



PARLIAMENT OF VICTORIA

Legislative Assembly
Privileges Committee

Person referred to in the Legislative Assembly

Professor Peter Coombes

November 2017

Privileges Committee Report No. 2
58th Parliament



PARLIAMENT OF VICTORIA

Legislative Assembly
Privileges Committee

Person referred to in the Legislative Assembly

Professor Peter Coombes

Parliament of Victoria
Legislative Assembly Privileges Committee

Ordered to be published

VICTORIAN GOVERNMENT PRINTER
November 2017

PP No 357, **Session** 2014-17
ISBN 978 1 925703 24 5 (print version)
978 1 925703 25 2 (PDF version)

Committee membership



Hon Lisa Neville MP
(Chair)
Bellarine



Mr David Morris MP
(Deputy Chair)
Mornington



Hon Jacinta Allan MP
Bendigo East



Hon Robert Clark MP
Box Hill



Hon Lily D'Ambrosio MP
Mill Park



Ms Steph Ryan MP
Euroa



Ms Ellen Sandell MP
Melbourne



Hon Robin Scott MP
Preston



Hon Kim Wells MP
Rowville

Committee secretariat

Staff

Mr Robert McDonald, Assistant Clerk Committees, Legislative Assembly
Ms Kate Murray, Manager, Procedure Office, Legislative Assembly

Committee contact details

Address Legislative Assembly Privileges Committee
Department of the Legislative Assembly
Parliament of Victoria, Spring Street
EAST MELBOURNE VIC 3002

Phone 61 3 9651 8555

Web www.parliament.vic.gov.au/la-privileges

This report is available on the Committee's website.

Contents

Preliminaries

Committee membership	iii
Committee secretariat	iv

Report	1
---------------	----------

Appendices

1	Response by Professor Peter Coombes under Standing Order 227	3
2	Extract from Standing Orders	5

Report

1. On 13 June 2017 the Speaker of the Legislative Assembly received a submission from Professor Peter Coombes seeking redress under Standing Order 227, relating to the protection of persons referred to in the Legislative Assembly.
2. The submission referred to a statements made by:
 - Hon Colin Brooks, Member for Bundoora, on 9 March 2016
 - Mr Anthony Carbines, Member for Ivanhoe, on 9 March 2016 and
 - Hon Martin Foley, Member for Albert Park, on 26 and 27 March 2014 and 7 August 2014.

The Speaker, having accepted the submission as a submission for the purposes of the Standing Order, referred it to the Committee on 29 June 2017.

3. The Committee met in private session on 7 September 2017. The Committee noted the requirements of Standing Order 227(5)(c) which states:

The Committee may decide not to consider a submission referred to it if ... the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay.
4. To assist the Committee to determine whether to consider his submission, the Committee decided to write to Professor Coombes and ask him to provide further information explaining why he did not raise the matter with the Speaker earlier.
5. Professor Coombes responded to the Committee's request on 13 October 2017. The Committee met again in private session on 19 October 2017.
6. The Committee determined that Professor Coombes had shown exceptional circumstances to explain the delay. The Committee based this determination on Professor Coombes' statements that in his view the comments made in the House are having an ongoing and contemporaneous adverse impact on his reputation and employment. The Committee decided to invite Professor Coombes to prepare a draft response.
7. The Committee notes that being unaware of the right of reply process does not in itself constitute exceptional circumstances.
8. The Committee met again in private session on 16 November 2017. The Committee decided to accept an application for a right of reply under Standing Order 227(10) and accepted the response with amendments to be approved by the Chair and Deputy Chair. In agreeing to accept the response, the Committee did not consider it necessary to consult further.

Report

9. The Committee draws attention to Standing Order 227(9) which requires that, in considering a submission under this Standing Order and reporting to the House, the Committee shall not consider or judge the truth of any statements made in the House or in the submission.

10. Standing Order 227 is attached as Appendix 2.

RECOMMENDATION: That the response by Professor Peter Coombes, specified at Appendix 1, be published with this report.

Committee Room
16 November 2017

Appendix 1

Response by Professor Peter Coombes under Standing Order 227

Extracts from Hansard of comments made in the House

Mr BROOKS: Peter Coombes was awarded a \$1.5 million contract. It did not go out to tender.

[*Hansard*, vol 525, 9 March 2016, p 889]

Mr CARBINES: Peter Coombes — remember him? — a \$1.5 million contract that was not put to tender.

[*Hansard*, vol 525, 9 March 2016, p 878]

Mr FOLEY: My question is again to the Minister for Water. I refer to the hundreds of thousands of dollars given by the Office of Living Victoria to its chief scientist, Dr Peter Coombes, to develop a plan to return water to the Cardigan aquifer in Ballarat. Can the minister confirm that no tender was conducted for this work and no plan was ever delivered?

[*Hansard*, vol 516, 7 August 2014, p 2688]

Mr FOLEY: My question is to the Minister for Water. I refer the minister to the Office of Living Victoria's (OLV) \$1 million Ballarat water fund. Can the minister confirm that a grant has been issued from this fund to a private company owned by the Office of Living Victoria's chief scientist, Peter Coombes?

[*Hansard*, vol 514, 27 March 2014, p 1023]

Mr FOLEY: My question is to the Minister for Water. I refer the minister to Mr Peter Coombes, who is employed as the chief scientist at the Office of Living Victoria on a two-year, \$1 million contract which was not advertised. Can the minister inform the house of who approved Mr Coombes's \$1 million contract?

[*Hansard*, vol 514, 26 March 2014, p 925]

Response by Professor Peter Coombes

Incorrect statements, such as by Mr Foley, Mr Carbines and Mr Brooks, made in the Legislative Assembly of the Victorian Parliament have underpinned a range of behaviours across Australian society that has impacted on my professional reputation and associations with others, has injured my professional occupation, and has resulted in unreasonable invasion of privacy.

In response to comments by Mr Brooks and Mr Carbines, there was no \$1.5 million contract and the process of appointment as an independent Chief Scientist resulted from an interview and legitimate contract procedures overseen by the Secretary of the Department (Wilson). This included a process of appointing individuals with unique skills. There are not many internationally recognised independent water scientists. For clarity, the Victorian Government and the Department asked me to accept a challenging role and set the conditions.

In response to claims by Mr Foley, the position was originally offered by DSE Secretary (Wilson). The mode of appointment and contract value was altered and approved by the next Secretary (Fennessy) - to a contract position in accordance with the Victorian Public Service requirements at a maximum of \$210,000/annum with additional maximum allowance for support of up to \$566,280 over a two year period. The operation of the contract was subject to monthly agreement on tasks and estimated costs with the CEO of OLV and the Department.

Despite claims by Mr Foley, there were no grants for the Living Ballarat project or investigation of the Cardigan Aquifer. The contract for Chief Scientist did not permit any other professional activities in Victoria without permission from the Department. Provision of expert advice and systems analysis to the Living Ballarat project was one of the key contract requirements of the Chief Scientist. I am aware of a fake request for quotation for the Living Ballarat project that emerged during the Ombudsman's inquiry.

As a Departmental Chief Scientist, I did provide world first systems analysis of many Victorian regions, including Ballarat and Bendigo. Most reports were with-held by the Department. Some of these public documents are available at <http://urbanwatercyclesolutions.com>. My contribution to improving water management for all Victorians spans two decades and I also made a substantial contribution during the OLV years. In spite of false commentary by various Members of the House, and by some in the water bureaucracy who did not agree to independent scrutiny and new science, I am proud of my contribution. I thank the Victorian government for the opportunity. Perhaps the House should consider this contribution. I note that the water bureaucracy has produced various water plans without any discussions with the Chief Scientist who completed the analysis underpinning the recent water plans for the State of Victoria.

Appendix 2

Extract from Standing Orders

227 Citizen's right of reply procedure

- (1) Where a person (the applicant) has been referred to in the House by name, or in such a way as to be readily identified, he or she can send a written submission (the submission) to the Speaker asking for an appropriate response to be incorporated into the parliamentary record.
- (2) The submission must include a claim that, as a result of the reference:
 - (a) the applicant has been adversely affected:
 - (i) in reputation; or
 - (ii) in relation to dealings or associations with others; or
 - (b) the applicant has been injured in connection with his or her occupation, trade, office or financial credit; or
 - (c) the applicant's privacy has been unreasonably invaded.
- (3) The Speaker will refer the submission to the Privileges Committee (the Committee) if the Speaker is satisfied that:
 - (a) the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character, as to make it inappropriate that it be considered by the Committee; and
 - (b) that it is practicable for the Committee to consider the submission under this Standing Order.
- (4) When a submission is referred, the secretary of the Committee will contact the applicant to draw his or her attention to the Committee's guidelines for preparing a brief draft statement in a correct form for incorporation.
- (5) The Committee may decide not to consider a submission referred to it if:
 - (a) it considers that the subject of the submission is not sufficiently serious; or
 - (b) it considers that the submission is frivolous, vexatious or offensive in character; or
 - (c) the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay—and will report any such decision to the House.

- (6) If the Committee decides to consider a submission, it may hold discussions with the applicant and any member who referred to the applicant in the House.
- (7) The Committee will meet privately when considering a submission.
- (8) The Committee will not publicly release a submission, or its proceedings in relation to a submission, but may present to the House minutes of its proceedings and all or part of a submission.
- (9) In considering a submission and reporting to the House, the Committee will not consider or judge the truth of:
 - (a) any statements made in the House; or
 - (b) the submission.
- (10) In its report to the House, the Committee may make either of the following recommendations:
 - (a) that no further action should be taken by the House in relation to the submission; or
 - (b) that a response by the applicant, set out in the report and agreed to by the applicant and the Committee, should be published by the House or incorporated in Hansard.
- (11) The Committee will not make any other recommendations.
- (12) A document presented to the House under paragraphs (8) or (10):
 - (a) in the case of a response by an applicant, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
 - (b) will not contain any matter, the publication of which would have the effect of unreasonably:
 - (i) adversely affecting or injuring a person; or
 - (ii) invading a person's privacy, in the manner referred to in paragraph (2); or
 - (iii) adding to or aggravating any such adverse effect, injury or invasion of privacy.
- (13) The Committee may agree to guidelines and procedures relating to its consideration of submissions, providing they are consistent with this Standing Order.

Legislative Assembly Privileges Committee

Department of the Legislative Assembly
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

61 3 9651 8555

www.parliament.vic.gov.au/la-privileges