question being hypothetical.

Ms PULFORD (Minister for Agriculture) — Thank you for your guidance, President. I thank Mr Young for his supplementary question on this matter. The government would support the continued arrangements that we have put in place to ensure the sustainability of duck hunting and indeed to ensure the continuation of protections that have been required in some of these locations, based on the advice we have received. So whilst the question is now somewhat academic and the government would not be inclined to use this mechanism to change a series of arrangements that it has put in place, I am sure that there are 26 000 duck hunters in Victoria — the member perhaps included — who would probably support such a resolution.

Free-range egg standards

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Agriculture and relates to the recent changes agreed to by the Victorian government, which will see eggs produced on farms with up to 10 000 birds per hectare and no requirement to actually be outside labelled ‘free range’. Given that the current model code published by the CSIRO sets the maximum acceptable live weight densities for free-range birds at 1500 birds per hectare, why has the government agreed to a severe winding back of the free-range standard, letting down consumers and existing genuine free-range farmers and worsening animal welfare?

Ms PULFORD (Minister for Agriculture) — I thank Ms Pennicuik for her question and for her interest in this matter. At a recent meeting of consumer affairs ministers, at which I was obviously not in attendance, there were arrangements agreed to which will provide greater clarity and certainty for consumers. The question of what is and what is not free range in relation to labelling has been a vexed one for a very long time. I believe this is something that consumer affairs ministers have been discussing for some time.

The new arrangements, as Ms Pennicuik indicated in her question, provide a definition and clarity around the definition, which includes up to 10 000 birds per hectare — to translate that, it is around 1 square metre a bird — and also access to entry and exit from a contained facility so that those birds are able to move freely.

It is important for consumers to know what they are buying. Consumers in increasing numbers are requiring these kinds of changes from industry, and in turn the consumer affairs ministers of the commonwealth have taken it upon themselves to recognise the need for certainty for consumers on this score.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. I do not agree with the minister that we are going to get certainty, because I would say that most consumers would consider that ‘free range’ means that the birds are outside, and there is no requirement in this new definition for birds to actually be outside. They may have meaningful — or meaningless — access to outside, but they do not actually have to be there.

A media release by the Victorian Farmers Federation dated 31 March states that both the minister and Minister Garrett listened carefully from the start and remained consultative throughout the process. My question is: who else did the minister consult with about this issue and what scientific evidence did the government base its decision on?

Ms PULFORD (Minister for Agriculture) — I thank Ms Pennicuik for her further question on this matter. It is important that consumers have certainty because for quite some time now there have been different standards applied by different producers. A consumer standing in the aisle at the supermarket reading the packaging, depending on their brand preference, was being bombarded with information or assertions about free range that were just completely inconsistent, so this is a positive step.

On Ms Pennicuik’s question and interest in animal welfare standards, there has not been a change to current animal welfare standards. The ‘free range’ in our regulations is not a standard; it is a guide or a suggestion for industry. It is not something that is required.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. I raise the issue of the recent spate of breaches by VicForests in the rainforest areas of East Gippsland — up to five in three months. Can the minister advise why VicForests cannot identify protected rainforest species?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question and her ongoing interest in the operations of VicForests. I note Ms Dunn has yet to avail herself of the opportunity to have a briefing, a sit-down and a long discussion with VicForests on these matters, but perhaps that day will come.

Ms Dunn makes some assertions about the conduct of VicForests, and it is fair to say that there has been an increase in protest activity in East Gippsland. VicForests will not compromise the safety or sustainability of its operations and will continue to protect these environmental values in conducting its work. If Ms Dunn is in a position to substantiate her assertions, then I would invite her to do so, but on previous occasions when she has come in here and asserted that there have been breaches she has been found to be inaccurate. So without a little more evidence to back up the claim, I am not really in a position to comment much further.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. It is not difficult to identify a slender tree fern; even I, with no qualifications, can do so. However, what I am interested in is what actions the minister will take to ensure that VicForests operations stay within the laws protecting rare and protected ecosystems, such as the rainforests in East Gippsland.

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her ongoing interest in these matters. VicForests complies with the code of practice for timber harvesting. It is required to consider any information made available by the Department of Environment, Land, Water and Planning on all known forest values, including the protection of threatened species and other sensitive forest values. I know

Ms Dunn will not rest as long as there is a timber industry in Victoria, but we support a sustainable timber industry in Victoria, one that employs some 21 000 Victorians.

Truck owner-operators

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The Road Safety Remuneration Tribunal's recent order forcing self-employed truck drivers to lift their prices has triggered fears that more than 35 000 small business owners will be priced out of the transport market. Does the Victorian government support the commonwealth's move to delay that price rise in order to protect the viability of Victoria's small business owner-drivers?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. I have not had an opportunity to be fully briefed on what the federal government is planning. Once I have had an opportunity to speak to the federal government, including the federal small business minister, amongst others, then I am happy to furnish the member with more information. Let me say from the outset that on this particular issue I believe the Prime Minister made an announcement in Western Australia. He was surrounded by the Deputy Prime Minister, Minister Cash and Minister Chester. I do not believe that the Minister for Small Business was a part of that. However, I will seek to gather information from the federal government and furnish the member with it.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, which goes to the government's position on its desire to delay the order. I ask the minister: given this order has been around for some time, what advice has he sought as to the impact this pricing order would have on Victorian small businesses if it was to stand?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Again, I thank the member for his supplementary. As the member in his question has pointed out, neither I nor the government has carriage of this particular legislation. It is in fact a federal government issue. So we are not able to influence the federal government in its policy response. However, as I offered in my substantive answer, I am happy to seek further advice from the federal government and provide that to the member.

Automotive industry

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. On 7 October 2015, in response to my question to the minister regarding a lack of support from the minister for the automotive sector small business community, he said — and I refer to page 3417 of *Hansard* — and I quote:

In fact I have already visited what the honourable member would consider small businesses within the automotive sector. I have also been to large businesses in the automotive sector.

Yet following an FOI request of the minister's own department seeking diary entries regarding automotive sector meetings and meeting briefings from the date the minister became minister until 8 October it advised, and I quote:

A thorough and diligent search did not locate any documents relating to the terms of your request.

Why did the minister falsely claim that he had met with small and large businesses in this sector?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question. Just because something may not be in my diary does not mean to say that I have not acquitted what I said I had in Parliament. I have in fact met with the stakeholders I said I met with. In response to Mr Ondarchie's question at the time — it was a question in relation to the automotive transition fund — I said, and I stand by it, that I did not have the capacity in my ministerial portfolio to influence, given it was undertaken by Minister D'Ambrosio. That was the question that was put to me at the time by Mr Ondarchie — —

Mr Ondarchie — That was a different day.

Mr DALIDAKIS — It may have been a different day, but that was the follow-up question. So I stand by what I said in *Hansard*, and I absolutely reject the assertion that Mr Ondarchie put in his question that I have misled the house.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I thank the minister for his answer. I note therefore that he is saying that his department has misled me, and I am sure he will take that up with it after question time. However, I ask: given the minister claims he has met with these people, will he now provide the house with

the names and dates of those meetings during the period covered by the FOI request that he claims to have had?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Again, Mr Ondarchie in his question has asked for different things. What he asked for is dates and times and names of people I have met with, as distinct from the FOI request, which is about what was in the diary. I do have meetings with private citizens and businesses, and I am not going to furnish Mr Ondarchie with that information.

Back to Work scheme

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The minister's small business policy includes the Back to Work scheme to create 100 000 new full-time jobs in Victoria, and Small Business Victoria has advertised the scheme to small businesses. What advice has the minister received on the number of Victorian small businesses that received payments in the first nine months under the scheme?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — As Mr Ondarchie would be well aware, I do not have responsibility for that policy. That policy is implemented by the Treasurer. If the Treasurer and his department have sought to advertise that policy amongst all stakeholders across the government, that is the policy responsibility of the Treasurer.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — The minister will excuse me; I am just reading his small business policy, which talks about the Back to Work scheme. I am happy to table that, President, if the minister is not sure about it.

Honourable members interjecting.

The PRESIDENT — Order! The next person who speaks will be first in the queue for lunch. Mr Ondarchie, starting from the top on the supplementary question.

Mr ONDARCHIE — Thank you, President. The small business policy the minister is responsible for has this critical element. Also, in seeking advice from his department on the number of Victorian small businesses by means of supplementary I ask: how many full-time jobs were created in the small business sector as a result of the Back to Work scheme in its first nine months?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for the question. What I would like to reiterate is that it is a very good policy that is open to all businesses across Victoria — small, medium and large. However, the policy — I reiterate this — is the responsibility of the Treasurer or the minister in this place that represents him. I have no policy responsibility over this policy. Should it be accessible to all businesses, that will include small businesses, but I do not have oversight of the policy.

Devondale Murray Goulburn

Mr RAMSAY (Western Victoria) — My question is to the Minister for Small Business, Innovation and Trade. China has cracked down on imported food and consumer goods at airports and free trade zones and has pulled Australian dairy producer Murray Goulburn's products from China's biggest e-commerce site, Alibaba's Tmall. As the minister for trade, could the minister outline to the house the impact to the Victorian economy and jobs as a result of this decision in China?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Mr Ramsay for his question and his concern over an issue that does have the potential to have a negative impact for us in Victoria, especially when you consider that 80 per cent of Australia's total dairy exports do in fact come from Victoria. To let Mr Ramsay know what we have done, we have attempted to make contact with federal Minister Ciobo, who is overseas in China at this point in time and is to be joined by the Prime Minister on Thursday of this week for Australia Week in China. As a result I have written personally to Mr Ciobo to point this issue out and also ask about the conversations that he is undertaking right now in China.

The impact of this does have the potential to be of some concern. The reason at this point I do note 'potential' is that what is important is that the new law will see price rises of approximately 12 per cent for some food products but at this point in time it is still unclear which food products will be levied with that 12 per cent tariff. What our Victorian government business office in China, led by Commissioner Dillon, has done is actually undertake discussions with Austrade directly. It has been advised by Austrade that Minister Ciobo, obviously in his federal position as minister for trade, will be writing to 15 major Australian suppliers to assure them that the federal government is looking into this matter to get clarification out of Beijing.

I note that Victorian governments of all political persuasions — both Liberal governments and Labor

governments — have always done what they can to push forward Victorian business interests and to support the export of our goods, obviously dairy in this particular instance. We will always do what we can, and we will work with the federal government wherever possible.

It is important to note in relation to the e-commerce market that the value of China's cross-border e-commerce is set to reach \$1.32 trillion this year, 2016, which is up nearly 20 per cent since 2015. This is a significant market which the Australian producers and exporters are able to access. I remain very concerned by the recent announcements, and I will be working as diligently as I can with Minister Ciobo to assist him in any way that he sees to be of benefit and with the Victorian government business network across greater China, where we have five offices, to make sure that whatever impact there is has as little effect as possible on Victorian produce manufacturers. I will ensure that wherever possible we are working with Minister Ciobo and the federal government as best we can.

Supplementary question

Mr RAMSAY (Western Victoria) — I am not sure that the impact on the Victorian economy has been made any clearer to the chamber by the minister's response — in fact I think the chamber is probably at more of a loss. My supplementary question is: this decision taken by China on Monday of this week delivers significant risk — and the minister admitted that — for Victorian trade, small businesses and primary producers like myself, and in fact to jobs in regional Victoria. Can the minister advise the house of what discussions he has personally had with Murray Goulburn since Monday?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I personally have not spoken with Murray Goulburn. As I have said, we are working as closely as we can with the federal government and Austrade to make sure that any potential impact is limited as best as possible. One of the problems we have got in relation to the substantive question is that at this stage the list of products that may incur that 12 per cent tariff fee are unclear to us. They are unclear to producers, and we believe that what Austrade and Minister Ciobo are trying to do is get clarity about this very issue. Once we have got that information, we can furnish the producers themselves with that information.

Small business sector

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Small Business,

Innovation and Trade. In December 2014 the *Sensis Business Index*, which ranks small business assessment of the performance of the Victorian government, found support for the coalition government in the positive, with a favourable set of results, but a watch on the new government. Last week the March 2016 *Sensis Business Index* was released, which found Victorian small businesses gave the Andrews Labor government a net negative balance of negative 11, which is Labor's fifth consecutive negative rating. The small business sector has experienced a grand final parade public holiday that no-one wanted, a disregard of business submissions on the regulatory impact statement, a lack of consultation on sky rail, a 61 per cent cut on trade and four small business ministers. What advice has the minister received on why the Sensis small business index consistently returns a negative rating of the Andrews Labor government?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for her question. As the member has pointed out, the survey is undertaken by a private company — in this case Sensis, which is obviously a subsidiary of Telstra. It has done so under a methodology of its own choosing with a range of stakeholders of its own identification. I think the member would be better positioned to seek those answers from the people who actually undertook the work, because it is not government that does so.

Insofar as the small business sector is concerned, what I can tell the member is that the sector has grown. Small businesses now account for nearly 97.5 per cent of all businesses across Victoria. We have had growth. We are now up to 541 102, according to the most recent statistics I have been advised of. They are responsible for nearly 47 per cent of all private sector employment across Victoria. They are a very, very important part of our economy. What we are responsible for is what we have said that we will do. We have committed to working with the small business sector wherever possible. Specifically in relation to the Sensis data, we have no responsibility for that or the methodology that it chooses, and it would be best for Ms Wooldridge to contact Sensis directly if she has got concerns about its skewed results.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I am hoping I can make a point of order on the question, or has the minister concluded his answer?

The PRESIDENT — Order! He has concluded.

Ms WOOLDRIDGE — The supplementary question that I want to ask is consistent with the substantive question, because the minister absolutely failed to answer the question that was posed to him about the advice he received about the consistently negative ratings. I am hoping, President, that you will reinstate that question, and I am sure you will consider that. I further ask the minister: the ratings from the Sensis index show that the performance of the Andrews government in the sector has declined under the minister's watch since he took over from the former minister, Adem Somyurek. So why is the government policy resulting in a significant and increasing view that the government is, and I quote directly from the survey, 'working against the sector's interests'?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Ms Wooldridge for the question. Let me say from the outset that again we do not have responsibility for the way that Sensis undertakes its research. Now, in terms of the results, President, let me tell you that last week I had the pleasure to be invited to launch in Geelong a joint study between the Geelong Chamber of Commerce and Deakin University. Do you know what that found, President? It found that 77 per cent of small businesses in Geelong believe that they will be more profitable this year than they were last year — 77 per cent! — and 81 per cent of businesses were more confident about their future than they had been in the past.

What I can say again is that we are working hard, unemployment is down, employment is up and confidence is up. This government remains committed to providing a strong economy and strong job growth.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 4972, 5152, 5154 and 5159.

Ms CROZIER (Southern Metropolitan) — President, I wish to raise that I have 81 outstanding questions with Minister Mikakos, and I have provided a list. I am just wondering when answers to those questions on notice will be made available.

The PRESIDENT — Order! It is your view that they are outstanding; they might just be overdue!

Ms MIKAKOS (Minister for Families and Children) — I understand that some of the questions on notice that the member has referred to actually relate to

Minister Foley's portfolio, and I will refer those to Minister Foley for his attention.

In relation to the questions on notice that relate to my own portfolio, I understand that some of these might be overdue just by a matter of a small number of days, but I will endeavour to look at responding to the member in a timely way.

I do make the point to Ms Crozier, and to members generally, that since I have been minister I have actually responded to close to 500 questions on notice, which is a significant contrast to the fact that at the time of the change of government I still had many, many answers to questions on notice outstanding from previous ministers in relation to these matters — matters I asked on a number of occasions to receive answers for — and I am still waiting for those answers.

The PRESIDENT — Order! Out of that debate I picked up that the minister will follow up those overdue questions — possibly they are outstanding!

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In regard to today's questions, can I indicate that on Mr Rich-Phillips's question to Mr Dalidakis in respect of the transport regulations, Mr Dalidakis has indicated that he will seek some further advice on this matter and provide that to the house. Given that that might involve another level of government, as distinct from just the minister's portfolio, I would allow two days on that.

In regard to Mr Ondarchie's question to Mr Dalidakis, his second question and the supplementary aspect of that question, on the number of full-time jobs created in the small business sector from the government's jobs program, Back to Work, I would request a written answer on the supplementary question. I would have thought that in fact there would have been considerable interest in the department in the number of jobs created in that sector that might well have been useful in press releases and so forth, so I would tend to think that information might be available, and I would hope that the minister might be able to provide that. But this is in relation to the supplementary question — full-time jobs in the small business sector.

Mr Dalidakis — The State Revenue Office and Minister Pallas's department have that information, so can I have two days on that?

The PRESIDENT — Order! I will allow two days on it. I would be surprised if they are not sharing it with the minister already, but I will allow two days on it.

In regard to Ms Wooldridge's question on what advice the minister might have received from Sensis, I do understand that this is a private organisation that does polling and I do understand that were I the minister I might not be too fussed about what some poll says from time to time. However, the minister had an opportunity to say that he had not received any advice or commentary from his department on that particular index, or that he did, and as that was not covered in his answer, in regard to Ms Wooldridge's substantial question on whether or not there had been any advice on the latest Sensis index I would ask for a written answer. That one will be required in one day.

Ms Crozier has raised with me a written response that she has received in regard to the Parkville youth justice centre from Minister Mikakos. The supplementary question in that sense I think was certainly answered in full, and I had no difficulty with that. I think Ms Crozier's concern is that her substantive question was not addressed in that answer, and that was a question about whether there were any members of the Apex or Islander 23 gangs identified in the Parkville youth justice centre over the last 12 months. I would request a further written response on that only because it was not dealt with at all in the answer. It may well be that the minister has reasons not to convey the information, but I think they should be provided to the house rather than the answer not go to the matter at all.

Mr Ondarchie — On a point of order, President, relating to my second question to Minister Dalidakis, you have kindly, and I thank you, asked him for a written answer in terms of the number of full-time jobs created, as part of the Back to Work scheme, in the small business sector. I put to you that my substantive question was inextricably linked to this as well — that was regarding the amount of advice, or what advice, he had received on his policy in relation to the number of small businesses which have received payments. I would seek your guidance on whether that can be included as part of the response as well.

The PRESIDENT — Order! I can understand that the member would believe that that information was not provided, and indeed I did not hear the minister lead information to that effect. What the minister did say in his response, though, was that it is the Treasurer who is responsible for that program, so to that extent he did answer the question. Whilst the answer might well not be satisfactory to the opposition, the minister did provide a response that was apposite to the question in

terms of saying, 'Well, it is another minister's jurisdiction'. The reason I have gone to the supplementary question and, if you like, sort of reinstated that question is I think that that information should reasonably be available from this minister. So I will stick with just the supplementary on this occasion.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. My question is: when will the upgrade of Bolton Street, Eltham, be completed and finished? This was an election commitment. I must say we have raised concerns that the funding provided, which was significantly less than the commitment by the coalition, will not do the job it needs to do. But there is \$10.5 million to upgrade the road, and there has been consultation. I have a response to a constituency question in May 2015 which says:

VicRoads expects project proposals to be completed by early 2016 for consideration in the 2016–17 state budget process.

Further, the consultation outcomes document says:

A business case for the Bolton Street upgrade will be submitted to government in January 2016.

The funding needs to be in the upcoming budget that is to be announced within two weeks. This road project needs to be done and completed, and I would like a response from the minister in relation to what the time frame specifically is for that to be achieved.

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question today is for the Minister for Training and Skills, the Honourable Steve Herbert. I was pleased to hear about the announcement that the Andrews government is restoring TAFE community service funding with a \$50 million boost, as part of the overall \$320 million TAFE Rescue Fund. And I am very pleased to hear that in Melbourne's west Victoria University is receiving \$2.4 million to support some of the most disadvantaged members of our community. I ask: how will this \$2.4 million in funding help Victoria University to support vulnerable and disadvantaged students in Western Metropolitan Region?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Training and Skills. I recently had a constituent of mine

contact me with regard to apprenticeships for concreters. It is probably a little-known fact that concreting is one of the few trades that does not have an apprenticeship pathway. It is interesting to note that Victoria is the only state or territory in Australia without an apprenticeship pathway for concreters. I think it is incredibly important that the work that our homes are built upon is of sound foundation, and a successful home is certainly built upon that. My question is: does the government plan on rectifying the fact that Victoria is the only state without an apprenticeship pathway for concreters?

Western Victoria Region

Ms TIERNEY (Western Victoria) — My constituency question this afternoon is directed to the Minister for Training and Skills, Mr Herbert. It is in relation to the Warrnambool campus of Deakin University. It comes as no surprise to anyone in this chamber that its ongoing viability has been an issue for a long, long time, and it has been canvassed in a very fulsome way in the papers not only locally but also in Melbourne. We have an issue generally in the region in terms of very low school retention rates. There have been a number of issues about the lack of alignment of post-school courses with industry and a whole range of ongoing educational issues for the region. What I am seeking from the minister is an update as to where he understands the negotiations are up to with any parties — whether it be Deakin, Federation University or any other institution — and what the outcome of those negotiations is at this point in time.

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My constituency question is for the Minister for Health. The Footscray Historical Society takes walking tours down the alleyway behind its building. Unfortunately it has become the latest hotspot for people injecting drugs around Footscray and has been littered with hundreds of syringes. Local resident Bill Horrocks, who for a long time has been calling for supervised injecting facilities to be established in Footscray, does these tours, and he believes that the old laneway has now become unsafe and wants it to be safe again. Regular drug takers need somewhere to go to prevent overdoses, get health care and stop their use impacting on public spaces. Health Works in Footscray does an amazing job of supporting this cohort of people, but there is no supervised injecting room. My question for the government is when will it stop ignoring the evidence regarding the life-saving benefits of supervised injecting facilities and relook at its policy

and decide whether Footscray and other areas need supervised injecting rooms?

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is to the Minister for Emergency Services. Thanks to the Napthine government, Warrnambool is fortunate to have recently received a new \$8 million Country Fire Authority (CFA) station, which became operational on 1 April this year. However, I was dismayed to find out that the new multimillion-dollar station will be outgrown by next year. It is a pity that the CFA station did not include a consolidation of emergency services, as was requested by the community at the time. We have received from many constituents throughout the region requests for ‘emergency services hubs’ in their towns. This would include the co-location of State Emergency Service ambulance and fire services into one central hub, with the potential for efficiency gains within the office. There is a need for one in Port Fairy. My question is: what is the minister doing to make certain that the emergency services in Port Fairy will be co-located?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question is to the Minister for Tourism and Major Events. It is in relation to an event called Piknic Électronik, which has been held at Federation Square every Sunday since mid-January and will end in April. I have had approaches from people living in the CBD, particularly around the areas of Russell and Spring streets, in relation to the noise. The noise averages about 90 decibels from about 2.00 p.m. until about 9.30 p.m., yet the deadline for the closure of the event is 9.00 p.m. The concern the residents have is whether the event will continue next summer, because it has been ruining those residents’ Sunday afternoons because the decibel levels have in fact increased above 90 decibels, certainly after the closure time of 9.00 p.m. My question is: will this event, Piknic Électronik, be allowed to run again in 2017, and if so, will the minister guarantee that it will adhere to the legislation? I have previously asked this question of the Minister for Creative Industries, who tells me it is not his portfolio, and that is the reason I am asking this question of the Minister for Tourism and Major Events.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. It is in relation to a plan that he launched in late 2015 on behalf of the south-east group

of councils in which there were a number of priority infrastructure projects that were endorsed by all of the councils that cover the minister's electorate as well as others. That included the call to underground level crossings which have been identified for removal.

It is interesting now that the minister's own department — given that the Level Crossing Removal Authority is under the coordinator-general major transport infrastructure program — is trying to roll out sky rail, bypassing processes including cabinet, environmental impact statements and release of noise studies against the wishes of the community. I am asking the minister whether he is prepared to call a pause on the sky rail plans to ensure that it is fully scrutinised and the community is not railroaded.

Northern Victoria Region

Mr DRUM (Northern Victoria) — I have the sad news that Uncle Sandy Atkinson passed away in Shepparton this morning after a long illness. As the recipient of an OAM, Uncle Sandy has been a great communicator and a great mentor and firmly deserves his place on the Victorian Indigenous Honour Roll.

I have been contacted by constituents who are very upset about his passing whilst having waited for over two years for the Victorian Aboriginal Heritage Council to make a decision on his application for Bangerang's registered Aboriginal party status. My question to the Minister for Aboriginal Affairs is: can she now insist that the Victorian Aboriginal Heritage Council make sure that the act is followed correctly and that a decision is made on this application? It has been over two years now, and the act has not been adhered to. This is a very important matter, and whilst it is too late now for this great Indigenous Australian, the people surrounding him are going to be very eager to see that the minister ensures that the Aboriginal heritage council makes a decision on this application.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Education, regarding funding for the Better Together schools alliance in Shepparton. In October last year I raised the need for support of the alliance's application for funding of \$300 000 per year to cover the costs of the program. This is broken down into \$130 000 per year for the program coordinator and \$170 000 per year for professional development, the upgrade of ICT infrastructure and to transport students between schools to expand their pathways options. In the last sitting week the minister said he had 'requested additional funding' of \$120 000 over three years for a

program coordinator, which is not even enough to cover the costs of a coordinator for one year.

What a cheap political point-scoring attempt by the minister, especially considering that the four schools themselves are actually contributing a much more significant figure of \$300 000 over the three years. Will the minister commit to funding the entire \$900 000 that the alliance requires to comprehensively run the program for three years in the 2016–17 state budget?

The PRESIDENT — Order! We have reached the 10 constituency questions for the day. There are about 2½ minutes until lunch. I am prepared to entertain two more, and then we will go to lunch. I have the leave of the house to do so.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — Thank you, President, and I thank the house.

My constituency question is for the Minister for Housing, Disability and Ageing. It relates to concerns from residents of the Lakewood Community Managed Co-operative based in Larissa Avenue, Ringwood. A number of maintenance issues have been identified in the building, and a number of residents have been given notification that they are to vacate the premises and take up private housing.

While some offers of financial assistance have been received, many residents are feeling anxious about the prospect of moving. I ask the minister: will he provide counselling and consultation support to residents concerned about the renovations; what financial support is the minister providing to residents of Lakewood who are required to move, to ensure they are not financially burdened; and when is it expected residents will again be able to move back into the residence?

Northern Victoria Region

Mr YOUNG (Northern Victoria) — My question today is for the Minister for Agriculture. This morning as many hunters in the north-west of the state sat down to read the paper they were confronted with a shocking notice from this government printed in the *Herald Sun*. It is a notice of intention to publish yet another gazette to shut out duck hunters from a state game reserve. This particular wetland was closed before the season opening, with a date set for it to reopen. It is now clear that this was simply an effort to deceive and manipulate hunters and that the government never had any intention of opening the reserve as it should have. To quote several of my constituents, 'We have been shafted again'.

As far as we are aware, there has been no consultation with anyone on this matter, and so I ask the minister: what was the process for this decision? Specifically, who was involved, who was consulted, what advice was taken and from where?

The PRESIDENT — Order! A constituency matter should really only have one question, and I think the member was also talking about all shooters and fishers rather than particularly those in his local area, although I assume that one of the gazetted areas is.

Mr YOUNG — This is a particular spot in — —

The PRESIDENT — Order! I will let that stand.

Sitting suspended 1.00 p.m. until 2.05 p.m.

PRODUCTION OF DOCUMENTS

Debate resumed.

Mr MELHEM (Western Metropolitan) — With so many people present in the chamber now — —

Mr Ramsay — On a point of order, Deputy President, I understood Mr Melhem said just prior to lunch that he had concluded his contribution. We have heard 1 hour and 45 minutes and we do not particularly want to hear much more unless there is some direct reference to the motion before us.

The DEPUTY PRESIDENT — Order! That is not a point of order. In fact it is not consistent with standing orders either. Mr Melhem, to continue.

Mr MELHEM — I was trying to sum up.

Honourable members interjecting.

Mr MELHEM — I have all afternoon; I am not in a hurry. Do not interrupt me. I am on the bleater. The government has released more documents to comply with the requests of the house. They are various documents such as the response in relation to the port of Melbourne.

Mr Dalidakis — Start from the top.

Mr MELHEM — I think I should. I should start from the top.

Mr Dalidakis — Start from the top. This is too important to get wrong.

Mr MELHEM — I reckon Mr Dalidakis is right. Before lunch I was talking about what sort of

suspension should apply to Mr Jennings. That is where I left off; maybe I should go back and focus on that.

I was saying earlier that what this house and the Legislative Assembly have dealt with are members who have not complied with a direction of the President, a direction of the Speaker or a direction of the whole house and various suspension orders have been put in place. For example, when former Premier John Brumby on 29 October 1997 was ruled by the Chair as having committed gross disorder and insubordination in disagreeing with the Speaker, which is a very serious offence, he was suspended for one week. In September 2013 the current Premier, who was then the Leader of the Opposition in the Assembly, refused to leave the chamber and accused the Speaker of bias, for which he was suspended for three days. On 26 November 2013 Jacinta Allen, the current Leader of the House in the Assembly, was charged with gross insubordination and disobedience for disagreeing with the Speaker. I might say that the former Speaker of the Assembly, the Honourable Ken Smith, was very tough, and he handed down some really tough sentences against members of the Labor Party. But even with that background, Ms Allan was only suspended for six days.

Mr Merlino — —

Mr Ondarchie — So how long should we suspend Mr Jennings for?

Mr MELHEM — I am coming to that, Mr Ondarchie.

Mr Ondarchie — So for how long should we suspend him? Is six months too much? What about three months?

Mr MELHEM — I am going to plead with you. I am getting there. Thank you for raising that.

Mr Ondarchie — Maybe 12 months. How long do you think?

Mr MELHEM — I am coming to that; just hold on. On 26 November 2013 the now Deputy Premier, James Merlino, was charged with similar offences to those of Ms Allan and the Premier and was suspended for six days. Even Geoff Shaw, who was suspended for breaching the code of conduct, was suspended for only 11 days.

Mr Ondarchie interjected.

Mr MELHEM — We were talking about Mr Lenders. I have given members an indication already. Members have a choice. The precedent in this house was set in 2007, 2009 and 2010. In 2007

Mr Lenders was suspended for one day for a repeated refusal to produce — —

Mr Ondarchie — Do you think we should suspend him for one day, do you?

Mr MELHEM — I reckon half a day would be reasonable.

Mr Ondarchie — Okay. Mr Melhem thinks he should be suspended for half a day.

Ms Lovell — Mr Melhem at least admitted he should be suspended.

Mr MELHEM — Maybe we should look at some other form of punishment, something that was used in the olden days. I think members do not think one day is good enough — or half a day is good enough. Maybe we should look at some form of severe punishment. We can talk about some — —

An honourable member interjected.

Mr MELHEM — I reckon shackles. I reckon we could consider some medieval methods of torture and punishment. Mr Jennings is not in prison yet but he might as well go to prison. In medieval times the length of time you might be tortured varied from less than 1 hour up to 6 hours. Vinegar was commonly used to bring a victim around if he passed out during torture. I reckon Mr Jennings should be subjected to some torture, but I think he has been tortured enough over the last four weeks. Vinegar is good.

Many methods of torture using various instruments were practiced during medieval times, including some of the following practices. We could rip his teeth out. We could rip his nails out — that is another punishment Mr Jennings could get; I reckon it is a good one. There were beatings — I am not sure that would be good. There was blinding, boiling, starvation. No, we cannot starve him; he has not got any reserves. We could remove his tongue so he could not talk. That was another method. Drowning was another method they used. We could go so far as to talk about execution, but that would be next.

If another motion to produce documents is passed after this motion is agreed to, the next motion will probably be, ‘Let’s talk about what method of execution we should use against Mr Jennings’. I am not recommending that, but I think that is probably what the opposition has in mind, because how dare Mr Jennings disagree with Mr Ondarchie? There are so many methods of medieval execution, some of them really nasty. However, I would not put it past members

opposite, because if they get away with suspending someone for six months, what is going to be next? It is like a building block.

Mr Dalidakis — And then suspend them for doing more than they ever did.

Mr MELHEM — I know. They would say, ‘Okay, we’ll build on that, and the next thing we’ll do is just suspend him for a term. Why not? There is the next four years’. With the next motion they would say, ‘We’ll just sack him or put him in prison. We can do whatever we like. We’ve got the numbers’.

Mr Dalidakis — Let’s not forget Mr Barber on this.

Mr MELHEM — Has Mr Barber made his contribution on this matter yet? I think it is coming. I think Mr Barber might be a bit more generous than the opposition. He might be feeling reasonable. Mr Barber might move an amendment to the motion to call for a lesser punishment.

I think if members on the other side are fair dinkum, they can end the debate right now and move on to something more important, something Victorians are interested in, something that is going to add benefit to the community — the people we represent. This is about party politics, about dirty politics, about sooky la-las basically saying, ‘I didn’t get everything I asked for, so therefore I’m going to spit the dummy and I’m going to move a motion and debate these things and suspend someone for six months’, which has never happened in the history of this Parliament.

Mr Ondarchie — So sit down and we’ll vote.

Mr MELHEM — I am inviting Mr Ondarchie to withdraw the opposition’s motion and then I will sit down. Withdraw your motion — —

The DEPUTY PRESIDENT — Order! Through the Chair!

Mr MELHEM — He should withdraw the motion and give an apology to Mr Jennings and say, ‘Sorry, Mr Jennings. We appreciate your cooperation and all the improvements you’ve made to this place by making the place a bit more transparent’. He has done a far better job than Mr Davis did in the previous Parliament when he was the Leader of the Government. He was pretty good!

Mr Ondarchie interjected.

The DEPUTY PRESIDENT — Order! There has been 15 minutes of constant interjection. I ask

Mr Ondarchie to desist. Mr Melhem, to continue unassisted.

Mr MELHEM — Thank you, Deputy President. Mr Davis continuously dodged answering questions or even producing documents, while Mr Jennings does the opposite. He always goes out of his way to answer questions truthfully, making sure the other ministers do the same. In fact he put in place a whole-of-government approach to make sure we provide answers to questions. We have become more accountable to the Parliament. He gave more time for the opposition to ask more questions — not less. He has opened up the whole way we do business in this chamber with the sessional orders we adopted in the first full sitting week after the 2014 election. That has all gone unnoticed.

My challenge now to the opposition and the Greens is to do the honourable thing and the right thing. They should withdraw the motion. If it would make them feel better, because they need to get something in return I suppose for their effort, I am sure Mr Jennings would not mind having a day off. I think he can have one day off, and I think that is probably fair and reasonable just to make members opposite a bit happier because they would get something. That is an offer I am making to the opposition now, without even talking to Mr Jennings about it. That is quite a generous offer. At least the opposition would have something.

With those comments, I think I have said enough on this subject matter. I think this motion should be defeated, and I call on Mr Barber to recognise that this government in this place, under the leadership of Mr Jennings, has provided more documents, more information and more transparency to this place than any previous government has ever produced, particularly for matters raised by the Greens. So I ask the Greens to think long and hard about this, to not get sucked in by the coalition parties and side with them about throwing a decent, good leader out of the house for six months. I say: do the decent thing, do not get sucked in. I made an offer, and if they are smart enough, they will pick it up, but I am not holding my breath.

With those comments, obviously I will be condemning the motion. Hopefully the motion will be defeated by the house and members will do the right thing, having seen through what those people on the other side of the chamber are trying to do, which is basically to be unfair, unjust and unreasonable.

Mr RAMSAY (Western Victoria) — The chamber has witnessed something that we have not seen in this place in the two terms of Parliament that I have

represented the constituency of Western Victoria Region — that is, 1 hour, 52 minutes and 30 seconds of absolute windbag, sanctimonious, hot air bulldust. There was hardly a reference to the motion. Instead it was a journey that Mr Melhem wanted to take us on to filibuster for the better part of Wednesday. It is an absolute disgrace and a disrespect to this chamber and the members who sit in here representing the constituents in their respective regions.

Mr Dalidakis — Unlike your motion.

Mr RAMSAY — Mr Dalidakis has not heard my response to the motion yet, but I am happy to provide him with some detail in relation to my response.

I have an opportunity to speak to the motion that was moved in this house by Ms Wooldridge, which is listed on the notice paper as ‘Production of documents — Suspension of Leader of the Government’. The motion is:

That this house —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically ... —
 - (a) ... in respect of port of Melbourne documents;
 - (b) ... in respect of West Gate distributor documents;
 - (c) ... in respect of Australian Formula One Grand Prix documents;
 - (d) ... in respect of Cranbourne-Pakenham rail corridor project documents;
 - (e) ... in respect of Advanced Lignite Demonstration Program documents; and
 - (f) ... in respect of Peter Mac Private hospital documents.

Then we go to parts (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12).

Mr Dalidakis — Take us though them all.

Mr RAMSAY — The good news for Mr Dalidakis is that I do not intend to go into significant detail on all those parts of the motion. I will just stick to the most important points that Ms Wooldridge made in her opening contribution in relation to the way this Council has been treated in response to this motion and the requests for production of documents.

The lack of respect shown by those opposite on this very important motion and the treating of both this motion and the house with contempt highlights why this motion was brought to the chamber by Ms Wooldridge in the first place. As Ms Wooldridge said in her opening contribution, this is a very important motion and a very serious one, not that you would know that from listening to Mr Melhem's contribution. Ms Wooldridge went on to say:

... considering the rights of this chamber — —

Honourable members interjecting.

Mr RAMSAY — Deputy President, do you want me to speak to this chamber or allow Mr Dalidakis to have a conversation?

The DEPUTY PRESIDENT — Order!
Mr Ramsay, to continue unassisted.

Mr RAMSAY — Thank you, Deputy President. As I was saying, Ms Wooldridge went on to say:

... considering the rights of this chamber to not only the production of documents ... but also the imposing of sanctions as a result of an obstruction of a request of the Council.

In respect of that, it was interesting to note — I can see why Mr Melhem is about to scurry out of the chamber, as I am going to bring him to account — that Mr Melhem agreed in his sanctimonious windbag of a speech that Mr Jennings should be sanctioned and suspended. So we actually have agreement from the government, from one of the government members, that in fact Mr Jennings does need to be sanctioned and does need to be suspended. Yet in their contributions other government members have all cried foul in relation to this motion being put up and the fact that it might compromise some confidentiality of contracts with different stakeholders if in fact those documents were produced.

There are conflicting contributions from government members about both the reasons this motion was brought before the house and also what sanctions should be imposed on Mr Jennings — not as a personal attack but as he is representing the government as leader in the upper house — for his unwillingness to produce the documents requested by the Council.

I would like to go into a little bit of detail about a number of those documents that have been requested to be presented to the chamber. This is not the opposition asking for these documents. This is a democratically elected Council that is requesting that documents be given to the Council — not the Liberal Party, the

National Party, the Greens, the no jobs party, the Sex Party or the Shooters and Fishers and farmers party, or whatever parties we now have. It is the Parliament; it is the chamber. It is the democratically elected members of Parliament in this chamber who have requested these documents.

Mr Dalidakis interjected.

Mr RAMSAY — That is the real crux of it, Mr Dalidakis. I know you laugh at the history and the respect of this chamber and the legitimacy of this motion put forward by Ms Wooldridge and the importance of it, but it is no laughing matter. The chamber would be, if in fact the documents are not produced, holding the leader of the upper house to account by a sanction and a suspension. In my mind that is no laughing matter, but Mr Dalidakis can giggle away for the rest of these contributions until we get to the nitty-gritty end when we might have to take a vote on this motion.

Given that Mr Melhem appears to be coming over to our side in relation to that vote, I am just wondering if any of his other factional comrades will also desert the sinking ship on that side and come over and join us in seeking some satisfaction in relation to the contempt that the government has shown this Council in relation to not supporting this motion.

Mr Dalidakis interjected.

Mr RAMSAY — Well, Mr Dalidakis, you are going to invite me to perhaps provide the Council with information — —

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Ramsay.

Mr Morris — The minister for smaller business, I think he is now.

Mr RAMSAY — Well, it is minister for no business — we have no business in Victoria under Mr Dalidakis. Small business minister Philip Dalidakis's legacy to the Victorian community is to give them yet another holiday. There are more holidays in the state of Victoria than anywhere else in the country, and that is going to be Mr Dalidakis's legacy to this place. The argument is that the Victorian community needs a rest before the grand final footy match: we all have to take a holiday so we can rest up for the biggest footy match. What Mr Dalidakis did not do is actually engage with his portfolio constituents — small business — to see what the financial impact might be of him declaring and gazetting yet another holiday in the state of Victoria. The AFL was not

consulted. It was news to Gillon. I spoke to the CEO and asked, 'Were you given any briefing about this holiday?', and he said, 'No, never heard of it. I read about it in the *Herald Sun*'. Like everyone else does when the government gives briefings to stakeholders, the AFL read about it in the paper.

I read about the City of Greater Geelong report two weeks ago in the *Geelong Advertiser*. The minister had an embargoed press release out two days ago telling everyone what the government was going to do, before the report even came to the Parliament. That is how you create democracy in this place: you use the media.

Honourable members interjecting.

Mr RAMSAY — I suggest Mr Dalidakis ring the CEO of Murray Goulburn now and just find out about the Chinese response and the impact that some of the imports are having on our dairy products here in Victoria. I suggest that Mr Dalidakis give him a ring, because he is available. I have rung him and had a quick chat, and I know what some of the impacts might be on the free access to some of our products in China and the free trade areas.

Mr Dalidakis interjected.

The DEPUTY PRESIDENT — Order! Mr Dalidakis!

Mr RAMSAY — He takes my calls. He does not take Mr Dalidakis's calls.

The DEPUTY PRESIDENT — Order! I ask Mr Ramsay to contain his remarks to the motion in front of us.

Mr RAMSAY — I am more than happy to do that, Deputy President. There are lots of things here I can talk about. The port of Melbourne documents — I will just talk about the way that the government went about the business of the port of Melbourne. If it were not for the upper house, if it were not for the work of the Legislative Council, if it were not for the work of this side of politics, that would be a total shambles for Victoria in relation to what was in the original draft of that sale lease. It was only because of the Legislative Council, the processes it has in place and the checks and balances that in fact we got a better deal for Victoria than what was originally charted by the government, not to mention regional Victoria.

Mr Dalidakis — Are you a candidate for Murray? I will move to Murray to vote for you!

Mr RAMSAY — I am happy to talk about Murray Goulburn. I am happy to talk about the important role it plays as the largest dairy processor in Australia today, producing milk, infant powder and a whole lot of products that go to China to earn significant income for the supply chain here in Victoria and Australia and about the fact that Mr Dalidakis did not bother ringing up the CEO to find out what impact the restricted access to those products in China would have on our small businesses in Victoria. I congratulate Mr Ondarchie for being ever vigilant in his portfolio to make sure that he holds Mr Dalidakis to account in relation to his lazy and slow way of dealing with that portfolio.

I will get back to the port of Melbourne before the Deputy President seizes on the fact that I have strayed just a tad — notwithstanding that Mr Melhem strayed for just under 2 hours in his contribution. On the port of Melbourne documents, I do congratulate the work that our team did on this side of politics to have some of the sale proceeds — 10 per cent of the net proceeds of the sale — designated for regional Victoria transport infrastructure. Mr Jennings, who we are holding to account in relation to not releasing the documents referred to in this motion, in this chamber promised and committed 10 per cent of net proceeds to regional transport infrastructure in Victoria — in fact it is enshrouded in a transport fund. But no sooner had we gone through the committee stage in this Council, when again I specifically asked Mr Jennings if in fact regional Victoria would get 10 per cent of net proceeds for new transport infrastructure programs and he said, 'Yes, that's the deal we've done with you', than I got outside and Tim Pallas said, 'No, it's only 5 per cent. Sorry, we've already spent \$200 million in a promise to the VFF on some other infrastructure projects down the track'.

We cannot trust members opposite, that is the deal. We cannot trust them when they lie in this house. They look us in the face, say one thing and do another thing once they get outside the chamber. That is where the disrespect for this chamber comes from by those government members. So why would we trust them on anything in relation to any sort of contractual arrangements they have with stakeholders across the state? Why would we not ask them if we can see the documents they have been wheeling and dealing over with different stakeholders in relation to the port of Melbourne or the West Gate distributor?

I am more than happy to talk about the West Gate distributor, because it has only been just recently that Infrastructure Australia has even sighted a business plan. The government rang up Malcolm Turnbull and

said, ‘We want money for the West Gate’ — sorry, it is not even the West Gate distributor now, it is the western distributor. We have had a name change — in fact we have had five name changes in as many months. The West Gate distributor we have dumped; I suddenly remembered that. John Eren dumped that. He ran off the rails — he took the off-ramp on the West Gate distributor and took the on-ramp to the now western distributor. We have the western distributor not being funded. We have the western distributor just recently being sent to Infrastructure Australia.

We have not even had one single regional infrastructure project sent to this Infrastructure Victoria, which was going to be non-political and independent in assessing transport infrastructure in Victoria. How many projects has it assessed in Victoria? Not one. Not one regional infrastructure project has Infrastructure Victoria assessed for regional Victoria. The only project that has been assessed in the last few days is the now western distributor, which was the West Gate distributor, which was the West Gate Freeway on-off ramp in the original proposal. Then the government cuddled up to Transurban and got this super deal whereby we will just toll all the motorists for an extra 15 years not just on this piece of road but also on CityLink and then across to the EastLink — —

Mr Davis — The south and the east, they are going to be sacrificed.

Mr RAMSAY — Thank you, Mr Davis, for your co-contribution. We are asking for documents on the West Gate distributor, but it has already been canned, so I do not know why members opposite are so reluctant to give us those documents when we have moved on and stitched a deal with Transurban to have motorists pay for this bridge and tunnel and sky rail and whatever other things the government wants to dangle off it for the next 15 to 20 years.

Mr Dalidakis interjected.

Mr Ondarchie — On a point of order, Deputy President, I remind you of your warning to me after 15 minutes when you reminded me about constant interjection when Mr Melhem was making his contribution. I ask you to exercise the same caution in a bipartisan sense to Mr Dalidakis, who has spent now more than 15 minutes constantly interjecting over Mr Ramsay.

Mr Dalidakis — On the point of order, Deputy President, Mr Ramsay strayed from the topic in relation to the issue before this chamber earlier in relation to free trade and China. I just asked if he would take the

opportunity to ring his Liberal colleague in Canberra who is actually in China. That is all I was asking.

Mr Ondarchie interjected.

The DEPUTY PRESIDENT — Order!

Mr Ondarchie! I cannot even hear the point of order with Mr Ondarchie’s constant interjections. There is no point of order from either Mr Dalidakis or Mr Ondarchie. The fact of the matter is that I have asked for order. I have also called on Mr Dalidakis to stop his interjections. I do not need lectures from Mr Ondarchie about exercising my rulings and also alluding to, I would say, a sense of bias — I reject that.

Mr RAMSAY — It is ironic that while Mr Dalidakis is on a Chinese expedition he wants me do his work for him by ringing up the federal Minister for Small Business. That is bizarre! Does Mr Dalidakis want me to go to China to do his job and open up the restrictions?

Perhaps when Mr Dalidakis makes a contribution there will be an opportunity for us to ask him what he did when he was in China. What were the successful outcomes of his trip to China or any other places he saw fit to go to during one of those many sojourns overseas — some of which have been put on the members interests register and some of which have not, as we have found out previously? I am digressing. This is an important motion, and I do not want to get distracted. What we are doing here today is holding the government to account — and I say ‘we’, the Council. This is not a political party; it is a democratically elected Legislative Council that is asking the Leader of the Government in the upper house to provide certain documents. That is a legitimate request, given the concerns identified about some of the contractual arrangements the government has entered into in the areas identified in the notice paper in the name of Ms Wooldridge.

I have already identified some areas of concern about the behaviour of the government in relation to dealing with stakeholders around some of these matters. I will leave others to talk about the Cranbourne-Pakenham rail corridor project. Mr Davis might like to make a contribution in respect of some of the issues around his region. But paragraph 7 of Ms Wooldridge’s resumed motion states that this house:

... condemns the government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria ...

That is just what I have been saying. The government is clearly showing disrespect and contempt to us as

representatives of the people of Victoria by refusing to produce documents.

Mr Melhem seems more than happy to have Mr Jennings suspended and held accountable, but government members have not demonstrated that they are willing to join Mr Melhem in that respect. They are happy to block the request from the Legislative Council, which relates to the production of documents, to put Mr Jennings on the burning stake to do his time, if it comes to that point.

To my mind, without going into the detail of the actual documents, this is about the respect of the people of Victoria for how this Council works and operates, the expectations of the people about how it should work and operate, and how the government responds to the Council's request and its elected representatives generally in relation to requests. The contributions made by government members have not directed themselves to issues around the Council and its operations, the importance of the process and the legitimacy of the motion that Ms Wooldridge has put in relation to the call for documents. To me the fact that the Leader of the Government might be sanctioned for not producing those documents is a secondary issue. The primary issue is the contempt shown for the Legislative Council and the contempt shown by government members to the Council and its representatives as members of Parliament.

If Labor members truly believe in our public institutions and our Parliament, why would they misuse and abuse this Council?

Mr Dalidakis interjected.

Mr RAMSAY — If they truly believe that. I believe Mr Dalidakis holds the Parliament and our public institutions in some respect. I think opposing this motion goes against his ideological brain and heart, to be honest. I think even Mr Mulino in his heart has respect for this institution and the work that this chamber does. I am surprised they are not joining Mr Melhem in supporting this motion and supporting the sanctions against the Leader of the Government if he does not produce the documents.

The government was elected on a platform of accountability by the executive to the Parliament, and if I can plagiarise Ms Wooldridge's contribution again, which saves me some time, she notes that Labor's own 2014 platform states:

Labor believes in our institutions and our Parliament. They should never be misused and abused.

That statement should almost follow the Lord's Prayer each morning so we can remind our government what its policy platform states. We believe that the actions of the government, as demonstrated through the Leader of the Government — and he basically is representing government members in this chamber — are not consistent with the powers of this place, and that is why we are discussing this motion today and why Ms Wooldridge brought this motion to the house.

In closing, I do not see the need to speak for 1 hour and 52 minutes on a fairly simple motion, even though it is quite broad in detail, about the responsibilities we have as directly elected members through a conventional election process, representing this place and adhering to the rules of this place.

As we have seen throughout the contributions on this side of the house, there has been an expectation that when the Council — not a political party — calls for the production of documents to the chamber the government should abide by that decision. What we are seeing, as indicated by the contributions from those on the government benches — bar one — is that they are not willing to support the call from the Council in relation to the production of documents, thereby putting the Council in a position where it needs to have some options available to sanction the government.

In doing that, unfortunately Mr Jennings, as the Leader of the Government in the Legislative Council, will take the fall in relation to that position — he does not have to; he can produce the documents — assuming the documents are not produced, and a suspension will occur. Mr Melhem seems to agree that that is an outcome he could live with, but I suggest Mr Jennings probably has a different point of view. My view is that perhaps government members should have a little caucus meeting to decide the narrative about where to from here, because they seem to be somewhat divided on their position in relation to this motion.

In summary this is a simple request. We are not expecting cabinet-in-confidence documents; we are not expecting documents shrouded in confidentiality that would ruin the state or compromise contractual arrangements that the cabinet feels are in confidence. We are asking the government merely to produce documents to the chamber that are not cabinet-in-confidence — —

Mr Dalidakis — What about 1(c)? What is your view on 1(c)?

Mr RAMSAY — I beg your pardon?

The DEPUTY PRESIDENT — Order!
Mr Dalidakis!

Mr RAMSAY — I am not sure if he wanted to, but Mr Dalidakis has just given me a moment to reflect on maybe continuing for another 20 or 30 minutes in my contribution, which I was not going to do. I might well do so now as there are a couple of other issues I could well refer to and chew up some time. However, I will not do that because I have respect for those who actually want to make a sensible and rational contribution to debate on this motion.

Mr Dalidakis — You don't have it in you to speak for the next 20 minutes.

Mr RAMSAY — I beg your pardon?

Mr Dalidakis — Go on. You don't have it in you.

The DEPUTY PRESIDENT — Order! That is completely unnecessary. Mr Ramsay, to continue unassisted.

Mr RAMSAY — Maybe at another time, in another place. But given the government had us sitting here until 12.10 this morning and my understanding is it also wants to ram through another four bills on Thursday plus an additional one that is very important to both me and, I suspect, Ms Tierney in relation to how governance matters might be dealt with in the future in Geelong, I say to Mr Dalidakis that I will not do that.

I congratulate Ms Wooldridge on bringing this motion forward. It is an important one, as she and others have said in their contributions. I am sorry that government members have treated this motion with such contempt and the chamber with such disrespect, but they will regret that. They will be brought to account at some point in relation to their behaviour on this motion.

Debate interrupted.

DISTINGUISHED VISITORS

The DEPUTY PRESIDENT — Order! I would like to acknowledge and welcome two former members of this Parliament, Mr Noel Pullen, who was an MLC for Higinbotham from 2002 through to 2006, and also Mr Brendan Jenkins, who was MLA for Morwell from 2002 through to 2006. It is wonderful to see you both here.

PRODUCTION OF DOCUMENTS

Debate resumed.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Deputy President, I echo those very warm remarks you have made about the contributions that Mr Pullen and Mr Jenkins made both in this place and in the other place. I can say that in my time representing Southern Metropolitan Region there are very few places I have gone without people raising with me the wonderful leadership, community spirit and also representation provided by Mr Pullen right across the Sandringham region.

In fact it gives me reason to reflect on one of the first meetings I had as a new member of Parliament with the then mayor of Bayside City Council — a Liberal mayor in fact — who praised Mr Pullen extensively, so much so that as a direct result of her recommendation I asked Mr Pullen to join my staff and do some work in the region. So there you go: unity and bipartisan spirit in action within the Southern Metropolitan Region as Labor and Liberal come together to recognise the fine contribution of Mr Pullen, who is still making a contribution to the community. I have no doubt that if Mr Jenkins lived in my area, we would also see him supporting our local community the way he did so well in Morwell. I thank him for his public service.

The issue of public service is a great segue to this motion because there are very few people in this place who have dedicated themselves to public service in the way that the Leader of the Government, Mr Jennings, has. Mr Jennings has acquitted himself both as a member of Parliament and also as Leader of the Government entirely appropriately, as required by both community expectations but more importantly the expectations of members in this chamber.

It is very important for me from the outset to refute some of the claims that those opposite have made during this debate. I will go through the substance of this debate. It has been wide and broad-ranging debate at times. One of my colleagues talked about different levels of punishment used in mediaeval times for people who were seen as working against the interests of the state; Mr Melhem was being quite colourful.

I reject the assertion made by Mr Ramsay that Mr Melhem was supporting any type of suspension of Mr Jennings. In fact he was not. What Mr Melhem was doing was using irony. I know that at times *Hansard* is not able to identify the use of irony in this place, but Mr Melhem was being ironic in his contribution. What Mr Melhem was doing was ensuring that a little bit of

common sense was applied. He was reflecting earlier on in his contribution — which I listened to; it was a fine contribution by Mr Melhem — on the fact that the previous Leader of the Government in this place was none other than John Lenders, the man who I replaced in Southern Metropolitan Region, the man with the big shoes that I am yet to fill in my young career and the man who has given so much to the Southern Metropolitan Region and to public life. Again I thank Mr Lenders for the many days he spent providing me with mentoring advice and the like and also for his time as minister in a number of governments in the portfolios of education and finance and then as Treasurer and Leader of the Government.

Mr Lenders was Leader of the Government between 2006 and 2010 during a hostile Parliament. What Mr Melhem was referring to was the decision by the Parliament to suspend Mr Lenders. Mr Melhem was reflecting on the precedent set — a precedent that I will go into in my contribution at great length and for some time to come — when Mr Lenders was only suspended for half a day. Again, I will correct myself as I go through my contribution, but what Mr Melhem was saying was that if you are going to look at suspending somebody, then you suspend somebody for an appropriate period that is reflective of the tricked-up crime that those opposite are alleging.

I look forward to rebutting in great detail the allegations that have been made by those opposite, who are wasting the time of this Parliament when we could be dealing with social issues such as family violence, alcohol and drug dependency or crime and unemployment within our youth demographic; we could be talking about rural and regional Victoria and how those opposite abandoned it when they were in government. When those opposite were in government unemployment went from 4.9 per cent to nearly 7 per cent — —

Mr Ramsay interjected.

The DEPUTY PRESIDENT — Order!
Mr Ramsay has had his opportunity. Mr Dalidakis, to continue.

Mr DALIDAKIS — Thank you, Deputy President. I encouraged Mr Ramsay to continue his contribution, and he chose not to. Of course this place is better for him not doing so, but he has had his opportunity.

Let me remind members of this place, very specifically in relation to the contribution that my colleague Mr Melhem made, of the fact that on 22 November 2007 — I will come back to these dates later on —

when John Lenders was the Leader of the Government in this place, in a hostile chamber that operated in much the same way that it operates at the moment, he was suspended for the remainder of a sitting day. Then on 11 June 2009 this chamber again exercised its power to suspend him for the remainder of the sitting day. On 5 October 2010 he was suspended until 12 noon the next day. The reason I point that out is that what my colleague Mr Melhem was suggesting was that if you are going to look at suspending a member, you should take a far more commonsense approach — —

Mr Ramsay interjected.

The DEPUTY PRESIDENT — Order! I have already raised this issue with Mr Ramsay once before; there will not be another time.

Mr DALIDAKIS — Thank you, Deputy President. As I was saying, Mr Melhem was trying to suggest to members of this place that if there were to be a suspension mooted, looked at and voted on by this chamber, it should be commensurate with what the apparent crime is. Let us get to the substance of this motion before us: the gross hypocrisy of those opposite and this embarrassing motion. For time immemorial *Hansard* will record all of those opposite as being hypocrites to the core, because we as a government have provided far more documents in relation to all the matters I will take us through, have been far more transparent and have gone to much greater depths to support the democratic institutions of Parliament that we hold dear than any of those opposite have ever done in their careers.

Mr Davis, you presided over the worst health department in one of the worst performances by a health minister — —

The DEPUTY PRESIDENT — Order!
Mr Dalidakis will address his remarks through the Chair.

Mr DALIDAKIS — My apologies, Deputy President. Mr Davis was the worst health minister that this state has ever seen, and he has the gall to come into this chamber and attack Gavin Jennings for doing his job and releasing those documents that we as a government have been able to release and protecting those other documents under the notion of executive privilege that has featured in Westminster systems since time immemorial. I will come back to that, because we have some very, very important precedents from England — the old mother country for Mr Ramsay; it is not for me, because ‘Dalidakis’ does not come from England.

We will go back to the House of Commons and the House of Lords, and I will take Mr Ramsay through precedent after precedent after precedent. Then I will tell him another precedent, and I will take him through pages of precedents that have occurred within the Old Dart, as he would call it. I will show him how what he is trying to do is an outrageous abuse of Parliament. When he goes back to his regional constituency and his constituents ask him, ‘What did you do this week, Mr Ramsay?’, he will be able to tell them, ‘I wasted Parliament’s time; that’s what I did’. That is what he is going to be able to say.

That is not what we want to do in this chamber. We want to deal with the issues that matter to the community. We want to deal with the issues to solve the community’s problems, but you want to grandstand and pretend that somehow you are the scions of the political defence of democracy when in fact you are trying to tear down the institution before us right now.

Mr Ramsay — On a point of order, Deputy President, I thought you might well have directed Mr Dalidakis not to point his finger at me and not to direct his contribution to my face but to make his contribution through the Chair. I ask you to direct Mr Dilidakis to get back to the motion. I do not think he touched on that.

Mr Dalidakis — Dalidakis.

Mr Ramsay — My apologies, Mr Dalidakis. I ask you, Deputy President, to direct him not to point at me in a threatening manner.

The DEPUTY PRESIDENT — Order! Mr Dalidakis, to continue, without directing hands or fingers at anyone in the chamber, and to make his comments and remarks through the Chair.

Mr DALIDAKIS — Thank you, Deputy President. I am of Greek extraction, and of course it is a cultural and historical norm for Greeks to use their hands as a way of supporting what they say in relation to our speech. I will do my very best to ensure that Mr Ramsay, from 15 metres away and with about 14 kilos of timber between us, does not feel threatened at all by my hand gestures as I deliver this speech to the Parliament. Deputy President, I acknowledge that ruling and will ensure that at all times I uphold that ruling.

In relation to this motion, what I was doing was relating and referring to the comments that Mr Ramsay made in his contribution. I was referring to the contribution of Mr Ramsay in relation to the very issue of the democratic principles that hold up this institution that

we hold dear. What are Mr Ramsay and his colleagues doing? They are pretending that now that they are in opposition they somehow have greater ability, insight and desire to uphold democratic virtue, when in fact what they did through the whole time of their last four years in government was rebuff nearly every opportunity and every attempt to get some of the very documents they are now trying to get.

I will move on to the specifics of the motion. I find this motion of Ms Wooldridge, quite frankly, amusing. I find it so amusing to its core that it could actually be part of the Melbourne International Comedy Festival. That is how bad this motion is. Once I finish dealing with the hypocrisy of those opposite, those within the coalition of opposition — the coalition of those that say one thing at one time and do another thing at another time, the coalition of the unwilling, the coalition of the unrepresentative, the coalition of those that are obstructionist and the coalition of those that are hypocrites — through this contribution, I will move on to the Greens political party.

The Greens pretend they know what democracy means, but they do not even elect their own leader through the party the way the Labor Party does; they get together in their own little cabal and decide who should represent them. That is how much they love democracy. They grandstand, get up here and think that suspending the Leader of the Government for six months is somehow an appropriate punishment because the government refuses to give them grand prix documents.

I will come to that as well, because that is at paragraph 1(c) of this motion. The Greens, in all their glory, oppose tourism, oppose investment, oppose jobs — oppose all those things that make Victoria the great destination that it is — and in fact support the grand prix that was brought here by former Liberal Premier Jeffrey Kennett. Those opposite now want to release the contract that would put in jeopardy the grand prix that they brought to Victoria. The hypocrisy is breathtaking, Deputy President.

I will get onto the way that this Greens-Liberal love-in, this coalition of those that wish to be obstructionist, is a coalition of Greens and Liberals to do nothing other than grandstand and pretend that they are interested in democracy. Really they are just interested in pursuing their own political agenda. Goodness knows what that is; maybe Mr Barber in his contribution will be able to tell the chamber exactly what his desire is.

Ms Pennicuik — He already has.

Mr DALIDAKIS — Apparently he has already spoken, so maybe one of his colleagues can get up and remind this place exactly what it is that the Greens stand for, because if they want to suspend a member of this place for six months because they do not get the contract, seriously they need to stop having a sook and they need to start actually understanding that this issue before us is far more important: the jobs, the tourism, the growth, the opportunity, the visits, the international exposure, the warmth and the friendship created, and the wonderful comments made by not just the drivers but the teams.

But in relation to paragraph 1(c) this could all be undone if the contracts in relation to the grand prix were to be provided. But that does not stop those opposite from coming into this place and pretending that somehow it is a disaster if the documents are not released — the documents they refused to release when they were in government! I do give you a free pass, Acting President Morris, because I do note that you were not here in the 57th Parliament — nor was I — so you should not be held responsible for the fact that the Liberal government in the 57th Parliament, the government of Ted Baillieu and Geoff Shaw and Denis Napthine, did not release the grand prix contracts. And do you know what? There was good reason not to release the contracts.

Mr Davis interjected.

Mr DALIDAKIS — You are not in your place, Mr Davis, but I can put you in your place, if you like; you choose. Either way, the fact of the matter is that when the opposition was in government, and when Mr Davis was the Leader of the Government in this place, he did not provide nearly as many documents as Mr Jennings has provided in the first 18 months of our government. Furthermore, at no stage when those opposite were in government would they ever release the grand prix contract, which appears at paragraph 1(c) of this motion, and the reason is that they understood that to do so would actually cut to the core of our major events program in Victoria and do untold economic damage that would be akin to releasing the gods of war on our tourism sector, when we have a 100 per cent occupancy rate across our hotel chains and when most of our restaurateurs are enjoying the fact that their bookings are again 100 per cent full.

However, for those opposite it is not good enough for them to do in opposition what they did in government: they want to come into this place and pretend that somehow life, liberty, truth and justice are at risk because the government will not release the grand prix contract. So what have they done? They have cozied up

to Greg Barber and the Greens political party. They are attempting to grandstand, and they are walking hand in hand. They are doing this little Greens-Liberal tango, and it is very disappointing to see that those two parties would join up in an attempt to undermine the very positive role the government is playing in Victoria in supporting our businesses and our tourism industry and in also providing a huge opportunity in terms of jobs growth. Ultimately, as governments that is what we are judged on: jobs growth. Of course the previous government failed on that. The rate went from 4.9 per cent unemployment to nearly 7 per cent unemployment. What has happened since we have come to government? It has gone the other way. It has gone from nearly 7 per cent and is now down to near 6 per cent.

Unemployment has gone down, employment has gone up, confidence has gone up and investment has gone up. This is an inconvenient truth for those opposite, so what they are trying to do is claw to the very worst of politics. Politics should be an argument about ideas. Politics should be a debate about what is in the best interests of society and what we can do to strengthen society — what we can do to support jobs, investment and employment. This is what the role of government is about — what social policies we should deal with, the issue of family violence, the issue of youth unemployment, the issue of substance abuse and the issue of ensuring that people who are in pain through medical procedures and through diseases have the ability to use medicinal cannabis to try to alleviate just a little bit of that pain to make their lives a little bit easier. These are the principles and these are the tenets of democracy that we hold dear on this side of the chamber. These are the very same principles that those on the other side of the chamber are prepared to eschew — to throw out the window and to not care about now that they are opposition. For opposition members to now come in here and grandstand is a gross dereliction of their duty as members of Parliament and as members and contributors to public policy.

Now let us have a look at this motion: a production of documents motion proposing suspension of the Leader of the Government. We have had a resumption of debate; obviously Mr Melhem gave a fine contribution, and I praise him for that. I took the opportunity of the Acting Chair role before you, Acting President, and allow me to remind you what I did. I tried to deal with the verballing of Mr Melhem by Mr Ramsay during Mr Melhem's contribution, where he suggested that a six-month suspension of the leader, as per this motion, was inappropriate because of the length of time. What Mr Melhem did, through irony, was to suggest that we look at what kind of precedent has been set before —

maybe half a day here, half a day there. That is what Mr Melhem was alluding to, but it was not good enough for Mr Ramsay.

Mr Ramsay took up his opportunity to speak, which he has now forfeited by sitting down. I begged Mr Ramsay to speak on this longer. I said, 'Have another half an hour'. I said, 'In fact, just take 15 minutes and see how you go'. I dared him; I said, 'See if you can do it', and he declined.

Mr Ramsay — I like to say things of substance. You are a blowhard!

Mr DALIDAKIS — Now he wants to yell from the other side of the chamber.

Mr Ramsay — Old windbag!

Mr DALIDAKIS — Through you, Acting President, Mr Ramsay has lost that opportunity, and this place may be poorer for it. I am not so old that I will not challenge the other assertion!

We gave Mr Ramsay every opportunity, and he verbalised Mr Melhem's contribution, his verbalising of which I have already rejected. I have explained the issue of irony and how unfortunately *Hansard* may not be able to demonstrate irony, but I have been able to demonstrate very, very carefully that what Mr Melhem was trying to do was demonstrate that this opposition has decided to, like a bull at a gate or in a china shop, throw caution to the wind and expose democracy to the type of hypocrisy that it generally opposes.

That is not a surprise, because what do we always read in the press? It is not enough for the Greens and the Liberals to have their little tango and love-in here in relation to this motion. What do we hear from the state council? The Liberal Party president is talking about doing preference deals with the Greens, so what happens in the chamber does not stay in the chamber. The Liberal-Greens love-in does not just stay in this chamber on this motion. Mr Kroger is representing the Liberal Party and doing deals with the Greens political party on preferences for the upcoming federal election. I wonder whether this new love-in, this new relationship, is a direct result of this motion to attack the Leader of the Government, Gavin Jennings, or whether this is somehow a deeper, more meaningful relationship. Maybe the coalition of two is to become a coalition of three, maybe the Greens and the Liberal Party and The Nationals.

I mean, let us be honest. The Nationals are the greatest socialists alive, so there is not a whole lot of difference between The Nationals party and the Greens party.

They have very similar interests. They want to give public money away to everybody, except in The Nationals' case it is within their core constituency of agribusiness and with the Greens it is tofu farmers and soy producers. So there are combinations between The Nationals and combinations between the Greens.

Mr Ramsay interjected.

Mr DALIDAKIS — I know, Mr Ramsay, that you will be a dissenting voice in this Greens-Liberal love-in. I know that Mr Ramsay will stand up for what is right and he will reject a Greens-Liberal deal, but unfortunately he is just one voice — and clearly that voice is being drowned out, because Mr Kroger is doing just that. Mr Kroger is doing deals with the Greens party, and do you know what? It emanates from this motion. The fish rots at the head, and that is what this motion is — a rotting fish. That is what we have seen: the Greens and Liberals getting together and going fishing to see what they can get. They want to try and get Gavin Jennings —

Mr Ramsay interjected.

Mr DALIDAKIS — No, they want to try and get Gavin Jennings on their fishing expedition, and we will not allow it. If I have to I will talk on this motion for the next six Wednesdays or the next six months of Wednesdays. I will continue to talk to this motion to make sure that the motion does not get up, to make sure that there is no vote on this motion until one of these parties comes to its senses and says, 'What we are asking for is completely inappropriate and not commensurate with the actual claim in here about the non-production of documents'. If the Greens or the Liberal Party or The Nationals — whoever — want to come over here and say, 'We will amend this motion', I will stop talking straightaway. That is pretty good incentive; I cannot give Mr Ramsay a better incentive than that for me to sit down. He should come over here and tell the government that the opposition will amend the motion and will take away the six-month suspension of the Leader of the Government, which is completely not in keeping with the allegations within this motion.

Mr Ramsay interjected.

Mr DALIDAKIS — I am just warming up.

Ms Crozier — Just tone it down a bit.

Mr DALIDAKIS — I will try. I go back to the motion at hand, noting the wise contribution from Ms Crozier across the way. It states that this house:

- (1) notes the continuing failure of the Leader of the Government, on behalf of the government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
 - (a) 11 February 2015 in respect of port of Melbourne documents;
 - (b) 25 February 2015 in respect of West Gate distributor documents;
 - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents —

which I have obviously spent a little time talking to at this point —

- (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
 - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
 - (f) 5 August 2015 in respect of Peter Mac Private hospital documents;
- (2) notes the failure of the government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
 - (3) notes that the government’s continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews government’s election commitment to proper accountability to Parliament by the executive ...

By the way, it is probably worth reflecting that I will deal with each of these matters separately. Again, I will try to give them all the great depth of discussion that I believe they deserve and warrant. The motion continues:

- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the Constitution Act 1975, which includes the right to require the production of documents, and the power to make standing orders under section 43 of that act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its ... functions;
- (7) condemns the government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria ...

I do look forward to speaking on paragraph (7) as well. I think that is a very important one that I will spend a lot of time talking about. The motion continues:

- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) —

again —

and further resolution of 19 August 2015 ...

It is kind of amusing that we are still here. Let me digress for a moment on this particular one. It refers back of course to August 2015. Do you know what was really interesting about the date of August 2015? It is that it was still a number of months shy of the 12-month anniversary of the people of Victoria electing us to government. We have a motion before this chamber that had its gestation, for those listening, back in a period of time when we were in a position of having recently been elected to govern this great state — the greatest state in this country, which I believe we all agree on. As a result, it means that those opposite — the Liberals-Nationals-Greens love-in that I was talking about — are actually thumbing their noses at the people of Victoria who elected us as the government.

Let me continue:

- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a member may move at any time, providing there is no question before the Chair, ‘That the suspension of the Leader of the Government be lifted’ ...

Now that is very interesting wording there, because what we have called for a number of times through a great deal of speakers in this place is for this motion to be amended. Here we have it, in this very same paragraph, that ‘a member may move at any time’. It does not actually say, ‘If the documents are provided, then the leader can come straight back’; it just says ‘a member may move’. So there is no consistency here. They are saying that somebody must be sent away for six months, denying the people who elected that person to this Parliament representation in this place, but they are not interested in that. They are interested in of course grandstanding, which we have talked about already and which I look forward to talking about a lot more in my remaining contribution.

Moving forward, paragraph (11) says:

for the purposes of a motion moved in accordance with (10) —

which we have just spent a moment talking about —

standing orders are suspended to the extent necessary so as to provide for the motion —

- (a) to be a procedural motion for the purposes of standing order 5.03;
- (b) to take precedence over all other business ...

This is breathtaking. All of a sudden, in this motion moved by Ms Wooldridge, by those opposite — the Greens, the Liberals, The Nationals; the collective love-in that we have talked about already over the last 30 or 31 minutes — in fact what they are saying is that this motion, this great indulgence of their own political folly to try to suspend the Leader of the Government in this place, is to do nothing other than to try to assume that their business is more important than the business of government delivering for everyday Victorians in every way and in every minute of every day. What they are trying to do is impose their will on the government that the people of Victoria chose to represent them, to manage this state, to create jobs, to ensure that the economy is ticking over, to ensure that representation is at its transparent, democratic best — which we are attempting to do.

Of course, as I have said from the outset, I do look forward to informing this place and putting on the record that in the time since we came to government on the election date of November 2014 we have released more documents than in the whole of the previous four years of the Baillieu-Shaw, Napthine-Shaw, Napthine-not-Baillieu government. I look forward to dealing with those issues as the contribution progresses.

As I just said, paragraph (11)(b) was that the motion take precedence over all other business. Then paragraph (11)(c) proposes that the motion be put without amendment. So the ability to negotiate or discuss this is not clear, because the opposition has said in (11)(c) this is ‘to be put without amendment’. But how can you put this without amendment when you clearly have a desire by the Greens and the Liberals in particular to negotiate and do preference deals for the federal election and use this as some kind of proxy war in an attempt to try to turf out a democratically elected member of this place for six months. No normal person who understands how many documents have actually been released will believe that a six-month suspension is in any way, shape or form commensurate with declining to provide certain numbers of documents

either on certain issues or to the satisfaction of those requesting them without actually appreciating the issue of executive privilege, and I will talk about executive privilege more as well.

The motion goes on to say in paragraph (11)(d) that in the event that the motion is negated, it be put again on a subsequent sitting day. Talk about wanting your cake and eating it too! So if the house chooses to decline to support this motion, what are opposition members in fact wanting to do? This motion itself is like a yo-yo. It is going to go down and it is going to come back, and it does not matter if, when it goes down, nobody wants it to come back. This motion, by very virtue of the way it is written, says it is coming back. What a way to write a kind of self-serving diatribe that does nothing other than try to distort democracy at its core — that is, to abuse the principles before us, to abuse the nature of both *demos* and *kratos*, the ability for us to represent democracy in this great place.

It is great that I recall that democracy comes from the two Greek words *demos* and *kratos*, because I will also, as I have said previously, talk about the great Westminster traditions on which this Parliament is based and founded. I will talk about the precedents from the United Kingdom Parliament in London.

Paragraph (12) of the motion says:

notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

This motion at its core says that you cannot amend it, that once documents are provided to the satisfaction of this place Gavin Jennings does not just automatically return to this place but it has to be done by a member putting forward a motion — by the way, I presume the motion would need to be carried. There is no other indication in the wording that I have read, and I will go back to paragraph (10):

in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a member may move at any time, providing there is no question before the Chair, ‘That the suspension of the Leader of the Government be lifted’ ...

Again, if we look carefully at the words that have been written in this motion, what it says is that a motion would have to be put to this place, which means it would have to be voted on. There are no guarantees that, if the documents have been provided in that time, the Leader of the Government would be automatically allowed to return to this place. No, those opposite want to try to have another vote on this, which they may

choose for their own reasons — maybe the federal election has been deferred to October or November and the Liberal-Greens preference deal is becoming a bit wobbly — that they will not allow the Leader of the Government to come back, because there are more things that they want to do working together.

These are the types of questions that remain unanswered. These are the types of questions that mean the public has a right to know what grubby, shady deals those opposite have done with the Greens and with The Nationals to try to turn a coalition of two into a coalition of three — a very warm and comfortable coalition. The Greens party members really should be disgusted with their leadership, which is attempting to use partisan politics to force an outcome in relation to preference deals and to use this state Parliament and this motion to attack Gavin Jennings, the leader of this place, in a way that is not — I have used this word before, and I will use this word again — commensurate with the claims that this motion is making.

This motion is such a clear abuse of parliamentary process that in years to come I dare say people who write about parliamentary process will use this very argument to show how parliaments cannot be abused going forward. They will attempt to rewrite standing orders to ensure against this kind of denial of representation of the people of South Eastern Metropolitan Region, of which Mr Jennings is a representative. Those people elected him to this Parliament as a member for South Eastern Metropolitan Region, he represents those people and he was elected to this place to do so.

All this, for nothing more than their doing a grubby deal in an attempt to try to attack Mr Jennings, is really quite distasteful. It is not in keeping with democracy. It is certainly not in keeping with the spirit of harmony or relations in this place. By and large we do work well together, we do try to negotiate on issues of public policy. There are times when amendments to legislation are put by the Greens, the Liberals, The Nationals or the crossbench — and guess what? Sometimes those amendments are valid; they are good amendments. The reason that we can deal with those amendments is because they are here in this place to put them. But if we deny the Leader of the Government the opportunity to participate in this chamber, then the opportunity for him to contribute to legislative negotiations and discussions is removed. It is not reduced; it is just removed.

I am not sure that the desire to remove a member of this place is in keeping with the tenet of democracy that we celebrate here in this chamber. We celebrate every day

that we are members of Parliament and that we have the great opportunity to represent those people across society who wish to see us contribute in a positive, meaningful way to solve the problems that society is facing. Do you know what? Sometimes we do not get there. Sometimes we are not able to solve the problems, but we are attempting to solve the problems. I think that is also important to note, that we do not always have all the answers but we attempt to try to find them.

Democracy allows us to do that, but not for Mr Jennings according to this motion. According to this motion, the only democracy Mr Jennings is going to have is a six-month holiday, because these people — being the love-in of the Greens, Liberals and Nationals, this new coalition of the thrilling rather than the willing — are attempting to try to have a member of this place removed from doing what he was elected to do, which is to represent the people and represent this government as the Leader of the Government in this place, which is now regarded as a hostile chamber. So when I get to the point about comparing what they are proposing now for Mr Jennings versus the work that was done to attack Mr Lenders when he was the Leader of the Government in the last hostile Parliament between 2006 and 2010, I find it quite staggering. The significant increase in penalty is breathtaking, absolutely breathtaking, as is the politics behind it. And Greg Barber and his colleagues will have to answer for that. How they think it is okay to run forward a proposition that somebody should be suspended for six months because the government has claimed executive privilege, which is a longstanding, long-held position within the Westminster system — —

Mr Barber — A furphy you invented.

Mr DALIDAKIS — I will take up that interjection.

Mr Barber — Please do.

Mr DALIDAKIS — Mr Barber — and I want this on the record in *Hansard* so when his grandchildren and my grandchildren, as we have discussed before, may be potentially debating in some place in the future — —

Mr Barber — So they will be in opposition in a Greens government?

Mr DALIDAKIS — My great-grandchildren will never be members of the Greens political party. They will be far too clever and far too sympathetic to the plight of ordinary Victorians. But let me make this point. Mr Barber believes that the issue of executive privilege is one that is made up, and that is a quite outlandish assertion. I suggest that Mr Barber would

probably like to interject now to say that hopefully that is not what he meant, because it is actually embarrassing. The fact that Mr Barber continues to stand by his assertion that we have somehow made up the notion of executive privilege means that he needs to go back to one of the TAFE schools that we are reinvesting money in, money that the opposition took out when it was in government.

Let us have a look at this motion. The resolution set out in paragraph (1)(a) is in relation to a copy of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014. What is quite amusing about this is that those opposite who are in the Liberal Party ended up voting for the legislation in relation to the port of Melbourne, the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015. Those opposite supported it. I will give Mr Barber and his band of colleagues the grace that they at least held their position firmly right throughout and they opposed the bill. Opposition members from the Liberal and Nationals parties voted for this bill, yet they are still wanting the release of the contract or rather the scoping study for the privatisation of the port that was prepared by KPMG in 2014. I find that hypocrisy at its worst.

But let me tell members that on 23 June 2015 the government responded by providing a copy of the scoping study prepared by the previous coalition government. Let us reflect on that, Acting President Morris, because you and I were not members of the previous Parliament. We are both effectively newbies. We are both members of the 2014 intake from that November election, so neither of us were here at the time. But I can tell you, Acting President, that on 23 June 2015 we provided a copy of the scoping study prepared for the previous coalition government. Only limited information in this document was withheld from release, specifically financial and commercial content as well as material obtained in confidence.

What is amusing — ‘ironic’ may be a better term for it — what is ironic about this is that originally, when in opposition, the Andrews opposition put forward this policy proposal about doing a long-term lease of the port of Melbourne. The then Treasurer in the other place, the disgraced ‘Side Deal’ O’Brien, got up and effectively said, ‘This is a terrible proposal. This can’t work. The sky is going to fall in’. What actually transpired was within about three weeks, if my memory serves me correctly, the Liberal Party, the Treasurer and the government at the time came out with their own policy proposal for a long-term lease of the port of Melbourne. So three weeks earlier they say, ‘Can’t do it. Labor has said we should, but we can’t’. Three

weeks later the Liberal government — and I am not sure who the Premier was; Geoff Shaw maybe, or Dr Napthine or Mr Baillieu, I cannot remember because it is all such a terrible blur of dysfunction in Victoria, but the premise remained — came out and tried to put forward a proposal that the Labor opposition under now Premier Daniel Andrews put forward with great policy integrity.

So we go forward to that election at the end of November and guess what, Acting President? Much to your disappointment as a new candidate in the election, you were elected to opposition and not to the government benches. We had a mandate, our policies were clear, our policies were unequivocal, our policies were front and centre and, more importantly, the people of Victoria had our policies well in advance of the election date. There was no attempt to hide the policies. There was no attempt to try to get them under a technicality or what former Prime Minister John Howard used to call ‘core promises’ or ‘non-core promises’, or what happened when Tony Abbott was Prime Minister when he just reneged on every promise.

The fact of the matter is the Andrews Labor government has committed to all of its election promises and is committed to seeing them through. But of course the port of Melbourne policy promise was one that was significant and well known in the community, and we were elected to government with it. What is ironic — and ironic is a great word — is that those opposite had the same policy at the 2014 election. But now, even though they voted for the legislation, ultimately they want a scoping study for no particular reason other than to try to undermine the transaction and to try to reduce the revenue that the Victorian taxpayer will derive as a result of that long-term lease deal.

How terrible is it that those opposite, who try to present themselves as the scions of economic integrity, are attempting to undermine the long-term lease price deal to be negotiated by a future party with this Victorian government, a deal that will see a windfall of significant proportions and that will support the other policies that we took to the election, including the removal of the 50 worst and most dangerous and congested level crossings.

Those opposite are trying to undermine the very transaction that we are wanting to negotiate. Let me clarify something for members. I was under a little bit of a haze before and I was not sure who the Premier was at that time. However, I can now tell the house that it was a request seeking a document from the Napthine government. It was not the Geoff Shaw-led

government, it was not the Baillieu government, it was the Denis Napthine-led government. Coalition members requested a document from their own government. Do you know what? Given that I believe Mr O'Brien in the Legislative Assembly released a document from the previous government that he had in his possession, maybe those opposite, instead of requesting that we release documents that they know would be inappropriate for the government to release, should just pick up the phone and give Mr O'Brien a call and say, 'Hey, Mikey, can you please give us this document?'

It is a bit like when Mr Ramsay attacked me in his contribution because I have tried to make contact with the federal trade minister, Mr Ciobo, who is in China, to talk about tariffs that the Chinese government is looking to impose. Mr Ramsay attacked me for calling and reaching out to Mr Ciobo when in fact he has not done so. I even offered Mr Ramsay the use of my phone on my plan at no additional cost to the taxpayer, because it does not have an additional cost for ringing Mr Ciobo. I offered Mr Ramsay the use of my phone to reach out to his Liberal colleague in the federal Parliament, and he chose not to do so. It is kind of ironic that opposition members were wanting to seek documents from the former Napthine government, which they could get, because clearly Mr O'Brien has a range of documents in his possession that he should not have. He has released documents of his own volition, so they should approach him in any event.

The leasing of the port of Melbourne, as I said moments ago, is an ongoing process. The release of sensitive, commercial information only has one potential outcome here, and that is to significantly undermine the price, the return and the revenue gained from that long-term lease deal by releasing sensitive commercial information, which will potentially significantly impact on that lease process. So nowhere in any commercial transaction would you ever release commercially sensitive material while you were undertaking a significant transaction like that these documents are part of. How can I tell members that? Because, unlike some of those opposite, I actually have a commercial and finance background. I can tell the house that you would never release significant commercial information while you were undertaking a transaction of this magnitude, of this size and scale, with such an opportunity to provide significant income to the Victorian government that we can use for generations to come. This is money that will affect in a very positive way generations of Victorians for over 100 years, if not well in excess of that period of time.

The plan to remove 50 of the worst, most congested dangerous level crossings is one of the recipients of funds from the long-term port of Melbourne lease deal. Our policy in opposition and in the time since coming to government has highlighted and demonstrated that that revenue will help pay for the additional works to be done over and above the 20 crossings that the government has already committed to in this term of Parliament.

I might also add that we are not committed to the removal of just 20 crossings in this term of Parliament. If we are able to do those 20 crossings at a faster rate, the Treasurer, the Premier and the Minister for Public Transport are on the record as saying that we will look to removing as many level crossings as we can in this time frame. If that means we can do more, then we will do more. If we can do them quicker, we will do them quicker. But we have committed to removing the 50 worst, most dangerous and congested level crossings and to using the proceeds from the long-term lease of the port of Melbourne to ensure that those transactions go ahead and get funded.

So the release of this information is critical given that we are still in the infancy of the long-term lease arrangements and given that we are at the beginning of that process to find a potential business wanting to engage in that transaction. I believe that the Treasurer of Victoria, the Honourable Tim Pallas, is doing a fine job as Treasurer, and I believe he will undertake a process that will see revenue generated from this transaction at a scale that we have not been able to comprehend. I have every faith that the Treasurer will get that as an outcome, but he needs to be allowed a level playing field to do it. He cannot go into a negotiation with his hands tied behind his back. He cannot go into a negotiation being effectively told that the opposition will undermine that process by ensuring that every contractual settlement or arrangement that we come to is going to be called up before this place in an attempt to undermine the commercial sensitivity of that transaction.

The ACTING PRESIDENT (Mr Morris) — Order! Has Mr Dalidakis concluded?

Mr DALIDAKIS — No, not by a long shot.

Ms Shing — Have we got a quorum?

Mr DALIDAKIS — I believe the member is requesting a quorum.

Mr Leane — Acting President, I draw your attention to the state of the house.

Quorum formed.

Mr DALIDAKIS — As I was concluding page 3 of my extensive notes, the port of Melbourne lease transaction is in its infancy, and so releasing a contract or a scoping study has the potential to significantly undermine the value of the transaction. I look at Mr Ramsay across the way, and I know that Mr Ramsay is very keen to focus on the return for rural and regional Victorians. He is very keen to try to get a strong income stream to support projects across rural and regional Victoria. What I say to you, Acting President, is the release of this scoping study could significantly undermine the price that we receive on this long-term negotiated lease deal. For Mr Ramsay that will mean less money for rural and regional Victoria. We do not want less money, we want more money for rural and regional Victoria.

As a former chief executive of the timber industry, of this great industry that has given so much to Victoria, what I want to see is more for rural and regional Victoria. I know from my time at the Victorian Association of Forest Industries (VAFI) — a time that I look on with great fondness — that the timber mills are the backbone of many small communities. The timber mills have workers that provide opportunities for the State Emergency Service (SES), the Country Fire Authority (CFA), the local football club and the local netball club. They help to sustain populations in relation to education. They are the thriving backbones of our small rural and regional communities. We have timber towns for native timber from central Victoria right through to East Gippsland. I know this upsets the Greens, which is why I do not understand why the Liberal Party has done this shady, shonky deal.

Ms Crozier — On a point of order, Acting President, I know Mr Dalidakis is enjoying himself in here, but he is really not going to the heart of the motion. He is talking about the timber industry and his time in the timber industry. I ask you to draw him back to the heart of the motion.

Mr DALIDAKIS — On the point of order, Acting President, my reflection on my background of involvement with the timber industry is to reflect that undermining the proceeds from the port of Melbourne sale — which is dealt with in paragraph (1)(a) of the motion, which relates to the port of Melbourne documents — has the potential to reduce the proceeds from the sale going to rural and regional Victoria.

Ms Shing — Further to point of order, Acting President, I note that the contributions made by people from around the chamber in the course of this

wideranging debate have canvassed a number of subject areas and have actually traversed some pretty significant periods of historical development of political and social framework policy. On that basis I think it is entirely within the scope of the contributions made by members today.

Mr Ramsay — On the point of order, Acting President, as Mr Dalidakis well knows, even though regional Victoria has been duded by the commitments of the government in relation to the port of Melbourne lease sale, as I understand it, in the legislation — —

Ms Shing interjected.

Mr Ramsay — Yes, let me finish, Ms Shing.

The ACTING PRESIDENT (Mr Morris) — Order! I ask Mr Ramsay to come to his point of order.

Mr Ramsay — It is very clear that the money allocated from the proceeds of the lease sale is for transport infrastructure, not trees.

The ACTING PRESIDENT (Mr Morris) — Order! Mr Ramsay will resume his seat.

Mr Leane — In terms of the point of order, the minister has only just begun his speech. He has only been speaking for 59 minutes, and he is only setting the structure around the argument of his debate.

The ACTING PRESIDENT (Mr Morris) — Order! I thank Ms Crozier for her point of order. I uphold her point of order. I ask Minister Dalidakis to come back to the motion itself.

Mr DALIDAKIS — Thank you, Acting President. What I am going to do very specifically is after every sentence I am going to break and reflect that it is directly relevant so that you are left in no doubt. So my time in the timber industry involved supporting rural and regional communities, which will receive additional profits from the long-term lease deal. Additional revenue will go into rural and regional Victoria as per the desire of this Victorian government to see rural and regional Victoria get its fair share from the proceeds of the long-term lease deal.

What I will tell you, Acting President, is that releasing this document will significantly undermine the opportunity to have a significant return on the transaction. If that occurs, guess what? You shrink the amount of money that goes into rural and regional Victoria. So when I talk about the timber industry, I am giving you the context, Acting President, of my very proud time — three and a half years — as the chief

executive of the Victorian Association of Forest Industries. The lifeblood of small rural and regional towns are people that give of themselves freely and willingly. They donate their time to the SES and the CFA, they contribute to the local footy team and the local netball team and they do all of that to support their local communities. We would be denying those very same local communities the benefit of a significant price return from the long-term lease deal if this document is released because it would reduce the amount of money that we have at our disposal.

That amount of money has been, in a number of different areas within the public sphere, commented on as to what type of value we will get as a return for the deal. As I said not so long ago, I have great faith in the ability of the Treasurer to return such a wonderful figure for the people of Victoria. This is not about the Andrews Labor government. This is about a return for the people of Victoria. This is about trying to remove the 50 most congested and dangerous level crossings. This is about putting money into rural and regional Victoria. This is about ensuring that those people right across the depth and the breadth of the greatest state in this federation have an opportunity to share in the return of the wealth created by that long-term lease deal.

And yet, unfortunately, the potential to significantly impact on that lease process by the release of sensitive commercial information could have such a huge negative impact to it that we cannot support paragraph (1)(a) of the motion. We cannot support it on that basis alone, because as I was saying, the ability, the potential, the negative impact would be huge. I know you yourself, Acting President Morris, come from rural and regional Victoria — from Ballarat, that great city of Ballarat that gave me my two heroes as a young kid growing up, Danny Frawley and Tony Lockett.

As a young St Kilda supporter I can tell you there was not much joy when I went to Moorabbin throughout the 1980s. In fact there were a lot of tears as a young fellow growing up. I went to the football and Tony Lockett and Danny Frawley gave me such joy, and they are fine ambassadors for the great city of Ballarat. Ballarat will absolutely benefit from this long-term lease deal because Ballarat is a city in rural and regional Victoria and, as I said, the more money we get from the lease deal the more money flows to rural and regional Victoria. Of course that includes Ballarat. I have a great depth of affection for Ballarat, not just because of Tony Lockett and Danny Frawley but because it is a wonderful town. It has given so much to the history of Victoria. We talk about Sovereign Hill, we talk about the Eureka Stockade and we talk about the goldfields.

Ms Shing interjected.

Mr DALIDAKIS — I have spent a lot of time talking about Gippsland, Ms Shing, about my time as the CEO of the Victorian Association of Forest Industries and the native timber industry from central Victoria right through to East Gippsland. It is important to reflect actually that a former president of mine when I was chief executive of VAFI, Bob, who tragically passed away late last year, was affectionately known as the mayor of Cann River. Bob Humphreys was a terrific man, and may he rest in peace. But Cann River, a fantastic town, also will benefit from the sale of the long-term lease.

I could go through more. In fact, I might go through every single town and every city across rural and regional Victoria that will somehow be affected, but I will save that for next week's or the following week's contribution, because I have a lot to say on this issue and I am going to be here for a very long time. So I look forward to making that contribution. I think I will get a list of every town, starting at A.

Ms Shing — By postcode perhaps.

Mr DALIDAKIS — I could do it, possibly, by postcode. I could do by region. Maybe I will do it in all ways, so I will do an alphabetical listing of all of the towns across rural and regional Victoria that will benefit from the sale, then I will do it by region and maybe I will do it by postcode, as Ms Shing suggested. Either way, I will do an extensive listing of all the towns that are going to be denied the ability to enjoy a fruitful and complete benefit from the long-term lease deal because those opposite wish to play politics with this and put in jeopardy a significant price on that long-term lease deal.

So every dollar that we do not get above the mooted price is on all of their heads and on that of Ms Wooldridge. Ms Wooldridge might not have any empathy for people in rural and regional Victoria and Ms Wooldridge might like to play politics with the subject, but guess what? Ms Wooldridge is going to have to come to Ballarat — to your home town, Acting President Morris — and she is going to have to answer for every dollar we do not get if this document is released and it negatively impacts on the sale price for the long-term lease.

What we have got before us — and we are only at paragraph (1)(a) of the motion, which is in respect of the port of Melbourne lease deal — is an attempt to sabotage. That is what this is. The Liberals and The Nationals may have voted for the port of Melbourne

legislation that went to the Parliament recently, but they are now attempting to sabotage the very legislation and process that they agreed to. I can only think that the anger in their hearts for being in opposition is greater than the love in their hearts for the people of Victoria. Let us just reflect on that, that the anger in their hearts for being in opposition is greater than the love in their hearts for all Victorians. It gives me no joy to stand up here and suggest that, it really does not, because I would love to see everybody in this chamber put Victoria first, at no. 1. They should put their party political aspirations and their personal professional aspirations at no. 2 and put Victoria at no. 1. If we can do that, there is nothing that Victoria cannot achieve in this federation to prove not just to ourselves but to the world that we are the no. 1 destination in Australia.

We are the now, and what we need is buy-in. We need buy-in and support from you and other members of the coalition, Acting President Morris, to support what we are trying to do to make Victoria great again, because we have slipped in the last four years. We went from having an unemployment rate of 4.9 per cent to nearly 7 per cent. We went from a society that was free, open and fair to one that was closed, and I will reflect in a moment on the number of documents that were not provided by Ms Wooldridge when she was a minister in the previous government. We sadly have a great amount of proof. It is a terribly sad moment for any great Victorian, including Harold Holt. I am not sure where he is at the moment, but wherever Harold is — —

Ms Shing — Not at the eponymous swimming pool in Ashburton, that's for sure.

Mr DALIDAKIS — I used to call it Malvern. I used to think the Harold Holt pool was in Malvern. Friends of mine overseas always found it ironic that we named a pool after a Prime Minister who went missing when he was swimming.

However, I digress, and I wish to return to the subject matter at hand, which is that in my travels around rural and regional Victoria I would welcome the opposition joining me so that of those people I cross in rural and regional Victoria can meet the people who have put at risk the return of a sizable amount for the long-term lease of the public asset. This is a public asset and a long-term lease that was supported by those opposite when they were in government, opposed by those opposite when they were in opposition, supported by those opposite when they voted for legislation and now apparently opposed by those opposite seeking to undermine the transaction that we are attempting to

proceed with to benefit all Victorians not just now but for generations to come.

Millions of Victorians who have not yet been born or who have not yet immigrated to this great state will benefit from this long-term lease deal, because the removal of the 50 worst and most congested and dangerous level crossings is something that has far-reaching infrastructure implications and benefits not just for you and me, Acting President Morris — though certainly for you when you come to Melbourne, acknowledging that you live in the great City of Ballarat, which we have spoken about. Generations of Victorians will benefit if we can remove level crossings. And let me just talk about that for a moment, because this is a central tenet of the benefit from the long-term lease proceeds.

Mr Mulino — The asset recycling.

Mr DALIDAKIS — The asset recycling. In the area of southern metropolitan, in the area of the long-term lease — —

Mr Barber interjected.

Mr DALIDAKIS — I am going to take up the interjection from Mr Barber, the Greens leader opposite — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! Thank you, members. I cannot hear the minister's contribution.

Mr DALIDAKIS — Let me reflect on the interjection. Mr Barber is upset because I have caught him out on his Liberal love-in. He is also upset that they did not come up with removing the level crossings to improve public transport. Mr Barber, who tries to grandstand and stand up on tippy-toes to say, 'Look at me, how great am I? I am the king of public transport', is upset because he did not actually think of this proposal himself. So rather than support good public policy, he is joined at the hip to Michael Kroger in this disgraceful Liberal-Greens tango in an attempt to encourage preferences at the federal election. Can you imagine trying to create public policy that is theoretically in Victoria's interest when in fact what Mr Barber is interested in doing is furthering the benefit of his Greens colleagues in the federal Parliament? What an abrogation of his responsibility as a member of this place it is to use his position to get together with the Liberals on this motion to kick out the Leader of the Government for six months for nothing other than them having a hissy fit because we have not provided them

with all the documents they want in relation to the grand prix — a grand prix that those opposite brought to Victoria under Premier Jeff Kennett and that supports Victoria's major events and tourism.

Mr Mulino — When the Liberals stood for something.

Mr DALIDAKIS — When the Liberal Party stood for something — that is a great contribution by my colleague Mr Mulino. When the Liberal Party stood for something, whether or not you agreed with Mr Kennett's methods or antics — though I cannot say that I did. In fact there are a great deal of similarities between Mr Kennett and Mr Barber — for example, the way they have tried to run their parties with an iron fist and the way Mr Barber will not allow any dissent between him and his colleagues to be brought to the floor, which is much like the way Mr Kennett ruled.

There are a lot of similarities between Mr Barber and Mr Kennett, but let me tell you one thing Mr Kennett would never do that the current Liberal Party is prepared to do: Mr Kennett would never have sacrificed the interests of Victoria's future for the sake of cheap political stunts, which is what the current opposition is doing in relation to the port of Melbourne deal. I will come back to that because of course the Australian Formula One Grand Prix document is at paragraph 1(c) and I am still on 1(a). When we get to 1(c) I will talk more about the legacy of Jeffrey Gibb Kennett with the grand prix and how unfortunately those opposite are doing everything they can to undermine Mr Kennett's legacy.

Mr Barber — You've got an 8 by 10 glossy of Jeff Kennett by your bed.

Mr DALIDAKIS — No, Paul Keating. Sadly when Mr Barber looks in the mirror he sees more of Jeff Kennett than he would like, but we will come back to that in just a moment.

As I was saying not so long ago, we have only withheld limited information, unlike Ms Wooldridge when she was in government for four years under the shambolic, disastrous — —

Mr Mulino — Four grim years.

Mr DALIDAKIS — Four grim years, partly under former Premier Baillieu. By the way, I think Ted Baillieu is a fine man. I think he has contributed greatly to public life and continues to do so. He is a man that I have a great deal of respect and time for. I think Ted Baillieu was not necessarily a great premier in the history of Victorian premiers, but you can never

question the loyalty of Ted Baillieu to Victoria. I think if Ted Baillieu were here today, he would be aghast at this as well.

When Ms Wooldridge was a minister in that dysfunctional government under Denis Napthine or Geoff Shaw, depending on who you think was running the show, she refused to provide nearly every FOI document that was requested. The same principles that are outlined in the Freedom of Information Act 1982 that protect certain limited categories of documents should be applied consistently to documents sought by the Legislative Council. We have remained consistent on this point from the very beginning. I have remained consistent on this point when I have had the opportunity to speak about other motions in this place. I have ensured each and every time I have had the opportunity to speak on similar motions that I have reflected the view that the same principles of the FOI act 1982 that protect certain limited categories of documents should be applied with respect to the Legislative Council.

Let me expand on that for a moment, because those provisions ensure the protection of documents that would:

- (a) reveal, directly or indirectly, the deliberative processes of cabinet;
- (b) reveal high-level confidential deliberative processes of the executive government, or would otherwise jeopardise the necessary relationship of confidence between a minister and the public service ...

Let me pause and talk about (a) and (b) as I am going through them so I do not have to come back to them. No, let me read them all and then I will come back to them.

Mr Barber — Yes, get the context.

Mr DALIDAKIS — Get the context, that is right.

- (c) reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions. Example: section 10.1.30 of the Gambling Regulation Act 2003;
- (d) reveal confidential legal advice to the executive government;
- (e) otherwise jeopardise the public interest ... in particular where disclosure would:
 - (i) prejudice national security or public safety;
 - (ii) prejudice law enforcement investigations;

- (iii) materially damage the state's financial or commercial interests (such as ongoing tender processes, or changes in taxation policy) ...

It is worth reflecting that as Prime Minister Malcolm Turnbull is trying to change tax policy on thought bubbles every day, and the Australian Parliament is none the worse.

Ms Crozier — On a point of order, Acting President, Mr Dalidakis seems to be straying from the motion again, and I would ask you to draw him back to what we are discussing today.

Mr DALIDAKIS — On the point of order, Acting President, what I am doing right now is reflecting on the fact that the FOI laws, which grant exemptions for the release of information, are completely pertinent to the issue about not providing all of the information and all of the documents before us, and I am making that very clear link.

The ACTING PRESIDENT (Mr Elasmr) — Order! I thank the minister, but I ask him to come back to the motion.

Mr DALIDAKIS — I was about to finish with:

- (iv) prejudice intergovernmental and diplomatic relations; or
- (v) prejudice legal proceedings.

Let me go back to this very issue of FOI and why the Freedom of Information Act 1982 provides great applicability to the motion before us. Members need to be aware that paragraph (a) says you do not have to provide or reveal, directly or indirectly, the deliberative processes of cabinet. But what those opposite are asking us to do with the motion before us is to potentially violate cabinet confidentiality. They are potentially asking us to turn our back on hundreds of years of Westminster precedent in an attempt to play their party political games.

Unfortunately Greg Barber is involved with this up to his neck. He is no longer a Green; he has turned blue. He and the Liberals are one and the same. They are dancing the tango and the two-step, and unfortunately they are trying to do it because they are using this motion to get together, to get a bit closer in an attempt to curry favour and make preference deals for the upcoming federal election. It will backfire on both of them.

Mr Drum has just entered this place. He has been preselected for the National Party so, in all sincerity, I wish him well at the upcoming federal election.

If we come back to this motion, this motion is asking us to ignore precedent that has been provided under the Freedom of Information Act 1982 and to, as I said, release documents that would:

- (a) reveal directly or indirectly the deliberative process of cabinet;
- (b) reveal high-level confidential deliberative process of executive government ...

It attempts to distort the definition of 'executive government', it attempts to undermine the level of cabinet authority and executive privilege and it attempts to play political games with Victoria's economic future. That may be okay for Mr Barber and the Greens, but I am shocked that Mr Ondarchie and the Liberal Party would try to sabotage Victoria's economic future by engaging in partisan political games and playing footsies with the Greens.

It is quite amazing that they would do that because when we get to paragraph (1)(c) — bear in mind that I am still at 1(a) — in relation to the Australian Formula One Grand Prix documents, let us reflect that for four long years in Victoria those opposite were in government and denied requests for document releases by the Greens. Yet now they have saddled up with them, hand in glove, in an attempt to get the same documents released that they would not release when they were in government. They are attempting to sabotage the future of the Australian Formula One Grand Prix in Victoria; they are attempting — I am trying to look for a polite term — they are trying to disregard the legacy of Jeffrey Kennett, who brought the Australian Formula One Grand Prix to Victoria from South Australia. They are playing partisan politics — petty partisan politics at that — in an attempt to achieve no greater public policy outcome and without any desire to further debate or influence decision-making. They themselves were involved in contractual negotiations and discussions for extensions with the formula one grand prix supremo Bernie Ecclestone; they were involved in all of that. Yet now they are in opposition they are playing handsies and footsies with the Greens in an attempt to put Victoria's economic future at risk because of their petty partisan political games.

Let me return to the similarities in this motion before us in relation to the attack on executive government. Under the FOI act 1982 those opposite are attempting to reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions, as well as attempting to reveal confidential legal advice to the

executive government. What we see is a deliberative abuse of process by those opposite, combined with the Greens, in an attempt to somehow distract voters from the fact that when in government they had the opportunity to release documents should they have so desired. To be honest, I am glad they did not, because I do not think it would have been in our economic interest if those documents had been released. It would not have furthered any kind of good public policy debate for the grand prix contractual negotiations to be held in the open, thus opening them to competitors to our north in New South Wales, whose Premier, Mike Baird, placed on the public record his desire to bring the grand prix from Victoria to New South Wales. What we have done is keep the grand prix here.

Minister Eren, who has done a fantastic job as Minister for Tourism and Major Events, announced just days ago that the super bikes and the MotoGP are going to be here until 2027. What a fantastic outcome for the state of Victoria. Those opposite may be in government by 2027. You never know. We are at the whim and the desires of the Victorian people. But what we have been able to do is to secure the MotoGP and the super bikes at Phillip Island until 2027. Minister Eren did a fantastic job in securing those major events for Victoria.

What we are seeing is petty partisan politics to undermine the very significant strategy that governments of all political persuasions since the mid-1990s under Jeffrey Kennett have had, which has been a focus on Victoria's major events calendar to demonstrate that we have a package of events that are tourist attractions in their own right, which contribute to our profile and which provide us with an opportunity to project to the world how great Melbourne and Victoria are. We believe that we live in the greatest state in our federation; we are proud of that, and our package of major events allows us to demonstrate it to the world.

Unfortunately what we have seen is people like Mr Ondarchie and his colleagues sell their economic souls for party politics. That is what they have done. They have wanted to see Victoria lose out. They are Liberals first and Victorians second. It is a great shame for me to have to say that they would put their Liberal Party politics ahead of being Victorian. To think that that is how the Liberal Party — a once mighty party under Hamer and Bolte, two longstanding, very well regarded premiers of the state, who were financially prudent — has fallen. Those Premiers may not have invested as much as we would have liked in infrastructure at the time, but nonetheless they did their job; they would never have placed themselves in the type of predicament that the current Liberal Party has placed itself in —

Mr Ondarchie interjected.

Mr DALIDAKIS — We hear Mr Ondarchie yell from across the chamber. These are really quite pathetic rants from somebody who has lost the plot. What we need are coherent, sensible arguments about why documents should be released that undermine contractual negotiations that are undertaken with commercial and private third-party providers.

Never in the history of Liberal governments have they released such documents in an attempt to undermine our economic progress or our contractual relationships with third parties. Those opposite did not do it when they were in government, yet they are wanting the government to do it now that they are in opposition, and I am trying to understand to what end. I am trying to put myself in their position, given they had their hands on the documents in relation to the grand prix. They were there at the negotiating table with Bernie Ecclestone. They know what is in the documents, yet here they are trying to do the two-step with the Greens by requesting that we release the very documents they refused to provide to the Greens in the last Parliament — sensibly so, I might add. Yet now, in a desire to do this Liberal-Greens preference for the federal election, they are using this motion before this house as a way of attempting to pervert the course of good public policy.

When we look at what else is relevant in relation to FOI, it is vital, as I have been insinuating for a few minutes, that a principled approach be taken when considering a release of documents requested by the Legislative Council. We need to ensure that the release of such information through the processes of this Parliament is consistent with the principles of governing the release of documents under the FOI act 1982. Acting President, I draw your attention to the very direct link between the FOI act 1982 and the approach that the Legislative Council is attempting to undertake in relation to the production of documents.

I started to talk before about the gross hypocrisy of those opposite from the time they were in government. Given this motion is in the name of the Leader of the Opposition, Ms Wooldridge, let us have a look at Ms Wooldridge's history of refusing to respond to FOI documents, which is that retrieving all of the requested documents would be onerous and an improper diversion of her office's resources.

In some cases Ms Wooldridge just ignored FOI requests for six months at a time. Is it not ironic that those opposite are trying to suspend the Leader of the Government in this place, Gavin Jennings, for six

months when Ms Wooldridge, as a minister, would ignore FOI requests for six months? Maybe that is how Ms Wooldridge came up with the figure of six months. Maybe she was sitting in her office and saying, 'I'm going to be called a hypocrite here, but what period of time should I put for the expulsion of my colleague Gavin Jennings, the leader of his party in this place? What time period shall I apply? Six months worked for me in government'. It worked for her because she ignored FOI requests for six months at a time. So that is how Ms Wooldridge came to the figure of six months.

Let me make it very clear. There were no less than 18 occasions in just Ms Wooldridge's first 12 months as a minister when she was taken to the Victorian Civil and Administrative Tribunal (VCAT) to contest her failure to comply with FOI.

Ms Symes — How many?

Mr DALIDAKIS — On no less than 18 occasions in the first 12 months of her time as a minister in the previous government, Minister Wooldridge, as she was known then, was taken to VCAT to contest her failure to comply with FOI. That is a quote from the *Age* of 16 December 2012. But maybe — just maybe — those opposite were just following the principle that FOI requests and requests for documents sought by the Legislative Council should operate along similar time lines, as I was saying. They have pulled a six-month figure out of the air. Maybe she got confused and thought, 'How many months was I able to try to not respond? Six months? Great. That is how long we are going to try to kick Mr Jennings out of the Parliament for'.

I do not believe you were in the chamber when I made this point earlier, Acting President Elasmara, and I want to make this point for you especially. Let me point out that the removal of Gavin Jennings from this place for six months would deny the people of South Eastern Metropolitan Region, the people who elected him to this place to represent them, and deny him the opportunity to come to Parliament and represent them. It is the antithesis of democracy.

Those opposite desire to play games about the release of documents. This government has released more documents in effectively the first 18 months in office than I believe were released under the whole four years of the dodgy, shambolic, dysfunctional government under Baillieu, Napthine and Geoff Shaw — under that whole government period. We have managed to release more documents in 18 months than they did across those four disastrous, long, divided, obnoxious years under the then Liberal-Nationals government. In the

previous government under Mr Baillieu, Dr Napthine and Mr Shaw only produced responses to three orders for documents in the entire four years it was in office. That is not a mistake. Let me — pardon the pun — labour that point. For the entire four years of that government under Dr Napthine, Mr Shaw and Mr Baillieu they produced responses to only three orders for documents, yet here we are today.

Mr Barber, as the leader of the Greens political party in this place, got together with Ms Wooldridge, who denied him all those documents over those four years, and they are now holding hands, walking down the aisle of the chamber to merriment and a happy place where they can decide that Gavin Jennings is to be denied the ability to represent in this place all the people — probably almost 500 000 people — of South Eastern Metropolitan Region for nothing other than what is really an act of political bastardry. That is what it is, to use a long-used phrase in relation to politics.

They are attempting to grandstand and honour deals that they have done in relation to political preferences in the federal election, and they are using the state Parliament to do that. I know there will be others within the Liberal Party, both in this chamber and outside the chamber, who will be aghast at that, to think that those opposite are literally throwing rose petals as they walk along this pathway to mutual destruction. If that is what they want to do, then okay. But let us be very clear, this process is high risk, low reward.

It is high risk because, as I was saying before, releasing the port of Melbourne documents unfortunately has the potential to significantly reduce the price for the long-term lease of the port of Melbourne transaction, which means that for people like Mr Ramsay and Mr Morris before him, people that represent rural and regional Victoria, for every dollar the transaction price is reduced by should documents be released — and they have put this transaction at risk — there will be less money available for us to spend in rural and regional Victoria.

In case you were unaware, Acting President, Ms Wooldridge, as minister, produced responses to three orders for documents over four years. We have produced more documents in 18 months than those opposite did in four years. It is a salient point and it is an important point. It is a point I will make time and time again, because we need to reflect on the fact that what those opposite are actually asking for is completely out of keeping with their own record and completely not in keeping with our record, where we have been as transparent as possible, where we have provided documents where possible and where we have

provided information to assist in the document request before us in this place. Unfortunately at each and every step of the way we have seen an attempt by those opposite to somehow deny our ability to use executive privilege — in a responsible manner, I might add — to release documents as we have. There are some documents that we have not been able to release.

I may come back to this issue of paragraph (1)(a), the port of Melbourne documents. I submit to the house that I have not finished with paragraph (1)(a), but I will move along to paragraph (1)(b). This is a very lengthy motion, and I am only starting to explore the depth and breadth of the policy issues and ramifications of what we are debating right now.

An honourable member interjected.

Mr DALIDAKIS — We are at paragraph (1)(b), which is in relation to the resolution of 25 February 2015 in respect of the West Gate distributor documents. In relation to that, what is actually being sought is a copy of the following documents relating to the West Gate distributor:

- (1) the business case;
- (2) interim or final traffic and traffic management studies, reports or briefings;
- (3) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;
- (4) Aboriginal cultural heritage studies, reports or briefings —

I presume that was inserted by the Greens. I cannot imagine the Liberal Party asking for something in relation to Aboriginal cultural heritage studies.

Mr Barber interjected.

Mr DALIDAKIS — I am sure you had some input, Mr Barber, just in the way that the Greens and Liberals have had input on a whole range of other opportunities. The resolution continues:

- (5) advice on compliance with the Hobsons Bay planning scheme and Maribymong planning scheme and proposed consultation on required planning approvals;
- (6) departmental advice and briefing documents; and
- (7) evidence of consultation on the above.

Because the resolution sought all documents, including but not limited to seven specified categories of document, the Victorian government — that is us — identified approximately 23 000 documents which

would need to be assessed to respond to this resolution. I go back to paragraph (1)(a) of the motion before the house — I said I was going to come back to it — and to when I talked about how on one particular occasion Ms Wooldridge refused to respond to an FOI request because she claimed that retrieving all of the requested documents would be onerous and an improper diversion of her office's resources. Now we fast forward to this resolution. I doubt it was 23 000 documents that had been identified by Ms Wooldridge, but nonetheless, 23 000 documents were identified by this government which would need to be assessed to respond to this resolution.

In limiting the government's response to only the seven categories of document specified in the resolution, 38 relevant documents were identified, and this is a very important point — one that I am sure that you, Acting President, will share and understand the importance of. On 23 June 2015 — and this date is very important because it is well before the date of today when I am debating this motion before us — the government provided documents to the Legislative Council: 13 were released in full; 1 was released in part, where personal information was redacted; and 24 of those 38 documents were withheld in full due to cabinet-in-confidence information that would damage the state's financial or commercial interests or otherwise jeopardise the trust and confidence between minister and officials.

What members can see is a very deliberate desire on behalf of the government across the two chambers to deal with in an appropriate way and to respond to the documents motion. Some 38 relevant documents were identified when it was limited to those seven categories. Of those, 13 were released in full, 1 had personal information redacted and 24 of them were withheld for the reasons I have cited, and this is why I bring the house back to the FOI points that I was making earlier.

I appreciate that I may not have well constructed the reasons for talking about the FOI legislation at that point, but it is important to refer back to the FOI legislation, as I was saying. Under that FOI process members will remember that under the act of 1982, which I pointed out at that time, the documents in 1(c) that are protected are documents whose disclosure would reveal information obtained by the executive on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions, they would reveal confidential legal advice to the executive government or they would otherwise jeopardise the public interest, in particular where the disclosure would — I am mindful of being direct — materially damage the state's

financial or commercial interests, such as ongoing tender processes or changes in taxation policy. As I have said, their disclosure would jeopardise financial and commercial interests.

So then if we go forward, as I was saying, to when the 24 documents of those 38 that were identified were withheld, they were withheld for containing cabinet-in-confidence information and information that would damage the state's financial or commercial interests or otherwise jeopardise the trust and confidence between minister and officials.

As I was saying, in the 57th Parliament the coalition was the government of the day, or at least it pretended that it was — whether it was Geoff Shaw or Napthine or Baillieu at any one particular moment or whether it was Tristan Weston. We will not talk about that; that would be digressing and straying too far.

What occurred was that the coalition provided documents to just three of Labor's orders for the production of documents in the Legislative Council. That was not in a finite period of time such as a three-month period or a two-week period; that was across the four years of the 57th Parliament. Across the four years of that Parliament the coalition only provided documents to three of Labor's orders for documents in the Council. Why is this important? Because on this one issue alone, in respect of the West Gate distributor, as I have moved on to paragraph 1(b) of the motion, we released 13 documents that were identified in full, and we released one in part where personal information was redacted. We withheld 24 documents on the grounds I have discussed in this house.

Those opposite complied with three orders for documents only across that time, and I will tell you what they were. One of the motions was moved by a former great member of this place, Matt Viney, who remains a friend of mine and a much-loved member of the Labor Party. I hope that Mr Viney continues to recover from his debilitating stroke, and I wish him all the best in that. I also acknowledge that Mr Viney, sadly, is a Collingwood supporter. I have not contacted him since St Kilda had its great win over the weekend; I will do that in time.

One of the motions was moved by Mr Viney in relation to Morwell and the Wallace Street drainage works. The second of these motions was moved on 20 February 2013 by another former Labor member of this place — and I hope he is doing well — Mr Brian Tee, in relation to the planning advisory committee report — —

Mr Ondarchie — What do you mean you hope he is doing well? He is working for the government!

Mr DALIDAKIS — But I do not have a relationship with Mr Tee, Mr Ondarchie, so I am hoping he is doing well.

The third of these motions was moved by Mr Tee on 20 February 2013. In it he sought documents in relation to the Urban Growth Boundary Anomalies Advisory Committee report. You would have to say that the Wallace Street drainage works were probably not quite as significant as the infrastructure works in relation to the West Gate distributor, but nonetheless the Labor Party was successful in getting three orders for documents complied with in the last Parliament.

We have a long way to go to reach the depths of despair that the 57th Parliament 'enjoyed' in relation to democracy and the release of documents, because, as I have already been able to demonstrate to you, Acting President, the four years of the 57th Parliament were like night versus day in the way that the previous government obstructed and refused to release documents, in complete contrast to the Andrews Labor government, where the Leader of the Government in this place, Mr Gavin Jennings, has on many occasions released documents to those opposite.

In the example I provided, we identified relevant material from 23 000 documents. Now, we could have stopped there and done what Ms Wooldridge did. Remember, as I said, in relation to a freedom of information request Ms Wooldridge refused to respond because retrieving all of the requested documents would be onerous and an improper diversion of her office's resources. We chose not to go down that pathway. Despite being able to say that because of the identification of 23 000 documents — —

Mr Barber interjected.

Mr DALIDAKIS — Mr Barber, I wonder how many trees would have had to be cut down for 23 000 documents to be printed? Too many, I can tell you — —

Mr Ondarchie — On a point of order, Acting President, as entertaining as these 110 minutes have been for the minister himself, I draw you to standing order 12.16, which talks about irrelevance and tedious repetition. The minister has now run this argument a number of times, basically because he likes the sound of his own voice, so I ask you to bring him back to the motion.

Mr Mulino — On the point of order, Acting President, the minister clearly spent the first part of his speech dealing with paragraph 1(a) of the motion, and as he said just a few short minutes ago, he has now moved on to paragraph 1(b), so I think that he is addressing a totally different subject matter, with similar arguments but an entirely different subject matter.

The ACTING PRESIDENT (Mr Elasmr) — Order! The minister is on track, but he has had some interjections. I ask the minister to continue on the motion.

Mr DALIDAKIS — As I was saying, what the government could have done when the 23 000 documents were identified in relation to the West Gate distributor — bear in mind I am talking to paragraph 1(b) of this motion — was what Ms Wooldridge did, which was to respond that retrieving the requested documents would be onerous and an improper diversion of her office's resources. We would have been within our rights, but we chose not to do that.

In relation to the 23 000 documents that were identified, the government attempted to further refine the documents by limiting the documents to only those specified in the seven categories in the resolution of this house and it identified as a direct result 38 documents. What did the government do with those 38 documents? It released 13 in full, as I was saying.

Mr Ondarchie — You said that about 1(a)!

Mr DALIDAKIS — No, this is in relation to 1(b).

Mr Ondarchie — You already said it about 1(a).

Mr DALIDAKIS — No, I did not say it about 1(a), Mr Ondarchie. We released 13 documents in full in relation to the request in paragraph 1(b); 1 was released in part, where only personal information was redacted, and 24 were withheld due to cabinet-in-confidence and related issues. What we can say very clearly, Acting President, is that we have already demonstrated a far greater willingness to comply with the orders of this place where we can and where we do not jeopardise the commercial interests of this state, the commercial contracts that we have entered into or the future benefit and reputation of this state. We do not jeopardise that whatsoever.

What we attempt to do is to work through the issue and try to get to a conclusion and provide information in a way that is completely foreign to those opposite. As I have already demonstrated, they complied with only

three document requests for the whole of the previous Parliament. In the 18 months since we came to government we have released more documents than they did in four long, torrid, dysfunctional —

Mr Mulino — Gloomy.

Mr DALIDAKIS — gloomy years. The hypocrisy is all there for people to see. Their desire to risk Victoria's future for their petty partisan political games is completely not in keeping with the representation that Victoria received under the strong Liberal leadership of Premiers Bolte and Hamer, and even Jeff Kennett. I dare say that Jeffrey Kennett would be appalled by the document request in relation to paragraph (1)(c), which I am now moving on to. Jeffrey Kennett, who has spent so much time recently, as reported in the papers, talking about how he managed to bring the grand prix to Victoria — and I am happy to — —

Mr Ondarchie interjected.

Mr DALIDAKIS — He brought the grand prix to Victoria, and we have managed in subsequent times — across Labor and Liberal governments alike — to extend those contracts out because we recognise that the grand prix contributes a great deal to Victoria. We recognise that the grand prix provides a great deal of benefit to Melbourne's reputation as a major events capital and its being well known, well regarded — world renowned in fact — around the world. It starts with the Australian Open Tennis Championships in January, and it continues with the grand prix in March. There is also an amazing collection of winter masterpieces across our winter months.

Mr Mulino — The comedy festival.

Mr DALIDAKIS — We have the comedy festival as well. We also have the AFL Grand Final here in Victoria that nearly every year manages to attract 100 000 spectators. The inaugural Grand Final Friday parade last year had 150 000 people attend. That is the biggest attendance in the history of grand final parades. For the first time ever that holiday allowed people to come to the parade from rural and regional Victoria. Then we have the Spring Racing Carnival, which attracts horses from all around the world, trainers of amazing reputation from all around the world and jockeys from all around the world. It has a reputation that is second to none.

What those opposite are trying to do with the request for grand prix documents is jeopardise the very thing that we are able to capitalise on, which is the enormous exposure that Melbourne and Victoria receive from having the grand prix here in Melbourne. We have a

grand prix that is broadcast to tens and tens of countries around the world. For over 2 hours there is uninterrupted advertising of Melbourne, including skyline pictures and beyond. I believe I am probably one of the first members of Parliament representing Southern Metropolitan Region to support the grand prix.

Ms Pennicuik interjected.

Mr DALIDAKIS — And I do support the grand prix. It is a wonderful event. I acknowledge the difficulty that residents in Albert Park have.

Honourable members interjecting.

Mr DALIDAKIS — I acknowledge the difficulty that residents have in Albert Park. As somebody who was a user of the park and played cricket in a sporting club — —

Mr Ondarchie interjected.

Mr DALIDAKIS — As somebody who was a member of a sporting club in the Albert Park precinct, I can say that when I played with the club we were always denied the chance to play our finals at Albert Park, our home ground, because of the grand prix. I tell you that it was a small price to pay to see such success — —

Ms Pennicuik interjected.

Mr DALIDAKIS — As a cricketer who used the Albert Park precinct, I say it was a small price to pay and a price that, as a member of the broader community, I was appreciative and understanding of and prepared to accept, because the greater good was served by having the grand prix at Albert Park. What we have seen is negotiation after negotiation by Liberal governments and Labor governments to extend the contracts of the Australian grand prix. At no stage when those opposite were in government over the previous four years did they ever attempt to release documents in relation to the contractual position of the Victorian government with the grand prix because they understood that to do so would risk the holding of the event here in Melbourne, Victoria, going forward.

We fast-forward, and now that they are in opposition we are seeing members opposite playing petty partisan political games where they are jumping into bed with their Greens political partners in an attempt to somehow derail the economic growth of this state and to try to subvert the tourism opportunities provided by our major events. What they have done and what they have demonstrated time and time again is a desire to

place the Liberal Party first and Victorians second. That is what they have done. That is what this motion does. If we get to the heart of the motion before us, we see that it says that the coalition members are far more interested in coming to this place as Liberals rather than as Victorians. What I tell you, unreservedly and unashamedly, is that I am a Victorian first and will always be a Victorian in this position, because I try to demonstrate and promote this great state of Victoria at each and every opportunity, Acting President.

This is the greatest state in the federation. There is no question whatsoever about this state's position — its rightful position — in this federation. Come the late 2030s it is expected that Victoria will overtake New South Wales as the most populous state and Melbourne will overtake Sydney as the most populous city in this country. It will be a proud day when it happens, as long as we continue to get our infrastructure planning right. The last 11 years, which have seen the population growth of Victoria outstrip that of New South Wales, continue to demonstrate that the Labor governments in this state continue to provide job opportunities, continue to provide economic growth and continue to provide tourism and events that people can enjoy, come and visit and participate in.

With the Australian Formula One Grand Prix what we have seen time and time again is an opportunity to promote Victoria and Melbourne to the world. What we are now seeing is an opportunity being taken by those opposite — the Liberal Party members in particular — to jump into bed with their Greens mates, with the Greens political party, in rank political opportunism. That is what we are seeing right now.

In speaking to this motion I say that the Australian Formula One Grand Prix contract in full, signed by the Napthine government, says Melbourne is to host the formula one grand prix from 2016 to 2020. That document is a contract signed by the previous government under its fearless, great leader Denis Napthine. So what has happened since then? Those opposite have chosen to effectively do the proverbial from a great height over the heritage, the history and our recollections of both Jeffrey Kennett and Denis Napthine, as two Liberal Premiers, the former who brought the grand prix to this state and the latter who re-signed the contract through to 2020.

Mrs Peulich — On a point of order, Acting President, we have had a whole day of filibuster. We have heard from the members on the government side about how undemocratic it is to indeed enforce the power of this Parliament — of this chamber. The minister at the moment is talking about everything else

but the motion on the books, and I ask that you bring him back to order. Indeed, if he is concerned about democracy, the government would not be sacking the City of Greater Geelong.

The ACTING PRESIDENT (Mr Elasmr) — Order! I thank the member and take her point of order. I advise the opposition that some of the interjections had nothing to do with the motion either, so I ask that members control their interjections and I ask the minister to come back to the motion.

Mr DALIDAKIS — What I was doing was reflecting on the fact that there were two Liberal premiers, one in Jeffrey Kennett, who brought the grand prix to this state.

Mrs Peulich — Acting President, the member is disregarding the ruling.

Mr DALIDAKIS — I am talking very directly to the motion. With great respect, I am talking about the Australian Formula One Grand Prix document request that the contract in full signed by the Napthine government to host the formula one grand prix in Melbourne from 2016 to 2020 be released. What I was saying was that Jeffrey Kennett, one Liberal Premier, brought the grand prix to this state. Another Liberal Premier, Denis Napthine, signed the contract extension, so the documents that they are requesting were signed and delivered by other Liberal premiers. In fact the most recent contract extension was undertaken by the former Liberal leader, Denis Napthine.

Ms Pennicuik — No, it was undertaken by you and the Premier.

Mr DALIDAKIS — No, not in this document motion. This document motion is dealing with the contract in full signed by the Napthine government to host the formula one grand prix in Melbourne from 2016 to 2020. Acting President, how highly amusing that they are wanting a document that they signed. Mr Drum would have been around the cabinet table when the document was presented to cabinet. Cabinet confidentiality prevents Mr Drum from talking about it in public, yet it is okay for those opposite to request that we provide to this place a document that has cabinet confidentiality, despite the fact that they will not talk about it openly, nor would they release the document when they were in government. But somehow the rules have changed now that they are in opposition.

Unfortunately in this game your reputation is hard won and easily lost, and you need to be prepared to have some principles that you stand and live by. You need to have principles that you are prepared to stand and live

by, and I can tell the house that this government is intent on meeting its election commitments. We are determined to meet our election commitments. Firstly, we are determined to support job growth; secondly, we are determined to support positive economic activity; thirdly, we are determined to support our businesses through trade and commerce; and fourthly, we are prepared to support the tourism sector of which the grand prix is a vital component in terms of our major events program.

So what we have seen is that those opposite now stand for nothing. They have thrown their principles away. They have come into this place and acted like petulant children because they are now in opposition, and because they are now in opposition, they have thrown their toys away. They are taking their bat and ball and they want to go home. That is not how public policy works. You need to have a desire to see good public policy implemented at all levels. What we have seen from those opposite is a complete abrogation of their responsibilities in relation to the time that they were in government to their time now in opposition. All they want to do is try to grandstand, jump into bed with their little Greens mates and attempt to do some kind of shifty, shady preference deal in the lead-up to the federal election. They are misusing the rules, processes, procedures and standing orders of this place in an attempt to achieve some kind of external political gain at the cost of the Victorian Parliament. We will not forsake our major events capital reputation in the world in order to try to support their petty, petulant political games and their relationship with the Liberals.

Mr Ramsay interjected.

Mr DALIDAKIS — I will take up that interjection by Mr Ramsay, because Mr Ramsay was a member of the previous government which had the ability to release the grand prix contract. Guess what they released? Nothing. Not one document about the grand prix did they release. And that was because the grand prix was brought to Victoria by Jeffrey Kennett. The previous Premier, Denis Napthine, wanted to sign an extension contract. But no, that is not enough. It is okay for them to come here and attempt to grandstand and seek some kind of a way to prosecute what can only be regarded as a petulant tantrum, a petty, pathetic pursuit of policies that will undermine economic success in Victoria, both in tourism and job creation opportunities.

On job creation, it is worth remembering that despite the worst recession globally, through the global financial crisis the previous Labor government delivered at the loss of the election unemployment of 4.9 per cent, which those opposite managed to see

balloon out to nearly 7 per cent. Guess what? It is now back at 6 per cent.

Mr Ondarchie — Is that right? Is that the right number?

Mr DALIDAKIS — It is near 6 per cent right now. That is exactly what I said, and it will be reported in *Hansard*. We actually care about job growth on this side. We care about job growth and economic activity, and we have seen those opposite prepared to forsake that. They are prepared to forsake that and see the release of contracts that at no stage were they ever prepared or intending to release otherwise.

In relation to the motion before us, in relation to paragraph (1)(c), which asks for the release of Australian Formula One Grand Prix documents from 25 February 2015, on 15 September last year the government responded, noting that six agreements had been identified and that all were withheld in full. That is right, Acting President. All documents were withheld in full. Six documents were identified and all were withheld.

These documents were withheld for a variety of reasons, including the fact that they contain commercially sensitive information, and if disclosed it is the view of this government that the information would materially damage the state's financial and commercial interests. Let us reflect on that: if disclosed, it is our view that this information would materially damage the state's financial and commercial interests. As I have outlined previously, the grand prix remains an integral part of our major events calendar and so the release of this information has the potential to significantly undermine an ongoing relationship with the formula one authority in England, headed up by Bernie Ecclestone.

We have seen in other places around the world that people are desperate to get a formula one GP in their countries. The reason for that is that other cities in other countries understand that it provides a tremendous amount of both visibility and advertising of that host city, that state and that country. Remember that in seeing the beautiful vista views of the city skyline behind the grand prix track, and the views that take people across Victoria, there is an ability to appreciate that the grand prix is bigger than all of us — that the grand prix means more to Victoria than the motion before us, which could jeopardise the ongoing future of Victoria.

This is what this rump has been brought to. Those opposite do not stand for anything, and I fear for the

future when they refuse to stand for anything other than petty, petulant, party-political games where they put the Liberal Party first and Victoria second. We have seen it time and time again. Unfortunately it is manifested within this motion before us, and I would love to hear what Jeffrey Kennett thinks about putting the grand prix in jeopardy — —

The ACTING PRESIDENT (Mr Finn) — Order! I am sure that members on both sides will be devastated to learn that it is now time for statements on reports and papers.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Department of Treasury and Finance: budget papers 2015–16

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased tonight to speak on the 2015–16 budget, because we are just about to face the 2016–17 budget. It is important for us to reflect on what was in the previous budget in setting up what we can expect to see in the budget that is coming in a couple of weeks time. What we saw in the 2015–16 budget on health was a very disappointing delivery. Infrastructure projects were funded to only about half the level that was actually promised. There was some wording and pretence that they had been funded, but clearly they had not been. There was no funding for the Rural Health Capital Support Fund or the bush nursing support grants. Funding for rural health services was absolutely canned under the Andrews Labor government.

There was no funding for ICT, which is an absolutely critical area in the delivery of our health services. It is great for the government to talk about being effective and efficient in terms of its health service delivery, but there was no funding in the budget. What we need to see in this budget is support for health in our rural and regional communities. We need to see funding for IT, and that has been called for by major groups such as the Australian Medical Association and the Victorian Healthcare Association. We need to see follow-up in a number of areas, and let me work through highlighting some of those areas.

First of all, there was partial funding for the Casey Hospital — only \$2.4 million, with \$103.6 million remaining. The footnote in the budget was that it was funded in contingency. Now it is time for us to see that funding, not just in the black hole that is contingency under this Labor government.

Interestingly, in the last budget there was \$15 million for the Victorian Heart Hospital but the promise was \$150 million. The commitment was that the Victorian Heart Hospital would be built by the 2018 election. We need to see funding to deliver the Victorian Heart Hospital if in fact the government is going to live up to its election commitment of delivering this by 2018. There are some very significant questions about this, and the funding that is provided in this budget to progress that project will be a real indicator of the commitment of the government to the project. Secondly, in that project there was funding to be sought from other sources and there is a real question as to whether any of that has been secured.

We also have real-time prescription monitoring. We have had further calls from the coroner that people are dying because they are overdosing on prescription medicines. The coroner is very frustrated and continues to ask, 'When will we see a commitment from this government to deliver real-time prescription monitoring?'. The numbers are increasing; people are dying. This is a system that could save lives. Of course the coalition promised \$7 million to roll it out back in 2014. All we had in last year's budget for real-time prescription monitoring was \$300 000 to do some planning. Possibly there has been lots of action behind the scenes, but fundamentally nothing has been delivered by this government on real-time prescription monitoring. That needs to happen. I have spoken on this in the house before. We need to see a comprehensive scheme. It needs to include not just schedule A but also schedule 4 drugs as well to make sure that we can keep people safe.

There a number of hospitals that need significant funding that has not been delivered, and I want to touch on a few of those. Ms Lovell consistently and strongly advocates on behalf of the Shepparton hospital and the funding that is needed there. The performance of its emergency department, because of the failure of the government to fund the redevelopment that is needed, is appalling in relation to the experiences of patients every day. Only 50 per cent are being seen on time, because of the sheer demand and the lack of facilities. This government needs to be funding the Shepparton hospital.

It is a similar picture at Ballarat hospital, and Mr Morris has been a wonderful advocate in terms of the needs of Ballarat hospital. This was a significant new facility that was built with funding from the coalition government. A new surgical wing was part of that, but what we have not seen from this government is the funding to fit out that floor. It is only a shell currently. About \$20 million is needed to fully fit out that level

and the surgical suites. The minister recently announced an expansion of elective surgery to deal with waiting lists, but the Ballarat funding was for the emergency department only, not the \$20 million that is needed to fit out the surgical suites so that more people in Ballarat can access it.

Similarly in Geelong Hospital there are whole wards that potentially could be opened if only there was the funding to do it — for example, palliative care beds and acute beds that are waiting for funding so that they can service the needs of the local community.

Of course at Northern Hospital there are significant needs and significant demand that must be met by this government. It is a great opportunity for the government to deliver funding on health, in contrast to what we saw in the last budget under the Labor government.

Auditor-General: *Bullying and Harassment in the Health Sector*

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Auditor-General's report entitled *Bullying and Harassment in the Health Sector*, which was tabled in the Parliament in March. It comes as no surprise to me that bullying and harassment in the health sector appear to be part of the normal workplace routine. A clue to low morale in any workplace, or that something is very wrong, is the number of sick days taken or workers compensation claims lodged in any one year compared to other workplaces with a similar number of employees. Abnormally high WorkCover levies are usually a strong indicator of low morale problems.

The report codifies the interpretation of bullying very well. It also provides a practical framework for tackling this issue before it becomes serious. One thing is very clear: it does not mention the human condition or the dynamics of power in the workplace. Many people do not bother to report bullying because they are afraid of losing a promotion or, at worst, their job. The tyranny of silence perpetuates the cycle of abuse. It is not a requirement to like everyone you work with. It is, however, a requirement that each person treat their co-workers with respect. Human resource managers must take a proactive role in initiating ongoing, regular training programs.

The God complex is a well-known delusion within the medical profession. We have all seen media reports of scandalous abuse by senior medicos of junior medical staff. Hospital administrators are often lax in their duty of care towards junior staff. Their inability to stop this appalling behaviour is legendary, so much so that most

health workers do not even bother reporting it to anyone in a senior position, because everyone knows about it and nothing will be done.

I note the report suggests that health boards take a more positive and practical role in monitoring instances of abuse. The reality is that most boards meet monthly and are not encouraged to have a hands-on role in the day-to-day running of the organisation. The ethos of the majority of health administrators is FINO: fingers in, nose out. FINO is a definite deterrent to any board member who wishes to raise morale issues at board level. However, the Auditor-General has recommended that responsibility for overseeing and monitoring harassment or bullying of staff members should sit at board level, and I agree; it is a great idea.

Department of Treasury and Finance: budget papers 2015–16

Ms LOVELL (Northern Victoria) — I rise to speak about the budget papers listed on the notice paper today. Last year's budget was of course very disappointing for my region, with five of the regional cities in Northern Victoria Region — Shepparton, Wodonga, Benalla, Seymour and Mildura — not even included on the map in the regional statement. This year there will be no excuses. This next budget will have rivers of gold flowing into it. There will be up to \$7 billion from the sale of the port. On top of that, 15 per cent for asset recycling will be paid to the state from the commonwealth. The state has just received an additional \$1.1 billion in GST receipts, and of course this state won Tattsлото when the Tatts Group was ordered to pay back \$542 million to the state coffers.

I am going to concentrate on the non-coalition-held Assembly seats in my electorate — Shepparton, Yan Yean, Macedon, Bendigo East and Bendigo West — because other coalition MPs will advocate for their areas. Of course we know in Shepparton that, no. 1, we need at least \$170 million for stage 1 of the redevelopment of Goulburn Valley Health. We also need the government to commit to a rolling series of works across the forward estimates to ensure the complete redevelopment is funded and delivered.

We also need, and I know the Greater Shepparton City Council has advocated for this, around \$37 million for improvements to passenger rail services, including \$2 million for the Shepparton station stabling and lighting works, \$15 million to fix 30 level crossings between Shepparton and Seymour, \$20 million for a new train and also funding for changes to timetabling. We also need investment in the Goulburn Valley Highway Shepparton bypass. This is quite a significant

project, and the Greater Shepparton City Council has asked for \$20 million for planning and up to \$160 million for completion of stage 1. We need investments in our sports stadium. It would be great to see \$12.5 million in the budget for our sports stadium and also investment of about \$7.6 million in our CBD revitalisation project.

The City of Whittlesea has a number of projects around family violence and it needs about \$1 million to fund them. It has Strengthening Family projects, and it wants about \$400 000 for them, and it needs around \$11 million for services for young people. The Northern Hospital needs an expansion, and that is quite a significant project. The City of Whittlesea also wants roads repaired and is calling for around \$408 million. The figure includes funds for the Bridge Inn Road duplication at a cost of \$80 million, the Epping Road duplication at \$70 million, the Childs Road duplication at around \$12 million, the Plenty Road and Bridge Inn Road intersection at \$10 million, the Yan Yean Road duplication at \$116.5 million and construction of the E6 corridor at around \$120 million. The council has a number of other projects, and of course we want to see significant funding for the construction of rail out there — not the Mickey Mouse funding that was in the budget last year.

I met with the City of Greater Bendigo. It did not ask for anything in the budget because it said the coalition government had invested so heavily in Bendigo that there was nothing left to fund. However, it asked that this government stop rate capping and cost shifting. The Shire of Macedon Ranges would like \$300 000 for the Campaspe river trail, around \$300 000 for the Kyneton Museum and around \$120 000 for a historic walking trail. There are a number of really significant projects in northern Victoria that should be funded in this year's budget.

As I said, there are rivers of gold flowing into this state, which this government will have to spend in this year's budget. We do not want to see that money wasted and frittered away as Labor governments often do. We want to see it invested in significant infrastructure for regional Victoria. The Treasurer has been out advocating that federal grants should match our 25 per cent share of the nation's population and that we should get a greater share of money from the feds. Well, Victorian country communities also want a greater share of funding from this state government. Only 2.9 per cent of the state budget's infrastructure spend went to regional Victoria last year. Around 25 per cent of Victoria's population lives in regional Victoria, so this year the government should commit significantly more to infrastructure in regional Victoria.

Standing Committee on the Economy and Infrastructure: restricted breed dogs

Mr EIDEH (Western Metropolitan) — I rise to speak on the report that was tabled recently by the chair of the Standing Committee on the Economy and Infrastructure, Mr Joshua Morris, on the inquiry into the legislative and regulatory framework relating to restricted breed dogs. That was in March 2016.

I begin by thanking my fellow committee members for their work on this report. I thank the chair, Mr Joshua Morris, and the committee members: Mr Philip Dalidakis, a member for Southern Metropolitan Region; a member for Western Victoria Region, Ms Gayle Tierney; a member for Northern Metropolitan Region, Mr Nazih Elasmari; a member for Western Metropolitan Region, Dr Rachel Carling-Jenkins; a member for Western Metropolitan Region, Mr Bernie Finn; a member for Western Metropolitan Region, Ms Colleen Hartland; and a member for Northern Metropolitan Region, Mr Craig Ondarchie.

I would like to thank and acknowledge the hardworking staff for their assistance during the hearings and for preparing this report: Dr Christopher Gribbin, Mr Pete Johnston, Ms Annemarie Burt, Mr Anthony Walsh, Ms Esma Poskovic and Ms Kim Martinow de Navarrete. I would also like to thank Mr Bill Bruce, Mr Ryan Jestin and Ms Ronna Balderson of the City of Calgary in Canada, who provided information about the model of dog management adopted in that region.

Also, I thank the staff at the Victorian Civil and Administrative Tribunal and Monash University's Victorian Injury Surveillance Unit, along with the very many individuals and organisations that took the time to provide submissions or appear at public hearings, including members of the public, veterinary groups, animal welfare organisations, local councils and academics. All their insights and opinions were invaluable and shaped the committee's recommendations.

The economy and infrastructure committee conducted an investigation in relation to the regulatory framework applying to restricted dog breeds. The report focused on the effectiveness of breed-specific legislation and whether or not the legislation has been an effective component of the overall strategy to reduce the number of dog attacks in the community. Dog attacks can lead to significant physical and psychological harm and injury. In 2013–14, 836 Victorians were hospitalised because they were bitten or struck by a dog. In addition to this, over 1855 Victorians were treated in emergency

departments, and of course we will never forget the tragic death of four-year-old Ayen Chol as a result of a horrific dog attack.

The report indicates that Victoria's current breed-specific legislation is not working in practice. This is largely due to the fact that it is virtually impossible to definitely identify pit bulls. Currently the system requires local council officers to identify, seize and euthanase unregistered pit bulls. However, this has proven to be very problematic for local councils. In fact councils indicated to the inquiry that this task is a responsibility they neither want nor feel they have the appropriate expertise for.

In addition to this, the committee found that there was often insufficient evidence on the risk posed by pit bulls and at times contradictory evidence on whether they pose a greater risk to public safety than other breeds. Thus, the committee suggests, based on the evidence presented before it, that the government lift the current ban on the registration of pit bulls that have not previously been registered and makes a number of other recommendations to encourage responsible pet ownership. I am sure that the government will take into consideration these recommendations and set the wheels in motion to reform the current legislation. I commend this report to the house.

Victorian fire services review: report

Mr RAMSAY (Western Victoria) — I want to make a contribution on the Victorian fire services review report entitled *Drawing a line, building stronger services*. The author of the report is David O'Byrne. It certainly was a worthwhile report that the government instigated. Importantly, much of the conclusion and most of the recommendations are very worthwhile and noticeably supported by Volunteer Fire Brigades Victoria, the Metropolitan Fire Brigade, emergency services commissioner Craig Lapsley, and even to some extent the United Firefighters Union (UFU), represented by Peter Marshall. I read the review because I was interested to see how the government would respond to the report, and in the main it has accepted all recommendations bar two, and they are probably the two most contentious ones.

But it was interesting to listen to Peter Marshall, Andrew Ford and Craig Lapsley together in one room in the ABC radio studios where Jon Faine took them through their different positions in relation to the recommendations. Probably the most bombastic and argumentative representative at that little collective was Peter Marshall. He refused to admit there were issues around the UFU having control of certain sites, having

control of certain membership, having control of some of the call-out activities and some of the responsibilities of training, and he certainly believed his organisation will still need to have some power and control over some of those activities, particularly over membership.

That has been demonstrated again through the Fiskville inquiry being conducted by the Environment, Natural Resources and Regional Development Committee, a committee that I sit on, where it was made very clear to us that, firstly, the government was committed to closing Fiskville regardless of whatever recommendations the inquiry might prefer, but also the way that the UFU has infiltrated that inquiry with its submissions and witnesses at hearings, where it has made it very clear that it will not budge on certain issues.

But I think what is important is that the government has recognised some failings in fire services generally across Victoria. This was borne out by David O'Byrne's report, and it is important, given the short time that I have left to speak on this report, to quickly read the conclusion:

Although important, merely changing the structure and introducing new systems will not bring about the real change that is needed in Victoria's fire services ...

The fire services must be genuinely centred around operations — firefighting, rescue services, structural fire safety, hazardous materials incident response, emergency medical response, community engagement ...

Service delivery models in a particular location must be designed to match the needs of that location ...

That is where the CFA volunteer service plays an important role in rural and regional Victoria. It continues:

Appliances, equipment, training, systems and procedures should be standardised to the extent possible to allow CFA and MFB to operate together seamlessly, and in the greater metropolitan area, interchangeably.

That has been resisted by the UFU.

The volunteer fire brigades said:

I think most CFA volunteers will be pleased overall with the government's response to the review. A key theme throughout the review is a recognition of the enormous frontline and collective capacity of Victoria's fire services. There is a very strong theme of needing to ensure there is a culture and collective respect of the skills, knowledge and professionalism of Victorian firefighters, volunteer and paid staff alike, regardless of pay status. The report calls to improve leadership and to address a concerning culture that has tolerated; treating people differently based on pay status; bullying and harassment; poor frontline worker and management relationships, and a 'them and us' approach.

That was certainly borne out by the review itself. But I would like to offer my congratulations for the work that has been done in relation to pursuing presumptive legislation for all firefighters in Victoria and making sure there is no distinction between our firefighters in being able to access that presumptive legislation in the course of their normal work in the workplace. I congratulate our shadow emergency services minister, Brad Battin, the member for Gembrook in the Assembly, for the work he has been doing throughout all the brigades across regional Victoria and the metropolitan area and getting a unified position, despite the resistance of the United Firefighters Union again to having a collective position on presumptive legislation.

Auditor-General: *Public Safety on Victoria's Train System*

Ms CROZIER (Southern Metropolitan) — I am pleased to be able to rise and speak to the Victorian Auditor-General's *Public Safety on Victoria's Train System* report of February 2016. I note that throughout this report there is reference to protective services officers (PSOs), who of course have been deployed right across Melbourne's rail network. I will come back to that point in a moment, because it was a policy of the former coalition government which I would have to say was the subject of quite scathing criticism by the then opposition but something that it is now embracing in government.

I think it was a policy that was developed because, as this report states, there was a previous Victorian Auditor-General's Office audit that looked at personal safety and security on the metropolitan train system. It was conducted in June 2010, and it brought to our attention a number of areas. Looking at that audit, there was a degree of wanting to improve the perception of passenger safety. That needed focus and attention, as the report highlighted. The audit wanted the government to look at ways to manage crime and obviously get on top of what was a very real concern for commuter safety and community safety across our metropolitan rail systems and in other areas across our public transport system.

I was very pleased to be part of the government that delivered on that very effective policy. There were 950 protective services officers (PSOs) deployed across 170 rail stations by the time the coalition left government in 2014. It was a very clear focus, and it had real, tangible benefits. In my area of Southern Metropolitan Region an article in 2013 in one of the local Leader newspapers was headed 'Police praise new Bentleigh station protective services officers for easing their workload'.

The article refers to drunkenness and public order issues which were tying up police resources. Putting in PSOs really did make a huge difference in lightening the loads of our police force, but it also made the commuters, more importantly, feel much safer, especially at night. The PSOs could deal with many of these safety concerns and minor issues — they are not actually minor crimes; they are crimes like graffiti or vandalism, or the stealing of cars in rail car parks et cetera. They are not minor by any stretch, and as we have seen an increase in crime across the state in the last year we need to do more to curtail that increase.

I want to make just a couple of comments in relation to various issues on our public transport system, but I cannot go on without saying that Minister Allan has taken it on herself to develop her own little luxury lounge in the Bendigo rail station, which I believe is only a few hundred metres from her actual office.

Mrs Peulich — A powder room, is it?

Ms CROZIER — The powder room! It might be the powder room. It is locked. You need an appointment to get in there and meet the minister, so one would question what on earth this luxury lounge is all about and why the minister needs it.

Mr Herbert — Come on. When you are a minister you have to get through security.

Ms CROZIER — Mr Herbert, the point is — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Finn) — Order! Minister!

Ms CROZIER — I think it goes to the heart of the priorities of this government. Continually we have seen ministers' offices being done up to the nines. The office of the Leader of the Government in this house has seen significant money — over \$300 000 was spent on it. It is becoming a bit of a theme of members opposite certainly looking after themselves. As I said, one would ask why this office is there when it is continually locked and you need an appointment — —

Mrs Peulich — Sounds like gold-plated toilet seat covers.

Ms CROZIER — I do not know; I have not seen it, but next time I am in Bendigo I might drop in and see. Nevertheless, I just want to say that commuter safety is of paramount importance and we must continue to do whatever we can. I commend the former coalition's policy of PSOs and the great work they do.

Department of Economic Development, Jobs, Transport and Resources: report 2014–15

Mrs PEULICH (South Eastern Metropolitan) — I would like to take this opportunity to comment on the Department of Economic Development, Jobs, Transport and Resources annual report. Obviously transport is something that is very, very important in my electorate. Just perusing volume 2 of 3, I note that the overarching objective in relation to transport in this megadepartment is to deliver well-targeted improvements and maintenance to transport system assets, amongst others, and to deliver higher quality transport services. Part of that of course is a very important road maintenance program, but it is also to undertake strategic planning and project development for transport system investments and to build and procure new transport assets and upgrade and maintain existing transport assets.

In particular I am quite excited about the recent announcement by the federal government of the allocation of \$1.5 billion that the Victorian government has withheld and that was intended to be for the east–west link, which it abandoned. Abandoning the east–west link is a travesty for which the city of Melbourne is going to suffer, in particular the south-east, given traffic congestion is a significant problem, and has been a significant problem for a very long period of time, that affects not only amenity but of course industry, which is there in abundance. In fact the largest manufacturing sector in Victoria is in my region, and it is also a significant one Australia-wide. It is disappointing that the Labor government and the Minister for Roads and Road Safety, Luke Donnellan, have not come out to support or match the federal government's funding of \$500 million to upgrade 44 kilometres of the Monash Freeway — it is absolutely crucial.

The reason we have a problem on the Monash Freeway is that under the Brumby government it was scaled down by one lane in either direction. It was built for yesterday rather than for tomorrow, and that is why it is now commonly referred to as the Monash Freeway car park. I certainly hope that the state Labor government, which has been ignoring the south-east suburbs and has abandoned the east–west link, will come to the table on the Monash Freeway. It is crucial.

This would be a great win for residents. They have been fighting to address the shortage of infrastructure. I was very happy to see the Kingston leg of the Dingley bypass recently delivered. Unfortunately the minister, Luke Donnellan, embarrassed himself by threatening to abandon the opening of the Kingston leg of the Dingley

bypass for which a series of Liberals have campaigned for decades, going back to Geoff Leigh, a former member for Mordialloc in the Assembly, and Geoffrey Connard, an upper house member for Higinbotham Province. Later I came on board as a member for South Eastern Metropolitan Region.

The Labor Party had opposed it for 10 years. Eventually the opposition was overturned by the Kingston City Council, led by Paul Peulich. We were able to secure the funding, plan and design it and nearly complete the construction. Lo and behold, Luke Donnellan and his team got to cut the ribbon but they also spat the dummy by threatening to abandon the launch, even though they had very little to do with it.

What we want now is for the last leg of the Dingley bypass to be constructed to connect the South Gippsland Highway and the freeway. That would be a very convenient and important piece of infrastructure for industry in particular. But we also want the Mornington Peninsula Freeway extension to be extended north to connect it with the now completed Kingston leg of the Dingley bypass. That is absolutely crucial.

My time is running out, but I also wanted to talk about the Melbourne sky rail — the monster sky rail — which the government is trying to impose upon the south-east in particular. It will destroy amenity. I look forward to having a greater opportunity to talk on this topic, which is absolutely red hot in my region as well as in Southern Metropolitan Region. I would like to commend the state council of the Victorian Liberal Party for virtually unanimously supporting a motion condemning sky rail as a method of level crossing separation — something that would destroy Melbourne's livability status and indeed destroy the south-eastern suburbs.

Department of Treasury and Finance: budget papers 2015–16

Mr DRUM (Northern Victoria) — My statement tonight will also be on the budget papers 2015–16, and it goes to a range of areas of the budget relating to sport that have been cut since the Labor Party came to government. The most noticeable of all of the programs that have been cut in the budget — and it needs to be reinstated in next month's budget — is the country football and netball program, a program that was initiated under Labor about 14 years ago and then beefed up and increased by the coalition government. In the last budget, handed down in 2015, there was no mention at all of the country football and netball program. However, even though it was left out of the

budget, the government maintains that it was funded from another source. I suppose it was funded from the \$100 million community facilities program.

The program needs to run for a longer period of time to give country football and netball clubs the opportunity to plan their facilities so they can go about the fundraising that they need to do. At the moment they cannot do that with this ad hoc approach of being in one year and out the next. There is an \$8 million ask there. That \$8 million will be leveraged into Netball Victoria so that it will end up with a much larger pool that will be matched by clubs that want to access that fund.

Another aspect of sport that has been let go by this government is an integrity in sport fund that we ran for about 18 months during the time that I was minister and also in the first six months after Labor came to government. That piece of work seems to have evaporated into thin air. It was only a \$300 000 investment, but it needs to be maintained. At the moment the whole sporting structure seems to be under attack from integrity issues on nearly a daily basis, whether it is revelations about performance enhancing drugs or illegal party drugs that elite players are getting involved with or about even cyclists who have motors hidden in their bicycle frames. There are a whole range of integrity issues to do with races, including jockeys effectively betting on other horses. There are tennis players who, before they play a match, come to an arrangement with each other about losing the first set, saying 'I will win the second set and then we will fight it out for the third set'. There are a whole range of these issues that need to be resolved, and it is only through the continual vigilance of a government with regard to integrity in sport that we can even attempt to stay on top of these issues.

Another issue that needs to be looked at is the suite of sporting events within the major projects field. During the time of the Napthine government we were able to deliver to Melbourne the final of the Cricket World Cup. The National Rugby League State of Origin game 2 was at the MCG last year, but the negotiations, the work and the recruiting coup for that event came under the Napthine government. We instigated the International Champions Cup soccer tournament in which we were able to bring three of the best teams in the world to Melbourne. That event will continue. There is also the Asian Cup, which Australia was ultimately successful in, and again a number of extremely big soccer teams from around the world assembled here. It should also be made known that the World Cup qualifiers for Russia in 2018 are now available for all states to compete for.

We need to realise that the \$100 million community facility funding program that the government currently has in place is represents a drop of \$37 million when compared with a comparative fund that was available over the four years of the coalition government, so to achieve its ends the Labor government really needs to stop the talk and start investing in sport in a whole range of areas.

Department of Treasury and Finance: budget papers 2015–16

Mr MORRIS (Western Victoria) — I rise to make some comments on the 2015–16 budget papers. My comments are more about what is not in these particular budget papers than what is. It was a sorry budget for the people of Ballarat, and I want to ensure that members of the government are aware of what needs to be in the 2016–17 budget papers in order to meet the growing needs of the community of Ballarat, which is growing at about 1.3 per cent based on current Australian Bureau of Statistics figures. That number has dropped under the Labor government. We have seen a reduction in the number of people who are choosing to move to Ballarat, in no small part, I am sure, as a result of the lack of funding that key projects in Ballarat have attracted from this Labor government.

I begin with the \$7 million shortfall that exists in the Ballarat basketball stadium project. That was fully funded by the coalition government going into the state election. Had we won government that stadium would have progressed and the people of Ballarat would have been able to access all the economic opportunity arising from it. However, what we saw was the Labor government choose to provide only \$9 million of the \$16 million required. There is a \$7 million shortfall in the funding required for that project. Peter Eddy and others who have long been proponents of this particular project have been left waiting for this funding to progress.

Also lacking in the 2015–16 budget were 600 jobs and \$60 million worth of annual economic opportunity for Ballarat. That was as a result of the stalled relocation of VicRoads to the Civic Hall site. When I move around the central business district of Ballarat that is something that is still on everybody's lips — businesspeople want to know when it is that VicRoads is going to move from Kew to the Civic Hall site in Ballarat. The government has said it is looking at it, it is thinking about it, it will commission a report and perhaps in 12 months time it might think about making a decision. That is entirely unacceptable. The people of Ballarat deserve better; they deserve to know what the government's plans are. If the government does not

plan to bring VicRoads to Ballarat, it should just come out and tell the truth. If it is going to, come along and announce it. This is a great opportunity for Ballarat, and we would be very pleased if this government could see the error of its ways and commit to what the coalition sees as a key transformational commitment for the people of Ballarat.

With our growing population we also need investment in our health services. Under Mr Davis's leadership as the Minister for Health significant commitments were made to the Ballarat Base Hospital to ensure that the hospital's elective surgery waiting lists, which have blown out under Labor, were kept under control — —

Mr Davis — The lowest on record.

Mr MORRIS — The lowest on record indeed, Mr Davis. Now we are seeing significant growth in those elective surgery waiting lists because the appropriate funding has not been allocated to this incredibly important piece of community infrastructure.

We know that in the vicinity of \$20 million is required to fit out the two additional theatre suites and the bed stock that goes along with that at the Ballarat Base Hospital. What we have at the moment is a ghost wing at the Ballarat Base Hospital. We have a wing of the hospital that was built and funded under the coalition government but with absolutely no money available to fit it out. We know elective surgery waiting lists are blowing out as a result of the lack of capacity in terms of theatre suites at Ballarat Health Services. We know the demand is there; the figures do not lie. There is a need for investment in Ballarat Health Services and this will need to be funded out of the next state budget.

A phenomenal school in Ballarat, Mount Clear College, is in desperate need of funding. The former coalition government certainly recognised that — it made an election commitment of \$13 million to redevelop the school. However, no funding has come through from the Labor government to ensure the redevelopment of this fabulous school — which has great teachers, great leadership and great students doing great work and achieving great things not only in Ballarat but internationally with its international program into China and the like — can go ahead. Some of the infrastructure at the school is, quite frankly, dangerous. It is critically important that this government appropriately funds great schools like Mount Clear College. Thirteen million dollars is required, and we desperately need to see that in the 2016–17 budget.

Department of Treasury and Finance: budget papers 2015–16

Mr DAVIS (Southern Metropolitan) — I wish to make some comments about the 2015–16 budget, and in particular the education component. I am particularly interested in schools in my electorate and have been very strongly advocating, including in the period of the last government, along with my lower house colleague, for the Prahran secondary college. The previous coalition government had earmarked \$20 million for and found a location at the Victorian College for the Deaf — a very good location that had significant land and capacity to provide a very good outcome. What I know, though, is that the new government, when it came in, ditched that proposal and allowed that important land opportunity to be lost.

There is clearly a need for a secondary college in Prahran and it has strong support. I note the Liberal Party state council on the weekend supported a Prahran secondary college and made it a significant feature of the state conference. What is important now is that the relevant working parties look at options for Prahran secondary college. It has come down to two options under this government, neither of which have the large-scale playing fields and sporting options that many of us would have preferred to see. Plan A is regarded as a more visionary and modern outcome. It is based, as both of these options are, on the old polytechnic site in Prahran.

Plan A is more visionary and modern. It is a six-storey new building, including some significant sporting options — it has basketball courts. It would be a very modern and more satisfactory outcome than a simple refurbishment such as plan B, which would see the existing building being refurbished. As somebody said to me, ‘You can’t just get by putting lipstick on a pig in this regard. You actually need to make sure that you get a good outcome for our students into the future’. That means a more visionary and significant outcome in terms of a new building on the polytechnic site.

I am hoping that this state budget has significant funding allocated to top up the \$20 million that was put there by the previous government because this is going to require the removal of the old building and a massive new build. I will be looking for that money in the state budget. I am hoping that the Minister for Education has made that allocation and that we will see additional resources to fund this.

It will not be enough for the community for the government to simply do a repaint and minor refurbishment of the polytechnic site; that will not be an

outcome the community will want to see. I can certainly say that a number of people in the community have spoken to me over recent months about their views on the different models that are on offer. There is clearly a need. We have a significant population growth in Stonnington and surrounds, with high-density development across a number of areas. We have discussed that in this chamber a number of times. If the government’s current plans to ramp up high-density, high-intensity development through ripping up the neighbourhood zones go forward, there will be even more of a need for additional capacity in this important educational institution.

I pay tribute to those who are working towards this outcome. The community view is that plan A is the better option. The Grey Puksand architecture group has been engaged to draw up pictures and conceptual plans for it. A lot of time has been lost by this government by ditching the alternative developed by the previous government. My concern is that the government needs to allocate money in this budget. It needs to go forward with this at a fast and no waiting around type of approach and it needs to come up with the right solution in the forthcoming state budget.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

That the house do now adjourn.

Elevated rail proposal

Mr DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Public Transport. I have raised the matter of sky rail with the minister on a number of occasions. I have raised the need for a proper environment effects statement. I have raised the need for proper sound studies to be released. I have raised the need for proper communication with local businesses. I have raised the need for better communication with the community, and there has clearly not been that communication. I pointed very directly to the fact that this was not a promise that was made at the election; the promise was rail under road, not rail up high in the air over very long distances, as is being proposed, on the line between Caulfield and Dandenong.

What I want to raise today is the impact on other developments nearby. I am asking as an action for the Minister for Public Transport to liaise with the Minister for Planning, the Minister for Local Government and other ministers on these matters. In particular I know a

number of developments are going to be directly impacted by sky rail. I am not going to name the developer, but a number of them have come to me, and I met with one just the other day who has a significant development that will be directly impacted by sky rail. Those developers have in good faith bought properties and put in planning applications — and in some cases have been successful in those planning applications — and now they find a dirty, ugly, noisy sky rail will go across the suburb where in good faith they put their money, resources, effort and enthusiasm into developments.

What I am asking the Minister for Public Transport to do is to begin a liaison with her colleagues — the Minister for Planning, the Minister for Local Government and other ministers that have a genuine interest in the matter. One of the ministers she needs to talk to directly is the Minister for Education. He needs to deal in particular with the fact that diesel fumes will be very high in the air. The sky rail will carry freight trains and commuter diesels up to 60 feet in the air, and those diesel fumes will swing out for large distances. Diesel, as the World Health Organisation has indicated clearly, is a carcinogen and very damaging to and dangerous for small children, so schools and educational institutions ought to be a point of consultation.

TAFE funding

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to Steve Herbert, the Minister for Training and Skills. In recent weeks there have been a number of announcements around the state of support for TAFEs to carry out the public service they do in helping disadvantaged people to get through their courses with the assistance they need and support they do not have in their home lives et cetera. I think this is very important work. The action I seek from the minister is that he continue to speak to TAFEs about how the government can further assist in this area and about any future initiatives that the government can support.

Shepparton rail services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Treasurer, and it is regarding the Greater Shepparton City Council budget submission surrounding the need for heavy investment in rail services on the Shepparton line. My request of the Treasurer is that he commit at least \$37 million from the 2016–17 state budget to improving rail services for residents of the Shepparton district, including works at Shepparton railway station, a new

train and carriages, improved timetabling of rail services to and from Melbourne and fixing 30 level crossings between Shepparton and Seymour.

Since the days of the Bracks government Labor has ignored the rail needs of the Shepparton community, and our service is now one of the worst in the state. We are consistently overlooked for funding for increased services, particularly compared to metropolitan and outer metropolitan areas, such as Sunbury and Diggers Rest, which were gifted with 80 extra services. We miss out on new initiatives and innovations, such as the HomeSafe/Night Network trial. Constituents have complained to me about the safety, cleanliness and basic comfort of carriages and stations. I have heard from pensioners and concession card holders who have lamented the disparity in concession fares between theirs and those of city transport users. Timetabling and frequency of services continue to cause transport users grief, particularly those wanting evening return from Melbourne and weekend travel.

The Shepparton community is one of significant disadvantage, with a large proportion of low-income earners, new settlers, people with an Indigenous background and the elderly. These demographic groups rely more heavily on public transport than other communities, particularly in regional Victoria. I have consistently been a vocal advocate for improved rail services for the Shepparton line and the Goulburn Valley community, including arranging for the opposition leader to come to Shepparton by train so he could confirm what we already know — the state of our service is poor. I have met with the minister and raised the issue in Parliament many times, including tabling a petition of 1388 signatures. I hosted a public forum with the shadow minister in mid-2015 to hear firsthand from the community what it needed from local rail services.

Greater Shepparton City Council has, in its budget submission, explained the gross inadequacy of services and the effect it has on both the local and wider communities, including the negative impact it has on business productivity and growth potential for the Shepparton region, including on business meetings and investment, as well as the limitations it creates for Shepparton's ability to relieve the increasing population issues in the city.

Local research has identified the following actions as recommended: improvements to the Shepparton station at a cost of \$2 million, a new train and three carriages to seat 220 people at a cost of \$20 million, improved timetabling and the fixing of 30 level crossings between Shepparton and Seymour at a cost of \$15 million.

Following the lack of investment in the 2015–16 state budget I asked the minister to develop a detailed plan for improvements to rail services on the Shepparton line and, most importantly, to outline a timetable for the funding and implementation of these improvements. It is 12 months on, and neither the minister nor the Treasurer has committed to funding improvements, let alone to telling our community when we will see these improvements.

In the lead-up to the 2016–17 state budget I again ask the Labor government to commit to funding and implementing significant improvements to the Shepparton rail services.

VicForests

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Agriculture. The Victorian government and VicForests are facing the same market failures for woodchips as the New South Wales government. The Australia Institute has released a discussion paper entitled *Money doesn't grow on trees — The financial and economic losses of native forestry in NSW*. The discussion paper contends native forest logging will never generate a profit and that pursuing contracts to supply biomass power plants is not going to help.

In fact the paper concludes that the highest economic use of native forestry would be to leave the trees standing and that New South Wales Forestry Corporation should push for the commonwealth Emissions Reduction Fund to recognise that protecting forests from logging is a method of avoiding greenhouse emissions by including that in the scheme. In this way, it says:

... Forestry Corporation could finally begin generating decent earnings by simply ceasing native forest logging.

The same goes for Victoria's forests, not to mention the economic benefit of avoiding water loss from logging our catchments. Logged forests in East Gippsland and New South Wales end up in the same woodchip facility at Eden, New South Wales, which is currently called ANWE or Allied Natural Wood Exports. In a report on *ABC News* on 30 March ANWE spokesperson Kel Henry confirmed that the demand for native forest pulp logs had fallen and that the company was moving away from native forest logging and towards plantation sources for pulp wood, veneer wood and whole log exports.

The writing is on the wall. Continuing to log native forests for a few more years will not lead to any long-term security for the native forest logging

industry. All it will create are extinctions and greenhouse gas emissions.

The action I request is that the minister turn off the tap of public money that is keeping VicForests afloat. All those grants and subsidies to VicForests are money down the drain and could be better utilised on behalf of taxpayers. I ask the minister to use the money saved on staffing park services and encouraging outdoor recreation and sustainable tourism jobs in regional Victoria.

Police custody officers

Ms SYMES (Northern Victoria) — My adjournment matter this evening is for the Acting Minister for Police in the other place, and it deals with police custody officers. The Andrews Labor government delivered Victoria Police a record \$2.5 billion in its first budget last year. That included funding of \$148.6 million to deploy police back onto the beat by introducing qualified custody officers into police cells to undertake custodial duties. That equates to tens of thousands of extra shifts a year in frontline policing, many of which will be in regional Victoria.

Since January those deployed have worked nearly 1000 shifts, performing custody management tasks in police cells and supervising police prisoners to court. It has been very much welcomed — for instance, in Ballarat police inspector Bruce Thomas has said that the appointment has already freed up other officers to be used elsewhere to go about investigation and patrol duties.

The action I seek from the acting minister is that he provide me with details specific to my electorate. I would like to know the number of police custody officers who will be allocated to Wangaratta, Shepparton and Wodonga, as well as the timing of this allocation, what the officers' duties will be and indeed how their work will release police officers to do frontline police work in my electorate.

Possums

Mr FINN (Western Metropolitan) — I raise a matter this evening for the Minister for Environment, Climate Change and Water, the Honourable Lisa Neville. I do not wish to offend the Greens in any way with this particular matter, but I have been approached by a constituent who has expressed some very, very grave concerns about the numbers and behaviour of possums in the western suburbs. He has expressed the view that the number of possums has escalated significantly in the western suburbs in recent times and

that it is causing him some considerable distress, causing his dog some considerable distress and sometimes causing his cat distress as well. He is hoping we might be able to do something about this matter.

I can speak from personal experience on this, because I know that, whilst I cannot hear the possums on the roof of my house because we have a tiled roof, the garage is a more audible place when possums run there. It is like they are wearing footy boots, and they are banging around up there. Quite often our dog will be sucked in by the possums, and Bobbidog will take to barking at the possums, which will ignite the dogs who live on either side of our property, and before you know it every dog within a 5-kilometre radius is barking its head off. So you can see why people are concerned about the impact of possums in the western suburbs.

I have to say I am not particularly sure what action I would like the minister to take with regard to the possums, but I do ask the minister to take this matter very, very seriously. This is something that is causing some significant concern in the west, and I ask the minister to direct her department to study the issue of possums in the western suburbs and to produce a report and recommend some actions as to what can be done to alleviate what could well become a very, very significant problem in the not-too-distant future. I trust that the minister will take this on board, and I will be very happy to let my constituents know that action is on its way.

Street harassment

Ms PATTEN (Northern Metropolitan) — That is a hard act to follow. In fact there have been a few hard acts to follow today, I would have to say, but I will be brief. My adjournment matter is for the Honourable Martin Foley in his capacities as Minister for Equality and Minister for Mental Health. This week is International Anti-Street Harassment Week, and it is an opportunity to raise awareness about street harassment and the detrimental effect it can have on its victims.

While we constantly hear slurs and sometimes even catcalls in this house, the intimidation and harassment that goes on in the street can actually have great impacts on people's mental health, on their productivity and just in terms of that fear of being on the street — and it really cannot be overemphasised.

The matter I really want to raise with the minister is the impact that that has on the LGBTI community. A recent study by La Trobe University found that the harassment that women receive on the streets is not that different to that experienced by the LGBTI community,

but the motivations for the actions seem to differ, according to this study. There are men trying to harass women on the street from a sense of entitlement, I suppose, sometimes. Interestingly, the study found that the reason LGBTI folk are harassed on the street is mainly around homophobia and not a sense of entitlement.

The report of the study by La Trobe University, *Private Lives 2*, found that ongoing and systemic harassment and discrimination led to higher rates of psychological distress amongst LGBTI Australians compared with the population at large. I do not think anyone should be harassed on the street — whether they are male, female, trans or whatever sexuality they identify as having. I call on the minister to help reduce gender and sexuality-based street harassment by working collaboratively with the LGBTI community to develop public campaigns that recognise the value of LGBTI people in our community.

Debate interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to recognise in the public gallery this evening a very proud grandmother to Riad. She attended his wedding to Jodie on Sunday. They are Mr Elasmars' son and now daughter-in-law, and their grandma is with us today. Congratulations on the wedding.

ADJOURNMENT

Debate resumed.

Ballarat police resources

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Police. It relates to the need for additional police resources in Ballarat. I received some correspondence from the Acting Minister for Police. After reading this particular piece of correspondence, where the acting minister detailed the allocation of police resourcing in Ballarat, I came to the view that the acting minister had come up with a bit of a story where he had one cup of water and then he got two additional empty cups. He tipped a little bit of water from that first cup into both the second and third cups, and said, 'There you go. I've got some additional resources for you'. My concern is that just tipping that water into three cups rather than into that one cup does not make our community safer.

What is actually required is that in a growing community like Ballarat we need to see additional police resources. One example here is that police have provided a new range of crime response teams. It is fabulous that they have created new crime response teams, but if there are no additional sworn officers to be in those crime response teams, the community is not going to be any safer. Once again, you have that one cup tipping water into two other cups, and there are no additional resources for the community. The action that I seek from the minister is that he provide additional police resources to Ballarat — that is, a greater number of police resources to Ballarat — to address the crime statistics that we are seeing on the rise and to serve our growing population.

The PRESIDENT — Order! It would be easier to provide more cups.

Echuca-Moama bridge

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, Mr Donnellan. It goes to the Echuca-Moama bridge. In 1973 Eddie Hann was the member for Rodney. I am not sure whether it was called Rodney at the time or whether it was Echuca. However, in a speech he made in relation to the budget of that year he mentioned that the Echuca-Moama bridge was one of those projects that was well and truly overdue. That was 47 years ago that the project was overdue — to the extent that the local member had to bring it to the Parliament's attention.

We now have a situation where all the ducks have just about lined up with this project. It has taken all this time, and it is about four members for the Rodney electorate later. It seems as though New South Wales has its money on the table, Victoria has its money on the table and the federal government has now too, with the help of the release of the \$1.5 billion that was on hold here in Victoria. It has now been released into a country roads and bridges fund for federal government investment, and this project has ranked very, very high in its priorities.

All that is now standing in the way of this project is the state Minister for Roads and Road Safety effectively putting together a formal application, including a business case, for the Echuca-Moama bridge. Minister Wynne has already said on record in a press release that the government has approved the project from a planning perspective. Minister Pallas, the Treasurer, has said on ABC radio that it is ready to go with funding for the Echuca-Moama bridge. It is all ready to go; it is just waiting for the federal government to get on board.

But both of these ministers know, and so should Minister Donnellan know, that the federal government simply cannot fund any project unless it actually has a formal application, and with that formal application there would obviously need to be the accompanying business case. As soon as those documents are lodged with the federal government we can expect an announcement that would see this long-overdue and long-awaited project linking those two towns of Echuca and Moama to effectively be officially announced as a goer. Hopefully once the Victorian government gets that application in with the accompanying business case we might even see a shovel in the ground and the bridge actually getting started.

Korumburra Secondary College

Ms BATH (Eastern Victoria) — My adjournment matter this evening is directed to the Minister for Education, the Honourable James Merlino. It regards the Korumburra Secondary College in my electorate. The action I seek is that this government provide funding for the completion of the rebuild of the school in the current budget. I know the minister visited the school last year and has seen for himself how desperately needed these funds are, but there is still no indication that money will be provided by this Labor government for the Korumburra Secondary College.

Unfortunately the school was neglected by the previous Bracks and Brumby governments for many, many years. The former Liberal-Nationals government began to redress this neglect and provided \$5.6 million in its term to begin the first stage of the rebuild, along with planning. The coalition also made a pre-election commitment of \$9 million to complete the rebuild of the school. However, this has not been matched by Labor, which claims, though, that it is rebuilding the education state.

I know the staff at Korumburra do a fantastic job in providing quality education to their students. However, the conditions they have to teach in do not provide the best learning environment. I personally know a number of the staff there, and they are incredibly professional and skilled in the education of their students, and they tailor their pedagogy to suit the individual needs and abilities of the students. Whilst having dedicated staff is very important, the environment in which the students and the staff learn is detracted from by having 80-year-old buildings that are antiquated and without modern technology and that certainly need a total refit.

The college also provides education for the communities of Loch, Nyora and Poowong as well as Korumburra. These are towns that have population

growth. This town is the hub for education for those growing towns, and we need a great school there. These families need to be assured that their children will have access to great facilities now and into the future.

I am pleased that the minister has seen for himself the ageing and deteriorating state of the buildings at Korumburra, and I ask that he have the vision of the coalition government and provide the necessary funds to complete the job of upgrading the Korumburra Secondary College.

Cardinia Road, Pakenham, level crossing

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the Minister for Public Transport, Minister Allan, in her capacity as the minister responsible for the Level Crossing Removal Authority. The action I seek from the minister is that she provide advice about the timing for the grade separation of Cardinia Road and the Pakenham railway line. The context to this request is I have been contacted by a local constituent, Mr Christopher Maric, about this project.

The Cardinia Road duplication between the Princes Highway and the Pakenham bypass, which crosses over the Pakenham railway line, was commenced by the previous coalition government, and it has been progressively delivered since that time. Works are currently underway to deliver another section of that duplication, and this raises the question of the grade separation of Cardinia Road and the Pakenham railway line, as those works are now dealing with that area.

The Cardinia shire and Cardinia Road precinct are both growing extremely rapidly. What was once farmland is now a busy new community with schools, shops and businesses and hundreds of houses and thousands of residents in and around that vicinity. Clearly there is a strong case for a grade separation. Cardinia Road was not one of the 50 level crossings identified by the government. Therefore I would seek the minister's advice about whether the Cardinia Road grade separation project is being considered by the government as part of a future tranche of works to be done to remove level crossings.

Family violence

Ms CROZIER (Southern Metropolitan) — The matter that I would like to raise this evening is for the Minister for the Prevention of Family Violence, and of course I welcome the announcement today by the government of the family violence package. The coalition has expressed on numerous occasions its

support for doing whatever we can to tackle the very serious issue of family violence.

Of course we had the royal commission report last week, and one of the areas that I want to raise with the minister is around the use of technology to keep women and children safe, particularly when we are looking at women remaining in their homes. I know that the royal commission looked at various areas around people remaining safe in their homes. There were a number of initiatives undertaken by the former coalition government, including a GPS trial which the Andrews government immediately discontinued when it came to government, which was unfortunate.

But I was pleased last December when it was announced by the government that the Safe Futures Foundation would lead a consortium in undertaking a pilot personal safety initiative in metropolitan and regional areas of Victoria. Throughout that pilot 70 women will test how technological interventions can be used to improve the safety of those experiencing family violence. I know there are a number of companies and devices on the market. In fact a couple of weeks ago I met with representatives of a company which is leading the way in technological devices in this regard. They have got a number of countries using these GPS tracking and monitoring devices on both women and perpetrators to enable them to have a safer existence. The results in one particular European country indicate this has been very successful, and over the last three years, I think it is, when they have had thousands of women using these devices they have had no fatalities.

While we are looking at what we can do in this area, technology is of course very important, so I would like to get from the minister an update on the pilot from the Safe Futures Foundation initiative and for her in fact to look at other ways to promote more technological devices. And I hope that in the upcoming budget there will be some money put aside to put these types of devices into this area so we can tackle family violence and keep women and children safe in their homes.

Keysborough South schools

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Education in the other place, and it is in relation to a matter that I have raised previously on a few occasions — that is, the need for additional education facilities due to the growth in the Keysborough South area. This matter has been brought to my attention a number of times by a local action group led by Nina Kelly, and I know the department

has been in discussions with the council, community organisations and local schools.

It appears that, despite initial reluctance, the government is now prepared — I understand, but I am seeking confirmation — to purchase land for a primary school in the area. That is a good sign, but I call on the minister to consider purchasing sufficient land for both a primary and a secondary school. I am not suggesting that it necessarily needs to be a P-12 organisational structure, but as a bare minimum it should be a co-located facility to better cater for working families and parents. It is much more convenient of course to have primary and secondary schools in close proximity.

In the upcoming budget the local community wants to see funds set aside for the purchase of the land — that is, for both a primary school and a secondary school — and they would like to see a primary school ready to go in the 2018 school year. So I am calling on the minister to ensure that sufficient funds are set aside in the upcoming budget, as well as in the forward estimates, to deliver on what is a real necessity, given the burgeoning student populations in local schools — especially those in the Dingley and Kingswood primary schools. I call on the minister to ensure that those funds are secured to accommodate that growth.

Responses

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — We have adjournment matters from Mr Davis to the Minister for Public Transport to liaise with other ministers, including the Minister for Planning and the Minister for Local Government, in relation to the development of sky rail; from Mr Leane to the Minister for Training and Skills to keep speaking with TAFEs in order to support underprivileged students; from Ms Lovell to the Treasurer to commit \$37 million to rail and road service upgrades in the Greater Shepparton area; from Ms Dunn to the Minister for Agriculture to stop funding VicForests and close native forest logging; from Ms Symes to the Acting Minister for Police to provide details about police custody officers deployed in her electorate; from Mr Finn to the Minister for Environment, Climate Change and Water to look at the issue of possums, which are making Mr Finn barking mad, and to have her get the department to undertake a study of possums in the west.

Mr Finn — It's my constituent.

Mr DALIDAKIS — And in relation to his constituent as well; it is making him barking mad.

We also have adjournment matters from Ms Patten to the Minister for Equality in relation to the impact of fear caused by street harassment on the LGBTI community; from Mr Morris to the Acting Minister for Police to provide Ballarat with more police; from Mr Drum to the Minister for Roads and Road Safety regarding funding for the Echuca-Moama bridge; from Ms Bath to the Minister for Education to provide funding to complete the rebuild of Korumburra Secondary College; from Mr O'Donohue to the Minister for Public Transport to provide advice on the timing of the level crossing removal at Cardinia Road; from Ms Crozier to the Minister for the Prevention of Family Violence regarding the use of technology in keeping women and children safe, in particular an update on the pilot of Safe Futures; and from Mrs Peulich to the Minister for Education in relation to additional primary and secondary educational facilities in Keysborough South.

I have written responses to adjournment debate matters raised by Mr Davis on 24 February, Mr Leane on 25 February, Mr Morris on 8 March, Mr Somyurek on 9 March, Mr Ramsay on 10 March and Mr Finn on 23 March, all of which occurred in 2016.

The PRESIDENT — Order! On that basis the house stands adjourned until tomorrow.

House adjourned 6.24 p.m.

