

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 10 February 2016**

**(Extract from book 1)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

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# HANSARD<sup>150</sup>



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**

Premier . . . . .	The Hon. D. M. Andrews, MP
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** — Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

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

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

# participating members

### Legislative Council select committees

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

### Joint committees

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

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

**Economic, Education, Jobs and Skills Committee** — (*Council*): Mr 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

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

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Ms G. TIERNEY

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

**Leader of the Government:**  
The Hon. G. JENNINGS

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

**Leader of the Opposition:**  
The Hon. M. WOOLDRIDGE

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

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

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

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

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

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

**PARTY ABBREVIATIONS**

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



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**Wednesday, 10 February 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:**

**Level crossings**

To the honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the Victorian government is actively advancing plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham and Frankston lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments;

that affected local communities were not properly consulted in the development of these plans, with many only hearing about it for the first time in a recent article in the *Herald Sun* and subsequent media coverage; and

that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham and Frankston lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

We therefore call on the Daniel Andrews Labor government to hold off announcing a preferred tenderer until such time as thorough consultation with affected communities has been undertaken and the depth of the community’s opposition to any sky rail proposal is properly taken into account in its transport planning.

**By Mr DAVIS (Southern Metropolitan)  
(40 signatures).**

**Laid on table.**

**INDEPENDENT BROAD-BASED  
ANTI-CORRUPTION COMMISSION  
COMMITTEE**

**Strengthening Victoria’s key anti-corruption agencies?**

**Ms SYMES (Northern Victoria) presented report, including appendices, together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be published.**

**Ms SYMES (Northern Victoria) — I move:**

That the Council take note of the report.

This is the first report by the Independent Broad-based Anti-corruption Commission Committee and follows the introduction of the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 to Parliament by the Victorian government in December last year. The bill is currently in the Legislative Assembly. The bill delivers on Labor’s election commitments and proposes a number of reforms to the anti-corruption and integrity agencies within Victoria, including IBAC and the Victorian Inspectorate (VI), which this committee oversees.

The report examines the current Victorian integrity system and considers issues about its operation which have been raised by IBAC, VI and other interested parties following IBAC’s establishment in 2012. In undertaking its work, the committee engaged with a number of individuals involved in integrity agencies within Victoria and from other states across Australia. The committee also sought evidence from academics and interested stakeholders. I would like to thank all of those who gave their time to assist in the committee’s work.

The issues raised with the committee canvass a wide range of areas within the legislative framework. The committee has considered whether the issues raised have been addressed by the proposed legislation. The committee has found that many of the issues have been addressed by the proposed legislation, which is the bill currently in the other chamber.

The government has further announced that there will be an ongoing review of the system and consultation over further improvements to the regime that will be the subject of future legislative reform. The government has committed to consult with the committee, and we look forward to that work. To this end the report includes 13 recommendations aimed at assisting the further enhancement and effectiveness of the Victorian integrity system. The committee has recommended these issues be considered during the ongoing review.

The recommendations cover a wide range of areas and include consideration of the following issues: examining the criteria for IBAC to conduct public examinations of witnesses; examination of the offences falling within the definition of ‘relevant offence’, which trigger IBAC’s jurisdiction to investigate corrupt conduct in the public sector; providing IBAC with a power to ‘park’ or ‘suspend’ the resolution of a complaint or notification for a reasonable period of time; whether IBAC should be provided with additional

powers to obtain evidence from individuals who are the subject of criminal charges as well as so-called 'follow-the-dollar' powers, and whether any further clarification is necessary to the role of the Victorian Inspectorate in respect of its oversight of public examinations and the issuing of witness summons by IBAC. The committee has also made recommendations for the Victorian government to consider evaluating the protected disclosure regime and include some technical amendments to facilitate aspects of IBAC's work, including the issuing of confidentiality notices upon public sector entities. Throughout this process the committee has also identified a number of issues that it intends to investigate further this year.

I would like to thank my committee colleagues: chair Kim Wells, deputy chair Marsha Thomson, Sam Hibbins, Danny O'Brien and Tim Richardson, all members of the Legislative Assembly; and my Legislative Council colleague Simon Ramsay. We thus far have been a productive group, and the approach of these members to the report and their involvement in the committee has been very cooperative.

Of course a committee is only as effective as the Parliament personnel assigned to the committee, and we are truly lucky to have the intelligence and commitment of a fantastic team, consisting of: executive officer Sandy Cook, research officer Kirstie Twigg and administrative officer Stephanie Dodds. We are grateful for their skills, knowledge and hard work. I would just like to give special thanks to them.

**Mr RAMSAY** (Western Victoria) — I would like to spend a couple of minutes in response to the introduction of the report to the chamber. This report follows the introduction of the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 to the Parliament by the Victorian government in December 2015. The bill makes a number of amendments to the Victorian integrity system, including the Independent Broad-based Anti-corruption Commission and Victorian Inspectorate, which this committee oversees. The report examines the bill and considers whether issues which have been raised about the Victorian integrity system by interested parties, experts and stakeholders are addressed by the proposed legislation.

Throughout its work the committee has found the bill has addressed many of the concerns raised about the operation of the integrity system as it relates to IBAC and the Victorian Inspectorate. However, the committee has also received evidence about the ways in which the system could be further improved. As a result the committee has made 13 recommendations to the

Victorian government, identifying areas where the integrity system could be further enhanced or which require further investigation and consideration. The committee has also recommended the Victorian government consider or further investigate these issues as part of an ongoing review process it announced during the introduction of the bill to take place throughout 2016–17. Some of the issues raised within the report are very complex, involving an array of views, and, as the committee has noted, will require further investigation by the Victorian government.

I would like to thank my committee colleagues — Mr Kim Wells, chair, Ms Marsha Thomson, deputy chair, Sam Hibbins, Danny O'Brien and Tim Richardson, all members of the Assembly, and Jaclyn Symes — for their cooperative and bipartisan approach to the preparation of this report and their involvement in the committee. Particularly I would like to thank — and it is great to see them in the gallery — Ms Sandy Cook, executive officer, Kirstie Twigg, research officer, and Stephanie Dodds, administrative officer, for all their hard work in compiling the report.

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

Auditor-General's Reports on —

Administration of Parole, February 2016 (*Ordered to be published*).

Hospital Performance: Length of Stay, February 2016 (*Ordered to be published*).

Hazelwood Mine Fire Inquiry — Report, 2015–16, Volume 3 — Health Improvement, pursuant to section 77 of the Inquiries Act 2014 (*Ordered to be published*).

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — December 2015 and Summary of Variations notified between 13 October 2015 and 8 February 2016 (*Ordered to be published*).

## MINISTERS STATEMENTS

### Indigenous inequality

**Ms MIKAKOS** (Minister for Families and Children) — I rise to update the house on what I am doing in my portfolio to close the gap in Indigenous inequality. Across the families and children portfolio I see the gap; it starts early and widens later. In the first years of life we see Aboriginal children are underrepresented in our early childhood services. By contrast, Aboriginal children are overrepresented in child protection, out-of-home care and youth justice.

That is why across my portfolio we are focused on intervening early and across the life cycle to support Aboriginal children and young people.

Last year we launched the Koorie Kids Shine at Kindergarten campaign to promote free kindergarten for Aboriginal three and four-year-olds. This year we have strengthened it with video messages from parents and educators. In 2016 we are piloting prepurchase kindergarten places across the state. We want to ensure that Aboriginal children and other vulnerable children do not miss out on kindergarten just because they may be enrolling late, and it is not too late for families to enrol now.

Last year I established quarterly Aboriginal children's forums in partnership with senior Aboriginal leaders and community sector organisations to address the overrepresentation of Aboriginal children in out-of-home care, and our targeted care packages are also aimed at reducing the number of Aboriginal children in residential care.

I want to commend the Aboriginal children's commissioner, Andrew Jackomos, for his tireless work on Taskforce 1000, which is looking at the outcomes of about 1000 children in out-of-home care. We have hired nine specialist workers to follow through on issues identified by Taskforce 1000. My department is currently consulting with Aboriginal communities and leaders about a review of Aboriginal programs and services to ensure they are serving the families and children they were designed to support.

We have also passed legal changes relating to Aboriginal self-determination for children in the child protection system. We are also investing \$1.2 million over four years to bolster Aboriginal youth support services in areas of the state with high numbers of Aboriginal young people on youth justice orders. Today I am inviting Aboriginal organisations in Barwon, inner Gippsland, Loddon Mallee and the north-east of Melbourne to make a submission to provide culturally sensitive casework and undertake community education activities.

We are committed to closing the gap and ensuring that every Aboriginal child has educational and developmental opportunities available to them.

### Centre for Continuing Education

**Mr HERBERT** (Minister for Training and Skills) — I rise to inform the house of the latest developments of the Centre for Continuing Education at Wangaratta. The centre, an independent Learn Local

organisation, has suffered an alarming decline in accredited training enrolments. From a high of over 1000 students at its peak, the centre enrolled just 148 students last year.

Instability caused by previous government funding cuts, the scrapping of the commonwealth government-funded programs and troublesome contractual arrangements in the past have combined to create a financially unsustainable position for the centre. As a result, over recent years the Adult, Community and Further Education (ACFE) board provided \$381 950 in grants to assist the centre with business and governance improvements. More recently a further \$205 000 from ACFE has failed to turn around the business. It is disappointing that these investments have failed to enable the centre to reposition itself as a financially sustainable organisation.

As such I have asked my department to provide a further \$242 000 to enable the centre, over the next two months, to work with the local community and other providers to ensure the community's learning needs will be met, and to come back to me with a plan for future arrangements. I have also asked my department to ensure the government building used to house the centre continues to remain available for training rent free for the local community. I assure the local community that as the government rolls out its major training reforms it is fully committed to ensuring a strong offering of pre-accredited and accredited training in Wangaratta and Benalla, where the centre currently plays an important role.

## MEMBERS STATEMENTS

### Margaret Blakers

**Ms PENNICUIK** (Southern Metropolitan) — I rise with great pleasure to congratulate Margaret Blakers, who, along with many other extraordinary Australians, was awarded a Medal of the Order of Australia. Margaret is an amazing and inspiring person who has great foresight and vision, boundless energy, peerless networking and leadership skills, and so many other accomplishments. She has been a wonderful support to many people over the years including me and my colleague Greg Barber, who says she 'took him under her wing' when he first joined the Greens. After reading Rachel Carson's *Silent Spring* she determined to work for the environment — an experience similar to my own. In 1973 she worked on the inquiry into the national estate, and from 1977 to 1984 she organised the publication of the first *Atlas of Australian Birds*.

Margaret is a founding member of the Victorian Greens. She worked as an adviser to Senator Bob Brown, and with Christine Milne and the late Louise Crossley she organised the first Global Greens Congress in Canberra in 2001, at which the Global Greens Charter was adopted. She says it is essential that politics is part of a global process. In 2006 Margaret came to Melbourne to help Greg Barber, Colleen Hartland and me navigate our first weeks in the Victorian Parliament. In 2008 she established the Green Institute to support green politics. She is a champion of the Greens women's network and an enabler of women in politics.

Margaret is a tireless campaigner for forests and climate and wants logging in native forests to stop immediately, if not before, and for all regional forest agreements to be torn up. She says that preserving our forests is the first step in reclaiming nature across the planet and we need to restore the natural environment wherever we can so it can survive and flourish. Thank you, Margaret, and congratulations.

### Michael Stubbings

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to send a cheerio to one of our attendants, Michael Stubbings, who is unwell and is probably watching this on the live streaming. We certainly wish him all the best of luck and a full and speedy recovery.

### Lunar New Year

**Mrs PEULICH** — In addition, I would like to take the opportunity of wishing our Asian community a very happy Lunar New Year. This is the Year of the Monkey, as was the year in which I was born. I take the opportunity to wish the entire community a peaceful, happy, healthy and prosperous new year. I had the great pleasure of attending a number of Lunar New Year events around town — probably seven or eight to date — the most recent being the Springvale Business Association event run last weekend, which was another great success, and congratulations to Daniel Chang and his team. It was a great event. I urge members to take advantage of the very many multicultural events right around the state over the next two weeks in celebration of this important occasion.

### Mick Morland

**Mrs PEULICH** — I would also like to congratulate Mick Morland, the deputy mayor of the City of Casey, who was awarded an Order of Australia Medal for his many years of community service. This award is richly deserved and should be equally shared with his wife,

Kaye Morland, who does an enormous job in her own right and also in support of his activities.

### Australia Day

**Mrs PEULICH** — I also take the brief opportunity of congratulating all of those councils which put on terrific Australia Day events and all of those award recipients, who I will mention and honour on another occasion.

### Wye River and Separation Creek bushfires

**Ms TIERNEY** (Western Victoria) — On Christmas Day, on what should have been a day of joy, family and celebration, residents of Wye River and Separation Creek were instead faced with fear and danger as fire tore through their communities. As a result of the fire, 118 homes were lost — 98 in Wye River and 18 in Separation Creek. Over 2500 hectares were burnt in an area that was tinder dry, on a day of severe fire danger. My thoughts and best wishes remain with the families who lost their homes. I wish to give my sincere thanks to all of the emergency services personnel from the Country Fire Authority, the Department of Environment, Land, Water and Planning, Victoria Police and other agencies. As they do so often, they spent time away from their families to protect others, putting their own lives at risk. It is testament to their professionalism and dedication, as well as the foresight of local residents in activating their fire plans and complying with emergency personnel, that fortunately no lives were lost.

I also acknowledge the amazing work done by the Colac Otway shire and the Surf Coast shire. The Andrews government will do everything possible to assist those who have lost their homes in these fires. Grants of up to \$1300 per family are available to cover emergency food and personal effects, as well as grants of up to \$32 500 for families who have lost their primary place of residence. In addition, we have created a \$2.75 million assistance package, which includes a \$1 million Economic and Community Recovery Fund. We will continue to work with local stakeholders and communities to ensure the Great Ocean Road continues to be one of Victoria's biggest tourism drawcards.

### Wye River and Separation Creek bushfires

**Mr RAMSAY** (Western Victoria) — Never before have the words of Dorothea Mackellar's poem *My Country*, 'I love a sunburnt country, a land ... of droughts and flooding rains', more typified a Christmas break. We have seen the ongoing drought ravage northern and western parts of the state, fires over the

summer months and flash floods in my electorate of Western Victoria Region. It is the seventh anniversary of Black Saturday that makes us remember the horrific casualties of fire. As a survivor of Ash Wednesday and having represented communities during Black Saturday and helped the response to the Wye River and Separation Creek fires for those communities over the Christmas period, it seems ironic that my first summer as a member for Western Victoria Region was spent assisting flood-ravaged communities around Horsham and in my second term assisting fire-affected communities at Wye River over the Christmas break.

There were 118 homes lost, including 18 principal residences, but thankfully there were no lives lost and no serious injury. There is no doubt that this resulted from good planning, with the local community taking their fire plans seriously, and the leadership and work of local Country Fire Authority (CFA) volunteers under the direction of Wye River CFA captain Roy Moriarty. The fact that the pub, general store, caravan park and surf club were all untouched allowed the community, as best it could, to carry on its business despite the road closures.

I believe all tiers of government were determined to assist the community through the fire response, clean-up and rebuild with both financial and domestic assistance, and the presence of Prime Minister Malcolm Turnbull, the Premier, opposition leader Matthew Guy, ministers and shadow ministers, as well as local MPs, helped the spirit and resilience of the community during its darkest hours.

I would like to thank all those who have assisted in fighting the Wye River and Separation Creek fires — those who provided food, shelter, water, donations and physical assistance, as well as both CFA and Department of Environment, Land, Water and Planning firefighters who spent their Christmas fighting the fire under the direction of incident controller Alistair Drayton. They all deserve a big thankyou from Victorians. It is now up to us to support the local businesses along the Great Ocean Road that have suffered a loss of trade of up to 30 per cent due to the road closures. I encourage all Australians to come on down to the Great Ocean Road and give our seaside businesses a trading boost.

**The PRESIDENT** — Order! On the time allocation, Mr Ramsay had a boost then as well.

**Mr RAMSAY** — I appreciate that. Thank you, President.

## Richard ‘Dick’ Gray

**Mr MELHEM** (Western Metropolitan) — I rise to speak about the passing of a dear friend and a warrior for the union movement, Richard John Gray, known to his friends as Dick Gray. Dick has lost his fight with Parkinson’s disease at the age of 62. He was a union man all his life. At an early age, when he was an apprentice, he joined the Electrical Trades Union, and then he became an organiser and then assistant secretary for a number of years. In 1998 he joined the Australian Workers Union (AWU) as a full-time official and was the AWU president from 2007 until 2013. Dick always put in 110 per cent to advance the right of working people, in particular injured workers. His compassion for injured workers and determination to ensure their rights were fully pursued was second to none. Also he had a passion to help kids, particularly kids with cancer. He forged an association with Challenge, supporting kids with cancer over the years, and he raised hundreds of thousands of dollars to assist these kids, enabling Challenge to run many programs for them.

Dick always put the interests of others first, and he is going to be missed. He will definitely be missed by the union movement. He will be missed by his wife, Kay, his daughters, Kathryne and Bree, and his grandchildren. Brother, rest in peace.

## Coal seam gas

**Ms DUNN** (Eastern Metropolitan) — I rise today to talk about a rally I had the pleasure of attending yesterday in relation to concerns around coal seam gas and the lack of an ambitious renewable energy target. It was extraordinary to be out on the steps of Parliament House with some 300 Victorians. What was extraordinary was the distance that people had travelled to attend that rally yesterday. There were people from as far away as Hamilton on the western side of the state to Seaspray, and all had gathered there to try to make their voices heard in relation to stopping coal seam gas.

What I find extraordinary is the number of hours the community have put in to fighting this issue and how terribly concerned they are about our agricultural sector, in which they take enormous pride as a clean and green industry, and also our tourism operators, who are very concerned about the industrialisation of our state when we trade on the beautiful landscapes and vistas that make up Victoria.

To date 70 towns throughout Victoria have declared themselves gas field free. The contribution these people are making in terms of fighting this issue is

extraordinary. However, what needs to happen now is for some clarity to be provided to the community into the future. The only way forward is a permanent ban on coal seam gas, because that would ensure ongoing, viable, vibrant and thriving agricultural and tourism sectors. Nothing less than that is satisfactory.

### **V/Line services**

**Mr DRUM** (Northern Victoria) — My members statement has to do with the absolute mess created by Jacinta Allan in her home town of Bendigo in relation to the replacement of V/Line trains with buses for some seven services every day from Melbourne to Bendigo and Bendigo to Melbourne. This replacement of the rail system has now been in place for over six weeks and is causing an awful lot of concern for the people of Bendigo.

Not only has the to and from Melbourne and Bendigo system been put into chaos but the bus services around Bendigo have also changed. A range of angry constituents are now coming to my office looking for answers. Some of them have been pushed away by the office of a member of the Legislative Assembly, Maree Edwards, and they are also quite vocal and angry about some of the changes that have taken place in the Bendigo area. People have apparently been dropped off at new bus stops that resemble paddocks more than they do bus stops. There are no footpaths, forcing people who are using the bus services to walk on roads or through unmade areas.

We understand that inspectors from the Department of Economic Development, Jobs, Transport and Resources are now on their way to Bendigo to try to sort out this mess. This is effectively a confession that this issue is not going to sort itself out; it is not an issue that is just going through some teething problems. This is an issue that Jacinta Allan has once again totally and completely stuffed up, and now department inspectors have been sent to Bendigo to try to sort this issue out. This is all at a time when the government promised it would have the current system up and running and a new system called metro rail happening. However, there is nothing happening in the space of metro rail.

### **Sue Kull**

**Mr EIDEH** (Western Metropolitan) — I rise to congratulate my constituent Mrs Sue Kull on her recent 15-day charity walk from Melbourne to Warrnambool for spinal muscular atrophy (SMA). While most of us were enjoying some time out during the new year break, Sue took on the challenge of walking 250 kilometres from Melbourne to Logan's Beach to

raise funds for and awareness of spinal muscular atrophy. SMA is a cruel neuromuscular condition that affects infants, children and adults worldwide by wasting away muscles throughout the body and making functions such as coughing, swallowing and breathing difficult. Unfortunately there is no cure.

Sue is very well known throughout our community for her involvement in countless fundraising events and committees in the region. She has been involved in the Cancer Council's annual Relay for Life event and has been relaying for team Maggie Mae since 2002. She has led local fundraising events for Daffodil Day and also Pink Ribbon Day to help combat breast cancer. Sue's recent charity walk to Warrnambool was a great success, raising more than \$2400. Sue planned this walk after realising that the majority of people do not know about SMA. In fact Sue did not know about SMA until meeting her good friend Kim, who was diagnosed with the condition at infancy and who proudly supported Sue throughout her walk.

What amazes Sue's family and friends is that this generous and passionate woman gives so much of her personal time to charity while still finding time to care for her disabled son. Sue is to be congratulated for her outstanding effort in planning and completing this walk. I extend my thanks to the sponsors, supporters and volunteers who helped raise these much-needed funds and awareness in the fight against SMA.

### **Winton Motor Raceway**

**Ms SYMES** (Northern Victoria) — On Sunday I had a great morning representing the Minister for Regional Development, Jaala Pulford, celebrating the opening of the new Winton Motor Raceway track. Benalla Auto Club members were the first ones to get to try out the newly resurfaced track, and I can say that the 2016 racing calendar is looking very bright.

The Victorian government was proudly associated with this project. We provided \$1 million from the Regional Jobs and Infrastructure Fund for this project. The development of the raceway means that we — and I say 'we' because I have a strong association with Winton, having grown up in Benalla — get to host events such as the V8 supercars and the superbikes, and they are really big drawcards for the region. But it is not just car and motorbike enthusiasts that benefit from this investment. The Winton Motor Raceway is a major economic contributor to Benalla, Wangaratta and surrounding towns. Whenever there is an event, millions of dollars are brought into the communities, providing vital employment opportunities far and wide. I can tell the house that everyone in Benalla knows

when there is an event at Winton. Winton fills pubs, cafes and accommodation venues, and the estimates are that it provides a \$10 million boost to the tourism dollar for the region going forward on an annual basis. It was a great day.

## OMBUDSMAN JURISDICTION

**Mr BARBER** (Northern Metropolitan) — I move:

That, further to the resolution of the Legislative Council on 25 November 2015 referring a matter to the Ombudsman for investigation pursuant to section 16 of the Ombudsman Act 1973, this house —

- (1) notes that the Ombudsman has made an application to the Supreme Court of Victoria pursuant to section 27 of the Ombudsman Act 1973 seeking a determination as to her jurisdiction to investigate the matter referred to her by the Legislative Council;
- (2) affirms the Ombudsman's jurisdiction and power under section 16 of the Ombudsman Act 1973 to investigate the matter referred to her by the Legislative Council;
- (3) directs the President to —
  - (a) make application to the Supreme Court for the Legislative Council of Victoria to be joined as a party to the section 27 proceedings in order to contend in those proceedings that the view set out in (2) is correct;
  - (b) act as the Legislative Council's representative in such proceedings in any manner he deems appropriate and in accordance with any direction from the house;
  - (c) for the purposes of (3)(b) this may include, but is not limited to —
    - (i) seeking legal advice;
    - (ii) engaging counsel; and
    - (iii) making submissions.

This motion seeks to direct the President to make application to the Supreme Court to defend the original motion of the Legislative Council, which directed the Ombudsman, under section 16, to investigate an allegation we have all been reading about in the newspapers that Labor members in this place misused their staffing entitlements by providing staff members to work on the ALP's re-election campaign.

I am extremely disappointed that we are here moving this motion and seeking to go to court to defend our original position, because I made no judgement with my original motion — no presumption of guilt against the Labor Party on this matter. I do not believe I have

publicly stated that I believe the allegations are necessarily true or false, but I have maintained the entire time that if unresolved, these allegations threaten to bring all members of the house into disrepute.

While Labor finds itself incapable of effectively initiating an investigation into itself, it is nevertheless the responsibility of Parliament to investigate a possible misuse of entitlements by its members. That was in fact a long-running discussion of the last Parliament in relation to a former Liberal MP in the Legislative Assembly, Mr Shaw. The Ombudsman investigated him and found that he had misused his entitlements, and the Privileges Committee later decided to affirm that finding and to also make a finding in relation to what remedy Mr Shaw should face.

I am even more convinced than I was when I moved the original motion that section 16 of the act provides for the Parliament to refer 'any matter', which is the term used in the section, for investigation by the Ombudsman. Labor has got a different argument. Labor says that other sections of the act override section 16. It is interesting because if members look at those other sections that provide other heads of power for the Ombudsman, they will see that some of those sections have been tweaked or changed and in some ways limited with recent changes to the Ombudsman Act, largely as a result, I believe, of the introduction of new integrity bodies, such as IBAC and so forth. But in fact with all those various amendments, section 16 has remained intact and unmodified over, as far as I am aware, most of the life of this act. So it is pretty clear to me that if there was an intention at any stage to further limit the Parliament's power to refer to the Ombudsman any matter for investigation it would have been done during those amendments. But that is a matter for the courts now to determine.

The government's public utterance was that it would not resist any investigation that was established. The government was a bit too cute with the wording there, because clearly it intended at all times to fight tooth and nail to prevent the investigation from being established. That would be done under the shield of the argument members are about to hear in a minute, which is that the Ombudsman does not have any jurisdiction and it is a terrible travesty that the Parliament has asked her to investigate this matter. Well, that is a matter that is going to be argued out in court. However, the question for the Parliament today is: will the Parliament, through the person of the President, be represented in that court hearing? All members would have received a letter from the Ombudsman, including attached to it her court filings, where she says that she will seek a declaration

from the court as to the jurisdiction, but that she will remain neutral on the question.

It is going to be difficult to seek a declaration from the court and at the same time remain neutral. It is for that reason that I think the Parliament ought to be represented in the case, not to remain neutral but to in fact assert that our reading of the act, when we moved this motion back before Christmas, was correct. It is important that we maintain the tool and the capacity that section 16 provides to the Parliament. Parliament is engaged in many investigations into matters of public policy and sometimes even into matters of integrity relating to its own members. It is certainly an efficient and transparent and, I would argue, independent mechanism to allow the Ombudsman to investigate those matters, as occurred in relation to the Windsor case — the planning approval in relation to the Hotel Windsor, which started off as a parliamentary committee inquiry. It ran into the same kind of headwinds from the government then as we face today, and it was eventually determined that the Ombudsman's investigation was the best way to get to the facts and also to have some finding as to the probity of the decision-making.

The Ombudsman is certainly well placed, as she regularly conducts investigations of and has the necessary skills, necessary resources and necessary understanding to conduct a rigorous investigation that will get to the bottom of the truth. So we should not lightly toss away the ability under section 16 to instigate investigations in the way that clearly those who wrote the act intended. In fact that is one of the main reasons we are here. It is not simply to legislate, but also to investigate and better inform ourselves for when it is time to make important decisions on public policy or on the way we as a group of MPs regulate ourselves. The government's actions here are sending a very strong message that parliamentarians are incapable of enforcing the rules on themselves, although of course they are very good at launching investigations into other people. It is not only the Parliament that has been doing that but also the government as an executive has been doing it. Those are my arguments as to why this motion should be supported.

Members might like to know that I have myself already intervened in this court case. I did so because I wanted to maintain the ability of all the interested parties to participate in this action. However, I am limited in my capacity to continue funding a legal action from my own dime — literally out of my pocket — to defend what are the Parliament's powers and what I think are very important investigatory powers.

I find it very disappointing that, as the original allegation was that Labor had misused hundreds of thousands of taxpayer dollars for an improper purpose — and I have not made any judgement on whether that is true or false — it now seems that both the Parliament and the Ombudsman, and possibly even the government, will be spending hundreds of thousands of dollars more to try to hold off this investigation. Well, that is certainly a waste of taxpayer funds, but Labor or the government — we are not quite sure in which capacity they are acting; it could even be the individual members who might be subject to the investigation — are doing everything they can to resist this investigation. So far they have been successful in warning off the Ombudsman.

**Mr Jennings** — It is literally not true.

**Mr BARBER** — Well, the Leader of the Government says that is not true, but the Ombudsman gave us a copy of Mr Jennings's letter where Mr Jennings argued that she had no jurisdiction. He relied on legal argument that he presented to the Ombudsman in his letter. However, she decided not to release that information. She in fact redacted it. Well, if the government chose to provide its legally privileged information to the Ombudsman, then it has already lowered the shield that would be expected to be put over, in normal circumstances, legally privileged advice. The fact that the Ombudsman chose not to release it does not mean that the shield has not been lowered. If the government is going to join the action and make a submission to the court, I look forward to reading that submission when submissions are exchanged between the parties, but at the moment — —

**Mr Jennings** — We've said that it's not our intention to.

**Mr BARBER** — Yes, I understand that is the government's current position. The real question, then, is: who are the protagonists in this court hearing? But again, that will be a matter for the court to determine for itself. I do not intend to try this case on the steps of the Parliament. At the moment I am retaining my right to participate in court action, but as I said, on a personal note it is not something I want to be doing by paying out of my own pocket. I am just one member in this place, and I think it should be that all members, including those who might find themselves in opposition again one day, should be willing to protect and in fact fight for this very important tool that has been given to the Parliament — an investigatory tool as provided for in section 16 and as supported by the Legislative Council in a previous motion.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I rise this morning to indicate that the coalition will support the motion proposed by Mr Barber in relation to the matter currently before the Supreme Court on the motion of the Ombudsman. As the house is of course aware, on 25 November last year this house made a referral under section 16 of the Ombudsman Act 1973 inviting or requiring the Ombudsman to investigate certain matters that had been raised in the public domain and raised in this house in respect of allegations around the misuse of staffing entitlements by Labor members of Parliament. That is a mechanism that this house and its committees have used on several occasions to require the investigation of matters of interest to this house, and it is one which at the time the coalition was confident was within the jurisdiction of the Ombudsman.

Since then we have seen the government indicate to the Ombudsman, and indeed the Leader of the Government in the course of that debate indicate, that it was the government's view that this investigation was outside the scope of the Ombudsman's jurisdiction. What has not been made clear to this house, or indeed made clear publicly, is why the government believes this investigation is outside the jurisdiction of the Ombudsman, and it is notable that an argument has not previously been put by previous Labor governments in Victoria disputing the jurisdiction of the Ombudsman to undertake inquiries under section 16 of the act.

Following the passing of that motion by the Council on 25 November and the transmission of that resolution to the Ombudsman's office, on 1 December the Ombudsman, having considered the resolution and having considered the contents of the debate on 25 November, wrote to the Special Minister of State indicating that she had reflected upon the debate and had reflected upon the resolution and advising that it was her view that her jurisdiction did extend to investigating the matter. What we then saw seemingly two weeks later was an undated letter that went from the Special Minister of State to the Ombudsman. It is dated as having been received by the Ombudsman on 14 December and indicates it is the government's view that the Ombudsman does not have jurisdiction to investigate the matter. Presumably that letter sets out the reasons for the government's view.

It is interesting that this letter to the Ombudsman from the Special Minister of State, which was presented as part of the Ombudsman's deposition to the Supreme Court, is a letter of only three paragraphs. The sections that have been redacted, which presumably go to the government's reasons for believing the Ombudsman does not have jurisdiction, amount to only three and a

half lines. While the government has not presented to this house or publicly its reasons for believing the Ombudsman does not have jurisdiction, it is evident from the letter to the Ombudsman that those reasons are not substantial in terms of the way they have been presented to her if they are presented in no more than three lines in a letter. We welcome the government's explanation of its reasons for believing that the Ombudsman does not have jurisdiction.

But following the receipt of that letter by the Ombudsman, the Ombudsman determined that under section 27 of her act she would seek a declaration from the Supreme Court as to her jurisdiction to investigate this matter. As a consequence, an application was lodged with the court at the end of January and a directions hearing was held yesterday to commence this proceeding. So the motion that Mr Barber is bringing to the house today seeks for the Council to note that the Ombudsman has taken this action seeking a declaration from the court to reaffirm that her jurisdiction under section 16 does extend to investigating this matter and to direct the President on behalf of the Council to seek to be joined in this matter in the Supreme Court to present and support the Council's view that this matter is within the jurisdiction of the Ombudsman.

In that regard it is worth reflecting back on what section 16 of the Ombudsman Act actually does state and the reason why this referral was supported by the Council in November and the reason why previous referrals from Council committees and the house have been supported at various times, particularly over the last decade. It is division 2 of the Ombudsman Act that contains section 16, so it is a standalone division of the act related to parliamentary complaints. Section 16 provides that:

- (1) At any time—
  - (a) the Legislative Council or a committee of the Legislative Council;
  - (b) the Legislative Assembly or a committee of the Legislative Assembly; or
  - (c) a joint committee of both Houses of Parliament—
 

may refer to the Ombudsman for investigation and report any matter, other than a matter concerning a judicial proceeding, which that House or committee considers should be investigated by him.
- (2) Where a matter is referred to him pursuant to subsection (1), the Ombudsman shall, notwithstanding anything to the contrary in this Act, forthwith investigate that matter and report thereon.

Section 16 of the Ombudsman Act 1973 could not be clearer. It is explicit in stating that a house or committee

of the Parliament may refer any matter with the exception of a judicial proceeding. So if it were the intention of the Parliament in passing the Ombudsman Act in 1973 to create any other carve-out, that would have been set out in section 16, and the only carve-out that is provided in section 16 is the exclusion of judicial proceedings. Section 16(2) makes it clear that notwithstanding anything to the contrary elsewhere in the Ombudsman Act, the Ombudsman is empowered to undertake an investigation referred by a house of this Parliament. On that basis coalition members of this house are very confident in supporting this motion of Mr Barber's, as we were in supporting the original reference to the Ombudsman in November last year.

The third element, but the second operative element, of Mr Barber's motion is a direction to the President. That direction essentially is to protect and represent the Legislative Council's interest in this matter, to seek a determination from the Supreme Court that recognises the capacity of this Council and this Parliament to make referrals of the nature of the one that was made on 25 November and to recognise the privilege which attaches to this house in making such referrals under section 16. What is interesting is the way in which this matter has developed leading up to the reference on 25 November and subsequent to that, leading to the Ombudsman seeking clarificatory relief from the court at the end of last month. There are a number of questions which remain unanswered around this matter, particularly about the role that the government is playing and that the government seeks to play as this matter proceeds through the court and potentially proceeds through an investigation.

One of the key questions for all members of this house is why the government opposes this investigation. Why has the government, or someone in the government, sought legal advice to contest the Ombudsman's jurisdiction to consider this matter? We heard in question time yesterday the Leader of the Government indicate that to his knowledge this government had not sought advice as to the jurisdiction of the Ombudsman in relation to any matter other than this staffing rorts allegation. At no other time has the government been so exercised to consider whether inquiries were in scope for the Ombudsman until this matter related to Labor Party MPs was put before the Ombudsman.

Another question to consider on this matter is in whose interest is the government acting in the representations the Leader of the Government has made to the Ombudsman and in the actions we saw yesterday with a person identifying themselves as general counsel for the Premier's office intervening in proceedings at the directions hearing. Was that person acting in the public

interest? Indeed has the government been acting in the public interest or has it been acting in the interests of the Labor Party?

**Mr Barber** — Or individual members.

**Mr RICH-PHILLIPS** — Or individual members of the Labor Party. Does it make a distinction between its actions as a government and the actions that have taken place on behalf of the Labor Party? What role does the government propose to play into the future? The Leader of the Government has indicated informally that the government is not seeking to be joined to this matter, which is curious given the position the government articulated to the Ombudsman in its correspondence in December. But it is now seeking not to participate formally in this matter before the Supreme Court. So there are a number of questions as to the role the government is playing and the role the government sees itself as having, as opposed to the Labor Party, in this matter and in whose interests its interventions are taken.

The coalition, for its part, believes that this question before the Supreme Court is an incredibly important one. It goes to the fundamental powers of this house to require an independent officer of the house to undertake investigations under the Ombudsman's statute. The determination from the court will have significant implications for this Parliament into the future.

So we very strongly support this motion, which seeks for the President, on behalf of the Council, to join this matter, to defend the Council's position and to defend the Council's resolution of 25 November. I note that at the directions hearing yesterday the shadow Attorney-General, Mr Pesutto, a member of the Legislative Assembly, on behalf of the coalition, indicated that the coalition parties have an interest in this matter and would consider seeking to be formally joined to the matter as well. That is something that will be determined over the next week or so, but as a coalition we are firmly of the view that the resolution of the Council in November was an appropriate resolution, that it was consistent with the Ombudsman Act, that it was consistent with the previous practices of this Council and its committees, that it is important that that position be defended by this Council and that the view put by the Ombudsman in her correspondence to the Special Minister of State in December — that she had jurisdiction — be defended by this Council. Accordingly, the coalition will strongly support this motion.

**Ms SYMES** (Northern Victoria) — I think it was about three months ago that we dealt with this substantive topic, so I did a bit of refreshing overnight

and had a look at a few things. I wanted to start my contribution with the fact that the government, through its senior ministers, has confirmed that it will comply with any investigations or scrutiny from relevant agencies, including Victoria Police, in relation to the electorate staff questions and associated allegations. Of course it is appropriate to do so. However, it is important that any such inquiry of investigation is not undertaken outside of the jurisdictional responsibilities of an agency or body.

It is the government's view that our legislation and law should be respected and that our state public bodies should act within the scope of these laws and within their jurisdictional cover. And on that point I shall be up-front from the start about ensuring that this contribution sticks to that theme. My contribution is about proper process and reflects on the obligation to observe the law. I do not dispute that there is often disagreement about the interpretation of our laws, and indeed some may say that this is the reason that we have the motion here today. I am a tad more sceptical than that, but I will try to stick to the former observation.

The motion that is proposed is that this house variously affirm the Ombudsman's power under jurisdiction to investigate the matter previously referred to her by the Council on 25 November, pursuant to section 16 of the Ombudsman Act 1973, and also direct the President to make application to be joined to the proceedings. The Ombudsman has initiated proceedings in the Supreme Court pursuant to section 27. Mr Barber and I tend to trade respectful differing views in relation to some jurisdictional matters. I happen to believe Mr Barber has a pretty good idea about where this will head but is choosing not to let that get in the way of soldiering on.

It feels like a very long time ago, but as I said, it was only three months ago when we discussed the matters relating to the Ombudsman Act and the jurisdiction of the Ombudsman contained within it. Without being repetitive, it is appropriate to reflect briefly on what I previously impressed on the Council when the original motion was before us. What I said then was that there was a real risk that any referral that proposes an investigation beyond the scope of the jurisdiction or the intended remit of the Ombudsman is likely to be an exercise in abject futility. I said at the time that it is entirely foreseeable that the consequence of the Council's initial referral would be that the Ombudsman herself would have to go to the Supreme Court, pursuant to section 27, to resolve the question as to whether she has operative jurisdiction in this matter or not. Of course this is where we find ourselves now. The fact is that the motion was passed by the Council 22 to

18, and in turn this has forced the Ombudsman to make an application to the Supreme Court to the very question that we said she would have to go and have answered. Of course as it is before the courts that will be a separate process that will take its course. The Ombudsman will shortly have the assistance of the guidance of the court in resolving this question. As I understand it, it is a guidance application, not a contest, so in effect the various views will be put to the court and the court will provide guidance as to the correct view. This is in train and listed to occur in the coming months.

On the current motion, the risk here is of this place being seen to merely heap nonsense on top of an earlier farce. That the Ombudsman has jurisdiction to investigate on a referral from this place pursuant to section 16 of her act and that the Council has the power to refer such a matter and the Ombudsman to investigate in accordance with the discharge of her statutory obligations are not in question. Both facts are well understood and are indeed accepted. What is in question is how the Ombudsman ought respond to the particular terms of the referral. On that question she has sought the guidance of the court, as is entirely appropriate and — by virtue of this house — necessary. The Supreme Court retains a constitutional protected jurisdiction to ensure that state bodies officers do not act beyond their jurisdiction.

Relevant to the Supreme Court's deliberation on the Ombudsman's jurisdiction is that any referral to the Ombudsman from this house must be considered in the context of the whole act. As I said, no-one disputes that section 16 empowers this house, a parliamentary committee or the other house to refer to the Ombudsman for investigation and report any matter. However, there are limitations on what the Parliament can require the Ombudsman to investigate, and this is more than appropriate. As we have heard, the government has legal advice regarding the jurisdiction of the Ombudsman directly relating to this matter, and it is certainly diligent in having that. I have not seen this legal advice, but I have looked at the question of the Ombudsman's jurisdiction several times and I am fairly confident I understand the general gist of what that advice is likely to say.

The primary function of the Ombudsman is to investigate the administrative actions of departments and public statutory bodies. Section 16 does not in itself expand the jurisdiction and powers of the Ombudsman beyond those found elsewhere in the act. And not to make light of the Ombudsman or this house, but if you do not have limitations, then it is very possible for this house to make any sort of referral to the Ombudsman.

The Legislative Council could instruct the Ombudsman to investigate the price of chocolate between Woolworths and Coles. You cannot just have an unfettered ability to direct the Ombudsman to do whatever you want or — —

**Mrs Peulich** — It is called the Parliament.

**Ms SYMES** — The Parliament cannot ask the Ombudsman to do things outside of her act. I was just trying to simplify the argument into how not limiting it can be quite ridiculous.

Of course as with that example any investigation undertaken by the Ombudsman as a result of the referral from the Parliament still has to be confined to the functions and powers granted to that office under the Ombudsman Act. Specifically, as I have mentioned, any investigation by the Ombudsman would be limited to administrative decisions and actions of departments and public statutory bodies. I certainly do not want to prejudge the Supreme Court, but as has been made clear, it is the government's view that no referral from this place can extend the Ombudsman's jurisdictional cover to electorate offices except where they may relate to the aforementioned bodies.

As I have said, this is going to go through the courts anyway, and how the current motion could be said to further that situation in any useful regard is quite difficult to say. Of course we have had the opportunity to put our various views on the table. I think it is quite repetitive of what we did last year, but I welcome these types of debates in any case.

As was the case last time, the government cannot support a motion that seeks to affirm a view that it does not hold. We were clear on this in November, and we remain so. The Ombudsman cannot complete the investigation in the terms put by Mr Barber. Nor can we support a motion that asks us to direct the President to make representations on behalf of this place regarding its view in relation to this matter. We have got to remember it was a 22-18 division on the previous motion relating to the legal capacity of the Ombudsman to investigate the matter. The motion before us today cites section 27 of the act, and it is useful to read that out. It provides that:

- (1) Where in the course of an investigation under this Act the question arises as to whether the Ombudsman has jurisdiction to conduct the investigation, the Ombudsman or the party subject to the investigation, may make an application to the Supreme Court for a determination of that question, and on the application the Court may make such order as it considers proper.

It describes who may be a party to a proceeding, and of course in this matter at this present time the President of the Legislative Council does not have standing. To have standing you need to be a party to the proposed investigation.

I have got to say, regarding directing the President to appear before the court, I am a little bit uncomfortable in that I think it actually is verging on this house portraying the message that we do not actually trust the Ombudsman to make her own submissions, so I cannot support that element of the motion, but I certainly cannot deny that I will find it interesting to see how the court responds to the situation where the President is, by virtue of this motion if it gets up today, directed by this place to appear in some nebulous capacity, seemingly to act on behalf of the Council as a party. It will no doubt present novel and fundamental problems for the court to consider how the President might enjoy standing or obtain leave to appear in this matter, but of course this is not a matter for us. It will be a matter for the court, so I will watch with interest. I would just like to finish, and I think it is pretty clear the government will be opposing today's motion.

**Mrs PEULICH** (South Eastern Metropolitan) — I am just going to speak fairly briefly on this particular motion. It is absolutely critical that this motion is passed and that the integrity, the standing and the authority of this chamber are defended, not just from the point of view of this particular matter but from the point of view of other matters that may well come before the consideration of this chamber.

If indeed this chamber's referral of the Labor rorts to the Ombudsman for investigation is defeated by some very clever, both sophisticated and brazen, tactics led by, ironically, none other than the minister responsible for integrity regimes — and I think that is an irony — it will be a very, very sad, sad day for democracy in this state. This government has shown that it is prepared to not stop anywhere to shut down this inquiry. It is quite clear under the Ombudsman Act 1973 that indeed this chamber has the right and the power to make the referrals it has made. In outlining in part III the principal function of the Ombudsman the act is clear that the administrative action that the alleged rorting falls under is not exempted. It is also clear under section 16, 'Investigations referred by Parliament', that:

- (1) At any time —
  - (a) the Legislative Council or a committee of the Legislative Council;
  - (b) the Legislative Assembly or a committee of the Legislative Assembly; or

- (c) a joint committee of both Houses of Parliament —  
may refer to the Ombudsman for investigation and report any matter, other than a matter concerning a judicial proceeding, which that House or committee considers should be investigated by him.

Clearly this is not a judicial proceeding. Indeed it follows in the same section:

- (2) Where a matter is referred to him pursuant to subsection (1), the Ombudsman shall, notwithstanding anything to the contrary in this Act, forthwith investigate that matter and report thereon.

It is absolutely unequivocal that this Parliament, this chamber, has the right and the authority to make any referral to the Ombudsman, who is therefore required to investigate, and how that investigation is undertaken and reported is a matter for the Ombudsman.

The fightback campaign is led, ironically, by the minister responsible for integrity regimes — and may I say, he should hang his head in shame. The integrity regimes in the state of Victoria basically rest on three institutions: the Auditor-General, the Ombudsman and IBAC. Indeed there ought to be some degree of referral to make sure that complaints land in the appropriate domain, and all that Mr Jennings has stood up for in the past is contrary to the actions he is taking now. His course of obfuscation and of shutting down this inquiry was mapped out quite clearly in his response when Mr Barber moved the motion last year.

What it does is raise a number of very serious questions about Mr Jennings's conduct and about the legal advice he sought, which he has failed to disclose and table in the Parliament, in consideration of very important matters that he believes are a test of the authority and integrity of this chamber. He believes they come secondary to some legal advice he has procured, which, as I said, he has used as the substance for a letter to the Ombudsman suggesting that she does not have the power within her jurisdiction to undertake this reference. It was Mr Jennings's duty as the minister responsible for integrity regimes to disclose that advice to this chamber during that debate, and he failed to do so.

Mr Gordon Rich-Phillips also asked some pertinent questions yesterday. Why is it that in Mr Jennings's case to the Supreme Court yesterday there was a blurring between the interests of the Labor Party and the government in the defence, and indeed that this case was put by a staffer? Again that reflects very poorly on Mr Jennings's government and perhaps him as minister in respect of the degree of separation that is necessary

for him to represent the interests of the government and that of his Labor Party machine.

I think this is an absolute stink and cover-up. To allow this motion to fail would be a very dangerous precedent for the future of this Parliament, this chamber and its authority. It is absolutely imperative that the Legislative Council take a proactive part as a party to this case to make sure that its will is supreme. Indeed should it fail — and I do not believe that it should at all, but it has a responsibility to defend its referrals — it would be the responsibility of this chamber to make changes to any legislation to make sure that referrals by either house of this Parliament are something that the Ombudsman must act upon, as was intended by section 16 of the Ombudsman Act 1973.

If the argument is that somehow the main parts of the Ombudsman Act are mitigated and watered down by inclusions in subsequent schedules, clearly that may be unintended and maybe clarification may be required. But Mr Jennings clearly outlined the course that the Labor government would take in sabotaging and undermining the office of the Ombudsman, in sabotaging and undermining the legitimacy of this chamber — of the Legislative Council — and in my view using the resources of government to defend the interests of the Labor Party.

I refer to *Hansard* of 25 November 2015. In his speech Mr Jennings completely maps out the course. He said:

Primarily the government believes, based on legal advice, that the Ombudsman would have the ability to look at certain matters if they were subject to protected disclosures that led to an own-motion investigation or a motion that followed a protected disclosure which arrives at the Ombudsman's office or which arrives at IBAC and is subsequently referred to the Ombudsman.

There are two things. First and foremost, in the debate on that very important matter Mr Jennings's obligation was to table that advice. Secondly, I cannot believe that a referral by either chamber of the Parliament would be subordinate to — of lesser significance than — an own-motion investigation by the Ombudsman.

**Mr Jennings** — You don't understand the act at that point.

**Mrs PEULICH** — Ironically Mr Jennings is the minister for integrity regimes, and he is leading the biggest cover-up in the history of this Parliament: a misuse of public resources. Mr Shaw's misdemeanours pale into minuscule obscurity in comparison to what Mr Jennings has done. We deserve to be able to get to the bottom of the matter. Notwithstanding Mr Barber's comments about not wishing to prejudge the

investigation, there are matters and examples where much more serious consequences have resulted for misdemeanours and actions that were minor in comparison to this.

**Ms Shing** — Like what?

**Mrs PEULICH** — This is not the time for that debate. Mr Shaw is one: 1200 bucks in comparison to at least \$1.5 million of public resources being diverted into funding and resourcing a political operation on behalf of the Labor Party. Here we are now, using the resources of government to defend the Labor Party's interests, and that was clear in what transpired in the Supreme Court yesterday.

On 25 November Mr Jennings went on to say in mapping out the course that the government would take, which is now unfolding:

Indeed if this resolution is passed by the house today, at best it will provide a degree of procedural and jurisdictional questioning in the office of the Ombudsman in terms of whether jurisdictional cover is allowed for within the Ombudsman Act 1976.

**Mr Jennings** — It's a pity everyone didn't take as much notice of that as you have.

**Mrs PEULICH** — Mr Jennings failed to provide the advice at the point of that debate. He used the resources of government to procure that advice. He has used the resources of government in order to lead the defence and the sabotage of this investigation that have impacted upon — —

**Ms Shing** — Sabotage?

**Mrs PEULICH** — Absolute sabotage — political sabotage. That is what Mr Jennings has done. This will tarnish beyond repair the very impressive and respected career that he has had. I do not believe that is how Mr Jennings wishes to end his career, but he will be known as the minister for integrity regimes who actually led a sabotage and an undermining of the office of the Ombudsman, a use of public and government resources in order to defend his political party's political interests.

It is absolutely imperative for this to proceed and for this chamber to defend its authority, to make sure that this type of jurisdictional dispute will never occur again. This is why we are all elected to this chamber. As representatives of the community this chamber is supreme, and where there are issues — should indeed a test of the Ombudsman's powers come back suggesting that we do not have the power — then it is the responsibility of this chamber to make the legislative

changes to protect its authority, its integrity and its ability to make referrals which should be investigated forthwith as was intended by the act. There is no second-guessing. The only reason why there is a referral or an appeal by the Ombudsman to the Supreme Court for the clarification of her powers is that the Labor Party and the Special Minister of State have been obfuscating. If they cooperated and collaborated as they promised to do, there would be no issue. I wholeheartedly support Mr Barber's initial motion. I think it is the responsibility of this chamber to defend the integrity of the motion and the authority of this chamber, and I urge everyone to vote for the motion today.

**Mr JENNINGS** (Special Minister of State) — I do not want to complicate the issues before the chamber, but I want to outline my contribution, which Mrs Peulich has relied on. I am very grateful that she has re-read my contribution into the public record because the points I made so very clearly in that debate are the reason why the Ombudsman has now taken the wise course, in my view, to seek the guidance of the Supreme Court, which was foreshadowed in that debate. The extraordinary contribution of every non-government member in this debate has totally relied on the referral power that is provided for within section 16 of the Ombudsman Act 1973, and the government is not disputing the reading of that section. That is not the question between us because in fact the government totally understands that section 16 says the Parliament can refer any matter to the Ombudsman. The thing that constrains the Ombudsman's ability to investigate matters is section 13, which clearly outlines the powers and responsibility of the Ombudsman in the ways that she would deal with referrals or protected disclosures or would undertake investigations that come before the Ombudsman.

There are a number of pathways the Ombudsman may consider, including own-motion considerations, which are provided for within section 13. Section 13 outlines the various pathways, the scope of responsibility and the jurisdictional cover of the Ombudsman. It is the clear view, upon legal advice provided to the government by the solicitor-general, that section 13 is the relevant section of the act in relation to the circumstances by which the Ombudsman would investigate matters. That is what was drawn to the attention of the house, perhaps not as fulsomely as Mrs Peulich is demanding, but certainly in content, in spirit, in scope and in application it was put on the public record very clearly when the motion was debated. It is reiterated today and it is the advice the government relied on to transmit to the Ombudsman to

make her consider the scope of jurisdictional cover and the appropriate application of the act.

I have two responsibilities in this matter. They are to protect the integrity of the Ombudsman and, very importantly and equally, to protect the law. It is my obligation to act in accordance with the advice I have received in what the government believes is the scope of the law. That is what has been drawn to the attention of the Ombudsman and, in her wisdom, she has recognised that this creates a legal question about whether section 16 or section 13 prevails in terms of the way the Ombudsman should treat these matters, and that is the matter the court will determine. The government is totally happy for the court to make that determination, uncontaminated by ill-formed or inconsiderate and spontaneous legal judgement that is created or demanded by the Legislative Council at this point, to compromise the independence of the President of the Legislative Council.

If the motion is passed today it is quite within the responsibility of the President then to seek legal advice, and that legal advice in our view would confirm the view that has been furnished already to the Supreme Court. Both positions, which the court is going to determine, are already in affidavits and in presentations provided by the Ombudsman. They are already before the Supreme Court. There is no contrary view put by anybody. The Supreme Court will have it. It is the body charged under section 27 of this act, but in terms of how it sits within the separation of powers in the state of Victoria, it is the body that makes that determination. The arguments have already been put. The veracity of any argument put by the Legislative Council will not ultimately persuade the court one way or the other because the court will determine what it believes the law to be.

In terms of the potential embarrassment that has already been created by what ultimately is the wisest pathway that the Ombudsman has chosen in going to the Supreme Court, it will be compounded if this motion passes because there is no argument to be put by whatever the scope of this open-ended motion to say that the President may get legal advice, in absence of knowing what that legal advice may be. In fact the legal advice may run totally contrary to the proponents of this motion. But at the end of the day there is no legal argument of merit that will be additionally drawn to the attention of the Supreme Court. It already has the material to make its decision and that is the view of the government. The government totally accepts the Supreme Court's determination of these matters and it is totally relaxed about the pathway that stems from that interpretation of the act. If the Ombudsman pursues it in

accordance with that guidance, then the government stands by it and will not take any steps to prevent the full scrutiny of these activities, if the Supreme Court so determines.

That is the position of the government. If the motion is passed, it may appear to be a great pyric victory for, as Mrs Peulich describes, the supreme power of the Legislative Council in Victoria, but ultimately there are always limits to supreme power, and the law and the appropriate jurisdictional decisions that are made as a result of the separation of powers between the courts and the state will determine this matter regardless of the arguments that are put on the floor of the chamber this morning.

**Mr BARBER** (Northern Metropolitan) — Just briefly, I thank all members for their contributions and for the mostly respectful way in which they were provided to the chamber. I do not want to again present arguments around the nature of the statute itself, because this will be the second time we have argued those. But one exception I think should be mentioned to members. The Leader of the Government says that it is section 13 that overrides and therefore limits the section that the house originally relied upon. If you read all the way to the bottom of section 13AA(1), which the Leader of the Government says is the one that constrains things, you will find at paragraph (d) there is a catch-all provision that in fact says:

any other functions conferred by or under this or any other Act.

That appears to me to take you directly back to where we started from, which was section 16. But as Ms Symes said, this is now going to court. There would be little value in us spending the rest of the afternoon doing a prequel to the matters that will be argued in court.

But the argument then remains: does the Legislative Council want to be represented in that proceeding? Mr Jennings says there is nothing to argue about. Ms Symes says any role we would be playing would be nebulous. Well, I am not accepting that for a minute for two reasons. First of all, while the Ombudsman said she will maintain a neutral stance on the question, and I have not yet read her submissions to see how this neutrality will work, perhaps it is not so much neutrality as to argue both sides of the coin. As Mr Jennings seemed to argue: no reason for us to be there because the Ombudsman will do the job for both sides.

Well, that is not my view of how court proceedings operate. In my view a court proceeding by necessity needs two opposing sides who are willing to argue all

the way their two opposing sides, because that is the very nature of justice. I accept that there is a provision with this act that provides the Ombudsman or another party who is being investigated with, if you like, a clear path to court, but beyond that it is still very necessary, in my view, that we have a complete and full contest of ideas.

The second thing that members should consider in deciding whether or not they want the Legislative Council to be represented is the role that the government itself might yet play in the court proceeding. The Leader of the Government says it is going to stay out of it, but during yesterday's directions hearing someone did pop up like a jack-in-the-box. It is not clear to me whether they were representing either the Australian Labor Party or the state of Victoria, or perhaps those members who may yet be subject to the investigation, and I do not have a list of who those members are. I have not seen any member actually name themselves as possibly subject to an investigation. So it is a little bit presumptive and in fact it would be a little bit incautious of members to just assume that neither the Labor Party, nor the government, nor the individual members might not intervene into this proceeding at some point and argue another position, a position of course that there is no jurisdiction.

Since it will be another couple of weeks until submissions are filed and further orders are made, the Legislative Council has got to make a decision pretty much today. Do we want our original interest to be represented in this proceeding not knowing what the Ombudsman might argue or what other parties might join and seek to argue? So I think it is a fairly simple question in a way.

Having got to the end of all that, there is something that comes to mind. Even if Mr Jennings is right and we get to the end of this process, there still needs to be an independent investigation into this matter — the matter of the allegation of members misusing their entitlements. The government is not putting any way forward there. We have a Victoria Police investigation underway, but to me approaching this from the point of view of criminal law was always the wrong approach, not that I am seeking to direct the Victoria Police one way or another. I am just simply saying I was not the person out there advocating for Victoria Police to investigate this matter. I am following the path that says if there is an allegation a member has misused their entitlements, that needs to be investigated from the point of view of a misuse of resources against the *Members' Guide*, itself a potential breach of the code of conduct, that being a potential breach of privilege of the house to be considered and dealt with in the usual way.

That necessity is going to remain regardless of the outcome of this particular question.

So with all of these arguments that the government keeps putting forward I wonder what it thinks is going to happen, because in the end there must be a proper investigation of this very serious allegation. But this, I suppose, is a broader — —

**Mr Jennings** — You are ignoring the audit committee, you are ignoring the police and you are ignoring the potential that already within the scope of jurisdictional cover there may be an investigation you do not know about. There are two we know of and three potentially.

**Mr BARBER** — I do not know about the ones I do not know about, Mr Jennings, but if you can shed any light — —

**Mr Jennings** — Yes, but you know about two that you are ignoring.

**Mr BARBER** — No. Right then I simply addressed one of them in relation to the Victoria Police criminal matter. From the beginning my view has always been that if there is an allegation against members, it is on members to be able to demonstrate to the public they are capable of enforcing the rules on themselves. We are hardly the first Parliament to have had issues raised about the question of members entitlements.

Since we are now getting a bit more expansive I think the Leader of the Government at some point came into this house and suggested that he wanted to establish a body à la the UK House of Commons, which was going to be a parliamentary adviser or monitor to deal specifically with code of conduct matters. That is a model for which I have advocated for many years since my arrival in this Parliament. At some point the Leader of the Government either in this place or to me personally said that that model was something that was coming forward. Then we read — as you do — articles in the newspapers suggesting that it had been nixed at cabinet.

**Mr Herbert** — Do not believe everything you read in the papers.

**Mr BARBER** — I do not believe everything I read in the papers, but it did make me wonder. Is this Parliament making any progress in terms of setting up formal mechanisms to enforce the rules upon itself? I do not think we are. Today we have just seen another backward step.

Unfortunately there have been a number of these matters in which I have been involved in this Parliament. I would never have imagined that I could have been involved in so many different debates in this house that went to the conduct of members or ministers; I cannot even keep score of how many times I have had to stand up and address these matters.

In relation to the decision-making about the approval of the Windsor Hotel, in that instance the Ombudsman asserted their jurisdiction and the Attorney-General backed off and accepted the investigation. Here the circumstances are reversed. Fair enough. But the simple question before the house is: should the Legislative Council be represented in the arguments put before the court? I think that at least is a yes/no question despite the numerous other uncertainties that have been raised around the matter. It is for that reason that I have moved the motion and urged all members to vote yes.

#### House divided on motion:

##### *Ayes, 23*

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

##### *Noes, 13*

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

##### *Pairs*

Crozier, Ms	Somyurek, Mr
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#### Motion agreed to.

### STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

#### Minister for Public Transport

**Mr MORRIS** (Western Victoria) — I move:

That this house requests that the Legislative Assembly grant leave to the Minister for Public Transport, the Honourable Jacinta Allan, MP, to appear before the Legislative Council Standing Committee on the Economy

and Infrastructure to give evidence and answer questions in relation to the committee's inquiry into infrastructure projects.

I am quite sure all those in the house would agree that the state of public transport in Victoria at the moment is in absolute disarray. Indeed the minister herself, in her own words, has described public transport in this state as being unacceptable. I must say that I agree with the minister wholeheartedly that public transport is unacceptable in Victoria at the moment. We have seen a significant decline in V/Line performance since the introduction of Labor's failed regional rail link timetable in June of last year.

We have seen significant disruption as a result of the wheel wear issues on V/Locity trains as well as boom gates not lowering on metropolitan tracks when V/Line trains pass. These are significant issues in terms of public safety. There is great concern amongst users of public transport and the community at large, because it is not just those who are using public transport per se who are affected; those who are driving may find themselves at a boom gate that chooses not to close or open at the appropriate time. Everybody in the community deserves answers about what on earth is happening with V/Line, with Metro Trains Melbourne and with public transport here in Victoria. V/Line of course — —

**Mr Herbert** interjected.

**Mr MORRIS** — I think it is important that we hear from everybody who has something to add to this. I am quite sure that the Attorney-General, Martin Pakula, who was the minister who began regional rail link, might like to add something to it as well. I am glad Minister Herbert is supporting having former public transport ministers, such as Martin Pakula, come along to our inquiry to ensure that we hear exactly what has happened with public transport here in Victoria.

**Mr Ondarchie** — He's the minister for defence at the moment.

**Mr MORRIS** — He is, absolutely, and he is not doing a very good job. V/Line of course has a CEO, or at least it had a CEO up until his resignation last month.

**Mr Finn** interjected.

**Mr MORRIS** — Our committee did hear from the acting CEO; Mr Finn, you are quite right. Mr Liddle did come before our committee yesterday. He is the acting CEO. I must say that Mr Liddle was very forthcoming with what he knew about V/Line. The only problem is that he has only been there for a week, but I do thank him for his contribution yesterday. There were

a lot of questions he could not answer, but I do not blame him, because he has only been there for a week.

**Mr Ondarchie** — The minister can't answer them.

**Mr MORRIS** — Mr Ondarchie, I would like to know whether or not the minister can answer these questions. We as a committee had to look at whether we need to call further witnesses. The committee obviously did choose to say that we do need to hear from further witnesses, and one of those people we decided to choose was the person who is ultimately responsible for public transport in this state. This minister would lead you to believe that she is not responsible for public transport in this state. She would point to the CEO of V/Line and say, 'No, it's all his fault', but the minister is ultimately responsible for the state that public transport is in in Victoria at this point in time. As a result of that, we want answers. The committee wants answers; the community wants answers. All those who use public transport in Victoria want answers. The minister should indeed make herself available to answer these questions.

**Mr Finn** interjected.

**Mr MORRIS** — I think she would want to as well. I am not sure if there is anything to hide — no, I would not suggest that, Mr Finn.

The minister, by way of media release, stated on 28 January that this advice from V/Line was wrong and that this unacceptable situation had caused the government to lose confidence in the leadership of V/Line. Now, that very line in a media release raises a lot of questions. Commuters want to know what this means. We heard yesterday during our hearing that V/Line was not sure what the cause of the wheel wear on the V/Locity trains was definitively, so I am wondering whether or not the CEO of V/Line could have known what the issue was, when V/Line itself — even now — does not know what the issue was. How could the CEO have possibly advised the minister what the cause of these issues was if we still do not know?

What advice did the CEO give the minister that was allegedly wrong? I did ask Mr Liddle yesterday about the advice that was given by the former CEO to the minister that was wrong, and Mr Liddle was unaware of what that information was. I did suggest that perhaps it was a hot topic around the water cooler at V/Line, but his suggestion was that he had not heard it, and I will certainly take him at his word. There is someone who does know — the Minister for Public Transport, Jacinta Allan. There are many, many questions that our committee has. There are many, many questions that

the community has, and indeed they deserve answers to those questions.

I have heard through the grapevine, and this has been echoed from the minister's office itself, that this request to have a minister come before our committee goes against a longstanding convention that ministers from the Legislative Assembly do not appear before upper house committees. This is entirely untrue — blatantly untrue. Indeed the most recent example of a minister from the Legislative Assembly appearing before an upper house committee was a few short years ago in 2007. This particular committee had seven members, and it is well represented by current members of this house, with President Atkinson, Mr Drum, Ms Hartland, Ms Lovell, Minister Mikakos and Minister Pulford. If they could cast their minds back to 2007, I am quite sure they would recall the minister from the Assembly appearing before their upper house committee. That set a very clear precedent.

This was on 6 December 2007, when Mr Tony Robinson, in his capacity as Minister for Consumer Affairs, was a minister in the Legislative Assembly. He appeared before an upper house committee to answer questions about the Liquor Control Reform Amendment Bill 2007. I might remind those members opposite that when this happened, the sky did not fall in. The minister came before the inquiry, he gave answers, he gave evidence and nothing was untoward. By way of further precedent, between 2003 and 2006 leave was granted for any minister from the Assembly to attend meetings of the Council's legislative committees if the minister thought it fit. So any minister from the Assembly could come before an upper house committee if they saw fit. This is another clear precedent that this can happen, and indeed it should happen.

We even have standing order 17.03, which deals with the attendance of Assembly members or officers. It states:

If the Council or a Council committee desires the attendance of a member or officer of the Assembly as a witness, a message will be sent to the Assembly requesting that leave be given to such member or officer to attend to give evidence in relation to the matters stated in such message.

There is clearly a case that this minister needs to answer questions. There is great concern in the community about the state of public transport here in Victoria. There is great concern amongst committee members about what is happening to our public transport system. Therefore it is critically important that we do hear from Jacinta Allan in her capacity as the Minister for Public Transport, and I urge members to support this motion.

**Ms HARTLAND** (Western Metropolitan) — I will be quite brief. The Greens do support the minister appearing at the committee, but I do want to make several points. I also believe that the former minister, Terry Mulder, should also appear, because this is not a problem that has occurred overnight. This is a problem that was created in the previous government. The Brumby government designed regional rail, but it was built under the previous government, and it should also be appearing before the inquiry to answer questions.

**Mr Ramsay** — What about Mr Pakula?

**Ms HARTLAND** — Yes, I would agree it would be good if Mr Pakula also attended, given he was also a transport minister during that time. I think we also need to look at the effects of the drastic funding cuts by the previous Liberal-National government to V/Line and see what effect that has had on this. On the issue of Mr Robinson appearing before the committee, I was on that committee and it was a legislation committee. It was to do with a particular piece of legislation; it was not a broad-ranging inquiry. I am not convinced that actually sets a precedent, and it would be good to ask for the President's ruling on that, because I do not know that you can talk about a precedent when it may not be a precedent.

I would also like to say that it was the Greens that requested that V/Line and other parties attend the hearing yesterday. And one of the reasons I did that was that I think it is very important for these committees to actually act in a way that gets to the bottom of the problem and not to be used for political pointscoring. I think in the last few weeks the committee has been used for political pointscoring, and that is not the way it should operate. I want the minister to appear in front of the committee so we can ask questions. I want the former minister, Mr Mulder, to appear in front of the committee so we can ask questions, and for the same reason former transport minister Mr Pakula should appear — because problems with rail and transport are generational; it is generational neglect, it is not one particular government that has gone wrong. The blame has to be put out evenly, but let us get beyond the blame, and let us figure out how we can actually fix this so that people in regional Victoria have a reliable V/Line service.

**Mr MULINO** (Eastern Victoria) — I want to state from the outset, with some disappointment, that I think Mr Morris has in this motion and in his contribution moved from his usual very constructive approach to solving issues and to moving forward to what I think is actually quite a non-constructive approach, which is quite frankly to misuse a committee to make it into a

political circus. I think the whole tone of this discussion is already making quite clear what it is that he is hoping to achieve in this, and that is why we will not be supporting this motion.

I want to dwell, to start with, on why it is important that we go back to the reason behind the two houses having independence from intervention by each other. This is an important principle in the functioning of both the government and the Parliament. Mr Morris referred to this in passing as a contrivance. Mr Morris said, 'I've heard of this principle that it is somehow important that the houses should not be able to compel each other', as if somehow it is some laughable antiquated notion from the 18th century — 'I have heard of this notion'. Well, why is it important? We have something called the separation of powers in our system of government. It is a longstanding principle. It is about the three arms of government being independent of each other and the two houses being independent of each other. Why do we have this? Well, it is about the balance of our political system. It is about the balance between the judiciary, the legislature and the executive and about the balance between the two houses. It is also about the independence of these different arms of government — these different arms of our political system.

For those opposite, I am sure if I went back into the deep dark mists of when they were in government — I would rather not, though, delve into those parts of *Hansard*; it is not a very edifying part of *Hansard* — I can imagine it would be very easy to pull up many quotes to show them supporting those longstanding principles. Now all that we hear from the opposition is Mr Morris referring to them in a very cavalier way as if they mean nothing. They mean a lot to the functioning of government, and I refer, as just one reference of many, to *Odgers' Australian Senate Practice*. This was stated by John Hatsell in 1818 — so we are talking about longstanding principles of effective executive government and effective practice between the two houses:

The leading principle ... between the two houses of Parliament, is ... that they shall be, in every respect, totally independent one of the other. From hence it is, that neither house can claim, much less exercise, any authority over a member of the other ...

It is true that one might in different political systems point to examples where ministers may have decided it makes sense to give evidence before committees, but the point is that that is where it makes sense — where it makes sense for good government and where it makes sense for accountability. The kind of circus we are talking about is not going to add anything to dealing with this issue in a constructive way. The first point that

we need to start with is this very longstanding and important principle that underpins our whole political system and our whole parliamentary system, and that is the context in which we start our examination of this issue. That is why it is important that we use existing methods of accountability and not set up or try to misuse this committee process as some kind of Star Chamber for some contrived political circus.

Now let us go to the issue of public transport, the issue that the opposition is claiming it would be useful for the minister to come and give evidence in relation to. If we look at the way in which members opposite apparently want to look at this issue in a constructive way, we have heard from the opposition contribution and also, I must say, from the Greens contribution that there is value seen in bringing the current minister and former public transport ministers Mulder and Pakula to the committee — as if this does not somehow become a kind of contrived blame game, when what the people in the electorate want is a solution. What the people want is a solution, not to go back into the dark mists of time, calling every living transport minister and any single person who might have any connection with V/Line throughout its history. That gives a clear indication as to what it is Mr Morris wants to use this committee for.

Saying that we need to go into the *Who's Who* and work out every single past minister who is living — I actually think if we go down that path, why not go to other jurisdictions? Why not start flying in ex-ministers of transport from other countries? We need to get all sorts of political figures, and that way we can start throwing dirt across the aisle and across jurisdictions. What the people want is not to go back into the dark mists of time and call every single living transport minister; what they want is to get expert evidence as to what the fix is and how we should proceed right now. What do we need to do to get this system over the problem of the lack of maintenance that we saw through the last term of government? It is pretty clear what the problem is and what the causes are. What we need to do now is focus our attention on the solution, not go back to people who might have been ministers years or decades ago as if that is going to add anything to where we need to go right now.

**Mr Finn** — She is the minister now.

**Mr MULINO** — I will take up that interjection, because what Mr Morris is saying is not to call the current minister; Mr Morris is saying we need to call the last three ministers at least. This is exactly what he is trying to do with this committee. He is trying to call ex-ministers going way back to periods of time that are totally not relevant to what the people of Victoria want,

which is to move forward right now in the best possible way. It is a complete misuse of this committee, and that is not what the people of Victoria want. If you asked the people of Victoria, 'Do you want this committee to start trawling through the dark mists of time, calling people for political Star Chamber treatment?', they would say, 'That is exactly what we don't want. We want the government, we want the Parliament, to be looking at the best solution', and that is exactly what the minister is focused on. That is exactly what the government is focused on.

Let us look at Mr Morris's rather skewed presentation when it comes to public transport issues. I must say it is rather rich for those opposite to claim to be somehow interested in public transport and be the champions of public transport. We just had an election which was a referendum, according to federal conservative leaders, on the east-west link versus public transport. This side of the house was on the side of public transport. The other side of the house was on the side of a road which had a business case with a benefit-cost ratio of less than 0.5. Somehow those on the other side of this house are now the champions of public transport.

*Honourable members interjecting.*

**Mr MULINO** — Acting President, they do not like to hear the truth. They do not like it one bit. Somehow now we are supposed to listen to those opposite on public transport, after they slashed V/Line funding, after they left us with a plan for V/Line which was for it to contract further. Their plan for V/Line was not exactly visionary. It was not exactly expansionary. The reason why we had this extremely narrow plan for V/Line was that they had all their eggs in one basket, the road basket — the bad project road basket. This is the crowd that we are apparently supposed to want to trust with this examination of the minister. Mr Morris is apparently going to be the expert who is going to delve down into how it is that we can fix V/Line, when he is going to be basically running this Star Chamber on behalf of a political outfit that is obsessed not with a holistic transport solution but with dodgy, road-obsessed public-private partnerships which have shocking benefit-cost ratios. That is the context.

We can look at public transport. We can look at the Melbourne Metro rail project, we can look at this government in this term and previous terms having invested massively in V/Line, we can look at this government's plan for how V/Line can cope with population growth going forward, we can look at a minister who is fixing this problem and we can look at a minister who is putting money into maintenance after maintenance funding had been slashed under the

previous government. Under the previous government everything was slashed except the east–west link. Now I think the people have spoken on that, and what we are going to see over the next four years is a government that is going to fix the mess, and we are well on the way to fixing the mess and then building beyond that.

I will conclude by saying the first step we need to start with in this debate is to reassert the importance of the independence of the two houses. I think through this motion it is a complete misuse of the committee process to start randomly naming ex-ministers and current ministers that we would like to call before a committee that the chair is clearly wanting to use as a political circus. That is the starting point. There is a well-established principle for that, and the reason is that government functions better when committees of houses are not used to call upon members of other houses and ex-ministers in such a way. What the people of Victoria want is for this problem to be fixed.

The final point I will make is that when you look at our plan going forward, when you look at the investment we have made in public transport, when you look at what those opposite actually did in the last term — stripping money out of public transport with no vision for public transport; their vision was for a road with a shocking process to lead to that road and a shocking business case — and when you look at what our vision is, the minister will be held accountable in the public forum and through other means and the public will see that she is fixing this problem, and it is not for Mr Morris to misuse his committee to otherwise test that. We oppose this motion. It is not the right way forward for dealing with this issue.

**Mr DRUM** (Northern Victoria) — That was an interesting contribution from the government as it sets about defending the indefensible at the moment. The motion that we are debating today requests that the Minister for Public Transport appear before a committee. It does not compel her, it does not order her, it simply requests that the minister be given leave by the Assembly to appear before a committee of the Parliament. This is nothing new, there is nothing untoward about this; it is something that happens as a matter of course with a range of committees. Quite often ministers are more than happy, and actually volunteer themselves, to appear before committees so that they can get all the facts on the table and make sure that their version of the truth is recorded accurately. Why you would make a big deal about a minister not wanting to appear before a committee is beyond me.

However, there is an overarching pattern that is emerging here, and that is that we have a minister in

Jacinta Allan who will simply not accept any responsibility for anything that is going wrong with the V/Line system at the moment. She wants to blame anybody and everybody without taking any responsibility herself. So she gets the opportunity — —

**Ms Shing** interjected.

**Mr DRUM** — Would you mind keeping quiet while I give my contribution? Then I will be quiet while you stand up, and that is a really good way to operate.

We need a minister who can stop blaming the previous state government, we need a minister who can stop blaming the executives and operators within V/Line, and we need a minister who can stop blaming the federal government — and they have brought up a new one today. Apparently there were all these funding cuts that happened under the coalition government, and I want to go straight to that one now.

In 2009–10, the last year of the Labor government, total funding for V/Line was \$476 million. In 2013–14, four years later — in the last full year of the coalition government — total V/Line funding was \$577 million. So over the four years of the coalition government there was a \$101 million increase in income to V/Line. That is a 21 per cent increase in funding. The government has now turned around and wants to start perpetrating what is just a lie. It is a lie if the government of the day wants to turn around and say that somehow or other there were funding cuts to V/Line when total revenue had gone up by 21 per cent over the four-year period of the coalition government. Let us just put that on the record. If there are other figures that government members want to read into *Hansard* that disprove what I have just said, then we on this side will be glad to sit back and hear those, and we will be looking for a reference for this government's claim that \$100 million was ripped out of V/Line, because what I am saying is there was a \$101 million increase in total funding for V/Line over the course of the coalition government.

The sheer fact is that Victorians just want a minister who is going to work hard, put her hand up and accept responsibility. The Minister for Public Transport has been in the job now for over 15 months, and she is effectively trying to turn around and tell Victorians that throughout the 15 months she was unaware that there was a problem with wear on wheels and that she found out about two weeks ago. The people of Victoria do not cop this rubbish. They do not believe that somebody can be in the position of Minister for Public Transport and that there can be a major problem emanating within the system, working within the system and wearing out

the wheels within the system and yet the minister does not know about it.

All of a sudden — when it got to a stage where it was simply unsafe to have these trains going about their daily work and they had to be taken off the services and off the tracks — the minister turned around and tried to tell Victorians, ‘I didn’t know there was a problem. I’ve been ambushed with this. I’m sorry. We didn’t put a maintenance program in place, and we didn’t have a systematic process of taking these trains off for everyday maintenance. We’ve been totally caught unawares, and I’m sorry, but you’re going to have to ride in buses now for six weeks’. I know the people of Bendigo do not like it and I know the people of the Gippsland region do not like it.

Mr Morris simply requests that the minister come before the committee, give her version and tell his committee what steps she is putting in place to make sure this sort of mess does not happen again.

**Mr ONDARCHIE** (Northern Metropolitan) — Thank you, Acting President, for the opportunity to support Mr Morris’s motion:

That this house requests that the Legislative Assembly grant leave to the Minister for Public Transport, the Honourable Jacinta Allan, MP, to appear before the Legislative Council Standing Committee on the Economy and Infrastructure to give evidence and answer questions in relation to the committee’s inquiry into infrastructure projects.

It seems to me that the apologists on the other side of the chamber are going to great lengths to provide cover for the minister. But I have to say, in addition to the wheels wearing out, the number of excuses from the minister are starting to wear out as well. I have to say it is about time the Andrews Labor government woke up, stopped celebrating and got on with the job of being the government, because all we get out of it is excuses, excuses, excuses.

Minister Allan told the Victorian people this will be solved very quickly. It seems, given the evidence provided at the committee hearing yesterday, that at the very least something will not be satisfied until 20 July this year. If that is the minister’s view of something happening very, very quickly, God help Victoria with any future project the government has planned. Minister Allan has gone underground — which is very interesting for the people of the south-east, because their railway line is not going underground; it is going 9 metres above their houses. And do you know what? They were not told about this.

I have to say to the Premier, Daniel Andrews, ‘When did you think that was ever going to work?’. The man

who stands before the people of Victoria and says, ‘Governments don’t have mandates until they take things to an election’, has done exactly the opposite, but that is Labor in a nutshell. Labor members say one thing in an election campaign and do something completely different when they are in government. This is a simple request. If Minister Allan could come out from her hiding spot and have a chat to the committee, which is there on behalf of the people of Victoria, it would be very pleased, as would the electors of Victoria.

What happens when there is a crisis? This government has bounced from one crisis to another. Who knows what tomorrow’s thought bubble will be from this government? As government members bounce from one crisis to another, what do they do? They go missing. When there are issues happening in Victoria, no-one can find the Premier, and in this case no-one can find the minister. What do we read in the press? We read in the press, ‘A spokesperson for the government says this’. Are there actually any ministers in the government or just a room full of spokespersons? I have to say, if it is too hot in that kitchen, maybe the ministers should get out, because the people of Victoria deserve better. They do not deserve to have people going missing. They expect responses from the people who are charged by the electors of Victoria, through the Crown, to be ministers of their portfolios.

Where is Jacinta Allan? Maybe we should be asking Victoria Police to put out an all-points bulletin for Jacinta Allan.

**Ms Hartland** — On a point of order, Acting President, I ask you to bring Mr Ondarchie back to the actual motion. It is not about government performance overall; it is about the minister attending the committee.

**Mr ONDARCHIE** — On the point of order, Acting President, I have been going 3 minutes. To be fair, I am just starting, and I will get to this motion, which I have touched on already, so I think the point of order is actually not relevant.

**The ACTING PRESIDENT (Ms Dunn)** — Order! There is no point of order. I think Mr Ondarchie is leading to the motion, and I do not think he has strayed at this point in time, so I would ask Mr Ondarchie to continue.

**Ms Shing** interjected.

**Mr ONDARCHIE** — I do pick up Ms Shing’s interjection about extending sitting hours. We are up for that, and we are happy to take that as Ms Shing’s motion at some point in the future to extend sitting

hours. We are more than happy to do that, and let us debate that at some point, shall we?

**Mr Finn** — All night!

**Mr ONDARCHIE** — Let us debate that all night. It is important that a minister charged with responsibility for the portfolio of public transport get before the economy and infrastructure — —

**Ms Shing** — This is serious Ondarchie now.

**Mr ONDARCHIE** — Following Mr Herbert's interjection how could you not be serious?

It is important that the minister fronts this committee and tells us what is going on. It is not an onerous request from Mr Morris. It is not a complex request. It is just, 'Turn up and tell the people of Victoria what is going on', because so far the minister has failed to tell us what is going on. She has failed. She told us in her first iteration, 'It will be solved very quickly'. Now, the executive who presented before the committee yesterday — there was an acting somebody and an acting someone and an acting someone else — —

**Mr Finn** — More actors than Hollywood.

**Mr ONDARCHIE** — More actors than the Academy Awards, as Mr Finn interjects. Nonetheless I think they were able to answer questions insofar as they were allowed to do so. So if we cannot get the answers we want from the bureaucrats, I ask the minister to turn up before this committee. It is not about giving myself, Mr Morris, Mr Finn, Ms Hartland, Ms Tierney, Mr Elasmarr and Mr Eideh — the members of the committee — the answers; this is on behalf of the people of Victoria. They want to know how they can get from their homes to work efficiently. They want to know when their services will be back online. They want to know, if they have got a replacement bus, 'What time will the bus turn up at my bus stop?'. Right now the V/Line timetable does not actually tell them what time the bus gets to their bus stop. It will be somewhere between this starting point and this finishing point — well, that is an advantage to people trying to go about their daily business!

But this is the disregard the Australian Labor Party has for the Victorian people — say anything, do anything, to get elected, then after that it does not matter anymore. As long as we can get elected, what happens after that does not matter anymore. The Labor Party has form on this time and time and time again. As we stand here today requesting the minister front a committee around economy and infrastructure I inform the Victorian people that today you have paid \$1.8 million

for a desalination plant that you have not used, and you are paying it every day — a bit of infrastructure that sits rusting away down on the coastline of Victoria, \$1.8 million every single day. We are not drawing water out of this thing, and quite frankly I do not think the minister who is responsible for that desalination plant knows what to do with it.

This is a simple request concerning the infrastructure project that sits before us at the moment — the so-called sky rail, which will be hung from the clouds 9 metres above people's homes in what the artist's impressions say will give back 11 MCGs worth of beautiful land and playgrounds. That is really interesting, because I have seen some of the overhead structures that exist in Melbourne right now and there are other things being played under those railway lines. They are not fun and games for the kids, I will tell you that now. So we are saying to the minister: in addition to the skyhook train — we are living in the 70s — there must be better ways that we can sell this message. We want the minister to come before the committee and tell us the facts.

We would like to hear more about the Melbourne Metro rail project, which is going underground. Underground is very important, she tells us, in the Metro rail project — unless you live in the south-east, unless you live in Oakleigh, then underground is not so important. I wonder what the member for Oakleigh has to say about that as he stands up and says that the sky rail is a good thing. I tell you what: I would be making plans for post-2018 if I was him. I would be making plans, because the people are speaking. The people are speaking to the government and saying, 'This is not good enough'. The only person who is not speaking is the minister, and we want her to come before this committee and speak to the people of Victoria. This is a very — —

**The PRESIDENT** — Order! In accordance with sessional orders, this is an appropriate time to break for question time.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Jumps racing

**Mr PURCELL** (Western Victoria) — My question is directed to the Minister for Training and Skills in his capacity representing the Minister for Racing. The South Australian government has recently established a Select Committee on Jumps Racing to determine stakeholder views regarding the matter. I was very

happy to be one of 15 people to make submissions to the inquiry. My submission was in support of jumps racing and included the economic impact of jumps racing, the significantly improved safety record and the strong growth for the industry, including jobs growth. Horseracing is a critical part of country values. My question is: will the minister support this important industry and meet the South Australian Minister for Racing to lobby to ensure jumps racing remains in both Victoria and South Australia?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr Purcell for his question. I think it is the first question I have had as the racing representative minister in this chamber. Can I just say that, like me, Mr Purcell is certainly a person who loves the sport of horseracing — these great creatures who run around superfast on these tiny pins. It is a great industry, and it is one that is important to this state. It is an industry that is loved by everyone, whether it be people such as Mr Purcell, who goes to country race meetings, or people who own a small share in a racehorse — I have just got a small share in a Jet Spur filly, which I am very hopeful for — or people who just go and watch the races because they love the sport. It is an important revenue raiser, an important part of country life and an important part of our economy.

But everybody who loves horseracing also has their heart skip a beat when they see a horse falter and have to be put down. It is a horrendous thing. It is often a spectacle in front of a large crowd, and it is very emotive and very sad to see. It has been and probably will be a part of the general racing industry, but it is a thing that you can minimise with better training, better techniques and better management.

On the issue of jumps racing, as I say, it is an emotive issue and there are different viewpoints on this, but we have seen in the last few years a reduction in the number of incidents where horses falter and have to be put down — those horrendous incidents. Warrnambool of course, in Mr Purcell's electorate, is the centre of jumps racing in Victoria. It is an important part of the local community, and the measures that have been put in place there in terms of much better skills and training both for horses and for jockeys and changes to the location of jumps and the types of jumps they go over have seen quite a marked increase in safety there and in jumps racing across Victoria.

I think it is important to put on the record that you can improve safety with better techniques and better training. You can get to something like what is happening in Europe, where we see jumps racing as a major part of the racing industry on tracks that have not

had the sort of horrendous record that some of our tracks have here, and I commend that.

On the question about whether the minister will meet with the South Australian minister, it is not for me to say, but I will inquire of the racing minister whether he would be prepared to meet with the South Australian minister and see what joint approaches we could have.

*Supplementary question*

**Mr PURCELL** (Western Victoria) — I thank the minister for the response. Considering the importance of having a strong jumps racing industry in South Australia to complement the Victorian industry, will the minister undertake an economic impact assessment of the jumps racing industry in Victoria to understand the true economic value of the industry to this state?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for his supplementary question. I will refer that request to the racing minister also. It is possible that an economic impact statement has been done. A former Premier and racing minister was also a Warrnambool person, so he may have done that. Previous governments may have done that economic impact assessment, but I will inquire as to whether it has been done and, if it has not been done, whether it will be done and whether we will have coordination with South Australia, and I will get back to the member.

**Regional and rural kindergartens**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Minister for Families and Children. In November Premier Daniel Andrews travelled to Birchip and told this community, and I quote, 'Free kinder, so no kinder fees for anyone sending their kids to kinder over those 10 local government areas'. Can the minister confirm for the house that kindergarten is free for all kids in these 10 local government areas, as the Premier promised?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question, and I certainly welcome the coalition's interest in early childhood education, because the Andrews Labor government is absolutely committed to making sure that Victorian children get the best start to their lives. We want to ensure that children in all parts of the state have access to kindergarten, whether they are drought-affected children or Aboriginal children, as I was referring to in my ministers statement this morning, or children facing other aspects of disadvantage.

We take the view that it is important that we do support families in our drought-affected communities, and the member is correct that the government has made a commitment in respect of 10 local government areas in south-western and north-western Victoria that are experiencing particularly dry conditions at the moment. We are providing some assistance for kindergartens themselves in respect of provision of kindergarten services in those drought-affected areas as well as for families themselves. I stand by the Premier's statement in relation to this, and we are absolutely committed to making sure that children in drought-affected communities get access to kindergarten.

Can I also point out that our government is absolutely committed to our rural communities, because it has gone further than just drought-affected areas. Late last year I also made an announcement in relation to funding for small rural kinders. I said at the time that we were investing \$500 000 in additional support for the state's smallest rural kinders, and we have provided a funding model which addresses the fluctuating enrolments faced by our small kindergartens. For example, in a kindergarten with only, say, two children, under the coalition's previous funding model it would have received just over \$32 000 in funding and under our new funding model it will receive more than \$67 000 in funding.

Despite the Assembly member for Ripon running around and putting out all sorts of nonsense in her electorate around funding for small rural kindergartens, I can assure the member that when it comes to this government it is absolutely committed to ensuring that children of families in our rural communities and in drought-affected communities get access to kindergarten.

**Ms Lovell** — On a point of order, President, the question was specifically about the free kindergarten for children in the area; it was not about the support for small rural kindergartens, which was introduced by the coalition. I would suggest the member is straying from the question, and perhaps with the 1 minute that she has left out of her 4 minutes to answer she might actually answer the question.

**The PRESIDENT** — Order! I think the minister felt that she had concluded her answer in respect of the question that was asked.

**Ms Lovell** — She didn't answer it.

**The PRESIDENT** — It may will be the case that it is not to the satisfaction of the opposition, but I think that is where she was, and she has gone on to elaborate

on some other programs that she believes provide some further context to support for kindergartens. Does the minister wish to continue with her response?

**Ms MIKAKOS** — I am happy, given Ms Lovell's interjection in this matter, to make the point that we are hearing from the failed former minister, who did nothing to implement the new ratios that have started this year — something that we have had to put in place — —

**Ms Lovell** — On a point of order, President, this is a minister who is not fulfilling her role as a minister. She is failing in her ministry, and she should not just attack — —

**The PRESIDENT** — Order! I am not going to entertain a situation where people sling mud at one another across the chamber. That is not what happens in this house. The minister was provocative in describing Ms Lovell in a way that was most uncharitable; Ms Lovell's comeback was also not what I would expect in this house. I ask both members to back off. Let us debate the ideas; let us not reflect on the people. The minister has concluded.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — The minister did say she stands by the Premier's statement, so I take that as the answer that kindergarten is free for anyone sending their kids to kinder, which was the Premier's statement. My question is: why then does the minister's own fact sheet from the department, tweeted just a couple of moments ago by Minister Pulford, include the eligibility requirements — not that anyone can get it — and in addition, why are some Wimmera-Mallee parents not getting free kinder and why, when they contacted the Premier's office about the Premier's free kinder promise, were they told it was never meant to be that?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. Just to be clear here, the Premier is absolutely correct in this matter. As the member would be aware, kindergartens right across Victoria only just reopened last week, and my department is in the process of writing to kinders this week to provide them with additional information in relation to how this new assistance for our drought-affected communities is going to operate. We are a government that is absolutely committed to ensuring that drought-affected communities are supported. In addition we have gone further. As I have explained, we have provided additional funding on top of the commitment that we

made to drought-affected areas. Small rural kinders are getting additional support, so the member for Ripon needs to stop running her scare campaign.

**Duck season**

**Mr YOUNG** (Northern Victoria) — My question today is to the Minister for Agriculture. Each year hunters pay well in advance of the season for a game permit to hunt ducks. This is very similar to a fishing licence. There is a relatively transparent way in which revenue raised from fishing licences is spent, with much of it going back to improving fishing opportunities. I ask: how is the money raised from game licences used to benefit the hunting community?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question and his interest in these matters. Mr Young is correct: there is a different arrangement in terms of how directly the revenue that comes to government from licences is apportioned. In relation to the recreational fishing licences (RFLs), it is very direct; it goes into a trust fund that is used to provide benefit for recreational fishers. It is worth nothing that there was a bit of sneaky cost shifting done by the former government in the allocation of funds from the RFLs, which is among many things that we are seeking to fix in order to return a better balance in the use of that money for recreational fishers. Mr Young’s question was rather specifically on whether or not there is a trust fund arrangement that is equivalent to that for game licences. I can advise him that there is not.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for her answer; that is very helpful. During past duck seasons which have been cancelled hunters have been refunded their game permit fees. Given that this season more than half of the opportunities for hunters to harvest duck have been removed, will the government be refunding 60 per cent of game permits already paid by Victorians?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his supplementary question. The revenues that come to government from hunters licence fees do come, whilst not in the same direct way that they do with the recreational fishing licences and the Recreational Fishing Licence Trust, to government and indirectly support the funding for the Game Management Authority and indeed a number of land management activities that are undertaken by the Department of Environment, Land, Water and Planning (DELWP) or in partnership with DELWP, so funding is

of an indirect nature. I would make the observation that the Game Management Authority budget is in the order of \$4.8 million a year. Whilst I appreciate that many of Victoria’s duck hunters are disappointed about the arrangements that we have announced for this season, we will not be making partial refunds this year, but I thank Mr Young for asking.

**Board appointments**

**Ms HARTLAND** (Western Metropolitan) — My question today is to Mr Jennings. Last year I asked Mr Jennings a question about a joint sitting to appoint MPs to the Victorian Health Promotion Foundation board, which has now not had any MPs on the board for some 14 months. My question is: when will a joint sitting be called to resolve the issue of MPs on the VicHealth and the Victorian Responsible Gambling Foundation boards?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Hartland for her question and her concern about these matters. I have not forgotten or ignored her request of me on behalf of the government to resolve this matter. I have ensured that the responsible ministers — the Minister for Health and the Minister for Consumer Affairs, Gaming and Liquor Regulation — are aware of the expectation of the Parliament for these matters to come before the Parliament, and I know that they have both considered within their responsibilities the way in which that should proceed. I am hoping that they find a pathway so that I can confirm to the house the timing of when that sitting will occur.

*Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — Should I then write again to both of those ministers asking when the joint sitting will occur? I have in the past and was told that it was out of their hands. I am happy to supply that correspondence, but is the suggestion that that is what I should be doing next?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Hartland. I would not want to impinge upon her right to correspond with any of my colleagues. She can make that judgement call herself. I appreciate the difficulty that may place her in — getting alternative pieces of advice. I will try to reconcile those alternative pieces of advice if Ms Hartland chooses to correspond with them again.

**Ombudsman jurisdiction**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Leader of the Government. In question time yesterday the minister stated that he was not the person that sought legal advice about the Ombudsman’s jurisdiction. I therefore ask: who did commission the legal advice that the minister has relied upon?

**Mr JENNINGS** (Special Minister of State) — I am informed that the advice of the solicitor-general was at the request of the Department of Premier and Cabinet.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his response. For what reason did the Department of Premier and Cabinet seek to have that advice commissioned from the solicitor-general?

**Mr JENNINGS** (Special Minister of State) — It is almost what you would expect a public service in Victoria to ensure — that when relevant matters in relation to parliamentary procedures or the business of Parliament are considered by the government or indeed the Parliament, the department would seek advice so that it provides the most timely and appropriate advice to the executive, and I believe that is the pathway that procured this advice.

**Ombudsman jurisdiction**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is again to the Leader of the Government. In December the minister sent a letter to the Ombudsman disputing her jurisdiction to investigate the Labor staffing rorts matter. Did the minister discuss that matter with the Premier or anyone in the Premier’s office before it was sent, and if so, who?

**Mr JENNINGS** (Special Minister of State) — I would think that Mr Rich-Phillips is on what he might think to be a potential vein of response from me in relation to intrigue. I exercise my ministerial responsibility in accordance with the advice that I obtain from the department. I consult with my colleagues on a regular basis, and I do not necessarily — unless I choose to in the interests of public interest — convey that. I do not believe that in this instance, apart from my complying with my ministerial responsibility, which I exercised freely of my own will on the basis of the best advice that was available to me, I exercised it.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his response. Did the minister consult with any of his colleagues outside the cabinet?

**Mr JENNINGS** (Special Minister of State) — No.

**Vocational education and training**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Training and Skills. I refer to new guidelines issued by the Victorian Registration and Qualifications Authority (VRQA), which require vocational education and training (VET) providers to demonstrate that they have sufficient working capital to operate for six months without tuition fees. Does this requirement apply to both TAFEs and registered training organisations (RTOs)?

**Mr HERBERT** (Minister for Training and Skills) — I assume the question is for the VRQA as opposed to the Victorian government training contracts. I am not aware the VRQA has that new requirement, but I will ask it — as opposed to the new contract requirements.

*Supplementary question*

**Mr DRUM** (Northern Victoria) — Has the minister received any advice as to whether the RTO Australian Careers Network (ACN) established by Bruce Mackenzie would meet this criterion?

**Mr HERBERT** (Minister for Training and Skills) — The Australian Careers Network — I am not sure it was established by Mr Mackenzie. He was, some time ago, on the board of it, which he resigned from, as I understand it. The Australian Careers Network of course has been the subject of a number of actions, including a number of its companies. It has a range of companies. Some of them had Victorian government contracts, others are part of that shambolic and what I would call corrupt VET FEE-HELP scheme. I am aware that in 2015, for instance, the Australian Skills Quality Authority — the federal regulator — cancelled the contract of the Phoenix Institute. Phoenix is appealing that. The Australian Competition and Consumer Commission and the commonwealth department have issued federal court proceedings in regard to Phoenix. There are some 20 000 students affected. Phoenix held a Victorian government guaranteed contract in 2014, under the previous government of course. It does not hold one now, and it has about 20 continuing students — —

**Mr Drum** — On a point of order, President, the question is specifically about ACN. The question has nothing to do with Phoenix, so I just bring the minister back to ACN — a specific registered training organisation.

**Mr HERBERT** — On the point of order, the Australian Careers Network per se is a company that owns a range of training companies and it operates under those training companies, so you cannot really talk about ACN, a listed company, without talking about the companies it owns, because regulatory action which applies to ACN applies to those companies, if that makes it clear.

**The PRESIDENT** — Order! I think in the context of the question that has been put and the complexity of this matter, the minister's response to the question is fair enough, but he is out of time.

### Vocational education and training

**Mr DRUM** (Northern Victoria) — My question is again to the Minister for Training and Skills, and I refer to the Australian Competition and Consumer Commission's findings that the conduct of the Phoenix Institute has been unconscionable and has misled and deceived students. Given that Mr Mackenzie was one of the original directors of Phoenix's parent company, Australian Careers Network, and was instrumental in the purchase of the Phoenix Institute, has the minister sought an explanation from Mr Mackenzie about his role in these matters?

**Mr HERBERT** (Minister for Training and Skills) — Firstly, there are a number of allegations there about being instrumental in purchasing companies, whether they be Heron Assessment, which has lost its departmental contract; Cove Training, which has not been offered a contract this year; or Consider This Training, which had its contract terminated in June last year. These are all actions taken under this government and under its crackdown on quality, I must say. There are of course legal issues going on. There are still 1690 students affected who have been offered a transfer to another course.

In regard to Mr Mackenzie, it is very easy to stand up in this place and cast aspersions on people who are held in very high regard in the industry, who are spokespeople for the industry and quite frankly who I have a lot of faith in and who did an excellent review of the shambolic training system we inherited and what needs to happen. In regard to Mr Mackenzie's former position on the board —

**Ms Wooldridge** interjected.

**Mr HERBERT** — I have no idea whether he had decisions in regard to some of these companies that have either been deregistered at national level or lost contracts at a state level. I have not asked him, quite frankly, about them because my dealings with him have been in regard to ways we can fix up the training system, and he has provided an excellent report with 109 recommendations, which we are in the process of implementing.

### *Supplementary question*

**Mr DRUM** (Northern Victoria) — I thank the minister for that answer. Given Mr Mackenzie's role in ACN and the Auditor-General's finding that under Mr Mackenzie's leadership Holmesglen TAFE put public money at risk, did the minister seek any advice from the public sector commissioner before appointing Mr Mackenzie to lead the government's review of vocational education and training in Victoria?

**Mr HERBERT** (Minister for Training and Skills) — I am not sure that the report Mr Drum is referring to said 'under Mr Mackenzie's leadership'. I think he has drawn a bit of a long bow there, but I am happy to look at that. I think Mr Drum is drawing a bow there that is not in that report, quite frankly. Mr Mackenzie has a high reputation. There was an issue, I recall, under the previous government when he was the head of Holmesglen — the most reputable TAFE in this country, acknowledged by all, and it continues to be a highly successful Victorian TAFE despite the funding cuts of the previous government — where Holmesglen sought to purchase a company. Of course I certainly opposed it back then, and I think in the end the minister, after going through the Department of Treasury and Finance advice, did not support it either.

I have enormous faith in Mr Mackenzie. He has done an excellent report which has been acknowledged by both the private and the public sectors as a road map forward, and the government is reviewing that report.

### Level crossings

**Mrs PEULICH** (South Eastern Metropolitan) — My question is to the Leader of the Government, and I ask: given that trains along the Pakenham line will be running during the day and occupational health and safety is likely to prevent construction above while trains are running, will the minister confirm that the majority of structural construction for sky rail will take place during the evening and overnight?

**Mr JENNINGS** (Special Minister of State) — I thank Mrs Peulich for her question. In terms of the way in which the project will be managed, one thing I can say confidently is that the virtue of the project that has been described will be that the train system will, by and large, be able to run close to normal during the construction phase. We actually believe that that is a positive in terms of the way in which this project will be managed.

In terms of the details about when the construction may occur — above, around and throughout the sequence of the working week — and the way in which it may be carried out in a way which causes minimum disruption in terms of commuters, road users and the community, that is something that will be the responsibility of my colleague the Minister for Public Transport and those who work on her behalf in relation to these projects. Any detailed answer in relation to the logistics associated with that project management I will have to refer on for her response.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — I would have thought that as a local member of Parliament the minister may have been able to shed some light on it as well, but my supplementary question may also require a more detailed response from the minister. The supplementary question goes to the advice the government has received on noise impacts on the south-east community while the construction is taking place. In actual fact, what advice has been received and does that modelling take into account overnight construction?

**Mr JENNINGS** (Special Minister of State) — I certainly know that there can be disruption caused to neighbourhoods from very simple projects, let alone complex projects. As a resident of St Kilda I was adversely affected for two years by what seemed to be one simple five-storey construction on the other side of the road from my dwelling, and I know that a relatively small project can cause much disruption. Here we are talking about a much more significant project, I understand, so the potential for disruption exists. Our challenge will be to try to mitigate it and work through the local communities to minimise their degree of disruption. I am certain that that will be the approach taken by those managing this project. On the details of this matter the Minister for Public Transport and her agencies will provide advice to the member and to the community, I am certain, about the way in which that work will be undertaken.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — There are 67 written answers to the following questions on notice: 2251–8, 2516, 2530, 4007, 4299, 4590–645.

**Mr Morris** — On a point of order, President, with regard to questions on notice that have gone unanswered and are past the 30-day mark, I believe now is the correct time to raise a point of order. On questions 4269 through to 4294, which were directed to the Minister for Public Transport through the Minister for Agriculture, I have yet to receive any response, and I seek an explanation as to why.

**The PRESIDENT** — Order! Can I also just check: has the member recently asked the minister's office about those questions?

**Mr Morris** — No, I have not.

**The PRESIDENT** — Order! I am advised by the Clerk that these questions probably go back to November, so they certainly are overdue, in that sense, as responses. I will call on Ms Pulford, but the protocol that we use in the house is that if a member has an overdue question, then in the first instance they advise the minister's office. Sometimes if it has been overlooked or such like, the ministers will ensure that an answer is provided fairly quickly, but yes, at times the matter can, and perhaps should, be raised in the Parliament.

**Ms PULFORD** (Minister for Agriculture) — I undertake to follow that matter up for Mr Morris.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! In relation to questions today, in respect of Mr Purcell's question to Mr Herbert about the possibility of an economic study of the contribution of the racing industry, I would ask for a written response on that. A response from the actual Minister for Racing would be appropriate, so that is within two days.

In respect of Ms Wooldridge's question to Ms Mikakos about whether or not there was free kindergarten provided in the region she referred to, it was of concern to me that there perhaps was some conflicting information, and that might well have been about supporting opposition positions, but I certainly think that there is some value in a clarification of what the

situation is in terms of the assistance packages that the kindergartens are to be advised of and the eligibility for any support under those packages, as well as the question of whether the Premier on a previous occasion did indicate that it would be free education in this region and if that has been achieved. So to that extent I would ask for a written response on the substantive and supplementary questions together, and that will be within one day.

In regard to Mr Rich-Phillip's question 3 to Mr Jennings, on whether the letter to the Ombudsman disputing her jurisdiction about the investigation had been discussed with the Premier or anyone in the Premier's office before it was sent, I would request a written response to that. It occurred to me that the minister's response to that substantive question was quite different to his response to whether anybody outside the cabinet — any other members of the parliamentary party — had been spoken to in regard to those matters, and that was a definitive no. So I would request a response in respect of the substantive answer to Mr Rich-Phillip's question 3, and that will be one day.

In regard to Mr Drum's first question to Minister Herbert on the guidelines, I was not quite sure how the minister answered that question. I felt that he was saying maybe he would check for some further information on that.

**Mr Herbert** — No, I do not think so. Perhaps the President could read the question again.

**The PRESIDENT** — Order! The question referred to new guidelines issued by the Victorian Registration and Qualifications Authority which require vocational education and training providers to demonstrate that they have sufficient working capital to operate for six months without tuition fees and whether this requirement applies to both TAFEs and registered training organisations.

**Mr Herbert** — I did say I will check the Victorian Registration and Qualifications Authority (VRQA) because I am not sure that we are talking about the VRQA as opposed to the department.

**The PRESIDENT** — Order! Yes, that is what I thought the minister said. So in that context I would ask for a written response on that matter and also on the supplementary question as to whether or not then the Australian Careers Network would meet that criterion.

**Mr Herbert** — I am not sure we fund them, but anyway I will try to do that.

**The PRESIDENT** — Order! On both of those, which are question 4 and the supplementary, could we have a written response.

### Vocational education and training

**The PRESIDENT** — Order! Regarding Mr Drum's supplementary question about whether any advice was sought from the public sector integrity commissioner before appointing Mr Mackenzie to lead the government review, perhaps we could also have an answer on that.

**Mr HERBERT** (Minister for Training and Skills) — There was not. It was an election commitment, and we announced it when we made it.

**The PRESIDENT** — Order! Then I think that is discharged as an answer, thank you, provided Hansard has picked up that that is a response.

### Written responses

**The PRESIDENT** — Order! Minister Jennings has indicated that the matters raised by Mrs Peulich will be referred to the Minister for Public Transport. That is a two-day position — both of them, substantive and supplementary.

## CONSTITUENCY QUESTIONS

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) — My constituency question is to the Minister for Planning. A constituent has raised concerns that the Andrews government by stealth is to review the planning zones implemented in 2014 as a result of the C300 amendment that protects the amenity and character of neighbourhoods. A state of play report has been released by the Department of Environment, Land, Water and Planning. A task force committee made up of planners, not community representatives, is reviewing the distribution of zones as appointed by the City of Greater Geelong.

There is a fear that neighbourhood areas like Geelong West and Newtown might be rezoned as general growth zones, which would allow greater height density, from two storeys to 13 metres. I ask the minister if she can confirm if it is the government's intention to turn neighbourhood-zoned suburbs like Highton, Newtown and Geelong West into high-density development growth zones that will ruin the character and amenity of those communities who enjoy the protection of the neighbourhood zone.

### Western Metropolitan Region

**Mr EIDEH** (Western Metropolitan) — My constituency question is addressed to the Treasurer, the Honourable Tim Pallas. Last year was a big year for my electorate of Western Metropolitan Region due to the numerous infrastructure commitments that we were promised. I ask: can the Treasurer update me about the progress being made on delivering these significant infrastructure projects?

### Northern Victoria Region

**Mr DRUM** (Northern Victoria) — My constituency question is to Minister Pulford in her role as Minister for Agriculture. I was recently in the small Victorian township of Corryong and was talking to people who run the Man From Snowy River Bush Festival, which is coming up in about a month's time. One of the events at the festival is about putting a rope around a brumby's neck whilst on horseback. This has been classed as a pastime that should be part of a rodeo. This would force the organisers of the Man From Snowy River Bush Festival to go and register themselves as a rodeo, which is very cumbersome. It relies on another company taking on board all the responsibilities that the organisers have absolutely no control over. This is a bureaucratic issue that needs to be sorted by granting the Man From Snowy River Bush Festival organisers an exemption from the need to operate as a rodeo. Clearly it is not. I hope the minister can do something about this.

### Western Victoria Region

**Ms TIERNEY** (Western Victoria) — My constituency question is for the Minister for Education in relation to the school breakfast clubs program. I am very pleased that the minister has seen fit to provide funding for breakfast clubs in 36 schools across my electorate of Western Victoria Region. I understand it is a \$13.7 million program. I believe this will improve the prospects of a number of students in my electorate. I know that one in seven Victorian schoolchildren go to school hungry or without anything in their tummies. I ask the minister whether he is going to extend that program to other schools in my electorate and if so, when that will happen and when those schools will know.

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — My constituency question relates to the government's sky rail proposal or plan and is for the attention of the Minister for Public Transport. It concerns the Monash,

Glen Eira and Dandenong councils in particular. This massive sky rail proposal, with up to 9 kilometres of raised railway line massively impacting on the area, will lead to noise, deafening impacts and in effect a huge graffiti board that will see the area turned into a massive eyesore.

My question today relates to the impact on those councils and whether the state government will compensate them for the maintenance in full in perpetuity, including the cleaning of graffiti. Massive costs will be involved in trying to stop graffiti in these areas. Is this just another cost-shifting exercise by the government, or will there be full compensation?

### Western Victoria Region

**Mr PURCELL** (Western Victoria) — My constituency question is directed to the Minister for Environment, Climate Change and Water. Koroit is a small town in western Victoria. Many other towns in western Victoria are under siege from a corella plague. We have had numerous ongoing complaints from residents about the impact of corellas, which decimate trees and swoop and scare animals and humans alike. Christina from Koroit tells me that the corellas defecate on fruit trees, gardens, driveways, footpaths and homes, and also on her washing. They are also damaging sports grounds, golf courses and public parks. The corellas move in gangs and make excessive noise at all hours of the day and night. My question is: does the Minister for Environment, Climate Change and Water have a statewide strategy to deal with the corella pest?

### South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the Special Minister of State, who is representing the Premier in this house. I have come into possession of a letter addressed to all Vietnamese Labor Party members and the Vietnamese community in the south-east. It is in Vietnamese, so I have a rough translation of it. It cynically calls on members of the Vietnamese community to join the Labor Party simply to stack numbers to secure a preselection in the area.

The reason I am raising this as a constituency question is that it was written on a council letterhead, which is in my possession, by a councillor in the Lightwood ward. I call on the Premier to investigate and explain as to what action can be taken to make sure that members of our multicultural communities are not so cynically used and that members of the Labor Party do not misuse council resources in that effort.

**An honourable member** — A serious matter.

**The PRESIDENT** — Order! It is not really. The point as Mrs Peulich has raised it is, I think, extraordinarily tenuous as far as a matter going to the minister the member has suggested. It certainly occurs to me — and I heard this by way of interjection — that this is really an adjournment item rather than a constituency question. So I would invite Mrs Peulich to perhaps raise this matter as an adjournment item and to consider fairly carefully what action is sought in that respect.

### Northern Metropolitan Region

**Ms PATTEN** (Northern Metropolitan) — My question is for the Minister for Agriculture, the Honourable Jaala Pulford. I visited the Lost Dogs Home in my electorate the other month. To my surprise I found that it cares for over 31 000 dogs and cats every year and is in fact Australia's largest animal shelter. The shelter has expressed concerns about the lack of access to affordable cat desexing and is looking for funds for a mobile cat desexing van, which would work with councils and provide a subsidised service throughout the Northern Metropolitan Region to allow for cat desexing. My question is: would the minister consider a modest proposal to fund this initiative?

### Western Metropolitan Region

**Mr MELHEM** (Western Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade, the Honourable Philip Dalidakis, and is related to the activities of Small Business Victoria in my electorate of Western Metropolitan Region. I note that small business operators in the west, specifically in the Braybrook, Altona North, Seddon and Newport areas, will be able to access free mentoring, support and government business services when the Small Business Bus visits later this month. Other than the Small Business Bus, can the minister advise me how businesses in the west can get further support through Small Business Victoria for their business needs?

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is to the Minister for Education. It follows the news very late last year that asbestos had been discovered at Footscray Primary School; in fact it seems that children may have been playing in asbestos at Footscray Primary School. This is clearly a very serious situation. The safety of children attending state schools must surely be the minister's paramount

responsibility. My very great concern is that he has failed in his responsibility in this regard. Will the minister guarantee that this appalling situation at Footscray will not be repeated at any other school in Melbourne's west?

## QUESTIONS WITHOUT NOTICE

### Board appointments

**The PRESIDENT** — Order! I just want to make one very short comment in respect of the question without notice Ms Hartland raised on joint sittings. I noted the minister's answer and certainly do not wish to contradict the minister as such. However, I indicate in regard to the supplementary question, where Ms Hartland sought guidance as to whether or not she should write to the Minister for Health and the Minister for Consumer Affairs, Gaming and Liquor Regulation in respect of bringing on that joint sitting, that in fact both those ministers provided letters to this house seeking a joint sitting, so I am not of the view that they are the ones who actually have to bring on the sitting. On behalf of the government they recognised that those appointments were due; indeed, as Ms Hartland would certainly put to the house now, they are overdue — quite a deal overdue. In my view those ministers are not responsible for bringing on the joint sitting.

Ms Hartland approached me last week in the context of my role as President and my being a party to arrangements for joint sittings to inquire whether there had been any progress, and at that point I indicated to Mr Jennings that this was still a matter of concern. I am not sure what the hold-up is; I would have thought that at this point in time we could proceed to a joint sitting quite easily. If there is some uncertainty around who the nominees should be for those positions, I would hope that that might be resolved between the parties fairly quickly. I would again indicate to Ms Hartland that I will take up this matter again and seek to have that joint sitting at the earliest convenience. In doing so obviously I will be liaising with the Leader of the Government in this house.

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Minister for Public Transport

**Debate resumed.**

**Mr ONDARCHIE** (Northern Metropolitan) — I continue my contribution in relation to Mr Morris's motion which requests that the public transport minister, Jacinta Allan, attend the Standing Committee

on Economy and Infrastructure to provide evidence and answer questions in relation to its inquiry into infrastructure projects. One of the reasons we need to do that is the Victorian people are just not getting any answers. It is not just me that thinks that, and it is not just members of the committee that think that.

I refer to an article in the *Herald Sun* of 29 January headed 'Labor MPs critical of Public Transport Minister Jacinta Allan as V/Line crisis drags on'. It reports:

... Labor MPs have told the *Herald Sun* that there is a growing anger against Ms Allan, including over the regional rail link, the implementation of which has been described by one of her colleagues as 'an absolute disaster'.

**Mr Morris** — Are these Liberal or Labor?

**Mr ONDARCHIE** — These are Labor MPs, Mr Morris, that were involved in an emergency phone hook-up with the public transport minister, Jacinta Allan, and then Acting Premier James Merlino. One Labor MP said there was screaming down the line during this emergency phone hook-up. Another senior Labor MP said:

There is a lot of anger towards Jacinta ...

She's ignored this for months; she has treated people badly for years.

The state government still of course has no idea when this issue will be fixed.

On that phone hook-up there were lots of complaints by Labor MPs after months of emails about the delays and about overcrowding on trains. One said the message has been sent loud and clear. Another said a letter to the minister had gone unanswered for several months. Yet another said Ms Allan had too much to deal with, including the level crossings, the \$11 billion Melbourne Metro rail project and the employment portfolio. For those very reasons —

**Mr Herbert** — On a point of order, President, Mr Ondarchie, in his zeal for this topic, did not quote the *Herald Sun* but said, 'A number of MPs said this'. I do not know where he is getting the basis for that from. Did he make it up? He was not on the phone hook-up. In terms of accuracy, how could he quote it? He is misleading the house.

**Mr Finn** — On the point of order, President, that clearly was not a point of order. That was a point of debate, and I would suggest to you most respectfully that if Mr Herbert wishes to make that point, he should rise in his place and seek the call.

**The PRESIDENT** — Order! I concur with Mr Finn's view on this occasion that in fact it is a matter of debate rather than a point of order. In other words, the proceedings have not been in any way offended. It is a matter of contention that can be pursued by way of debate, so I do not uphold the point of order. Mr Ondarchie is to continue.

**Mr ONDARCHIE** — It is interesting that those opposite do not seek to hear information that was reported in the paper when they are the ones who use it regularly to make commentary.

**Mr Herbert** — Maybe I was on the phone hook-up. You wouldn't know, because you weren't on it.

**Mr ONDARCHIE** — Mr Herbert interjects, saying he might have been on the phone hook-up, so we look forward to his contribution today and his telling us what happened in that phone hook-up. We know that Labor MPs representing Ballarat, Bendigo, Geelong and Gippsland are those who are bearing the brunt of commuter anger. They are bearing the brunt of constituency annoyance at the lack of services. Maybe those representing those regions could stand up today and tell us why Minister Allan has not been responsive to their needs. The *Herald Sun* article goes on to say:

One regional MP said there was no hiding that it was taking people 'a lot longer to get to work' than it should, adding: 'We need to get it sorted. People rely on these services'.

But I have to say that because even the Labor Party cannot get answers from Minister Allan, the Standing Committee on the Economy and Infrastructure has decided to call her and request that she come and meet with it. That is what the motion is: to request that the Legislative Assembly grant leave to her to answer the questions she will not even answer to her own side of Parliament. Remember that one Labor MP said that it has taken months and there has still been no response to a letter. So she will not respond to the Labor Party and she will not respond to the people of Victoria. The economy and infrastructure committee is saying, 'Come and sit with us and give us the answers'.

Mr Herbert, who now represents the Northern Victoria Region, after he fled Eltham, could not stand up today and say why the public transport minister is letting down his own constituency. He has become Daniel Andrews's minister for defence. He just wants to stand up and defend the public transport minister because he knows that the government is bereft of answers. The minister has gone missing. Tragically she has gone underground here — unlike what is going to happen to the people of the south-east! I commend Mr Morris's motion to the house.

**Mr FINN** (Western Metropolitan) — Mr Ondarchie made a reference during his contribution to living in the seventies, and I have to say that whilst I have the greatest admiration for my friend and colleague Mr Ondarchie, I do not think it is in fact a case of living in the seventies. This is clearly a case of living in the eighties. This is Cain and Kirner writ large. Here we go again. In fact if the movie instead of the song was to come to the fore, it would be *Back to the Future*. Here we go again. All that is missing is Peter Spyker — and what a sensational transport minister he was! There was not a comedian in this country who did not love Peter Spyker; he was a gem. Very much like this current minister, he just fell about from disaster to disaster. You would have to say that if there is some sort of manual that the Labor Party has for their transport ministers, clearly the current minister has read it. Quite possibly it was written by Peter Spyker.

It is not going to get any better any time soon, I have to say to you, and that should be a concern for this government. Transport is an area that can bring governments down, as we have seen in the past. I would suggest, though I do not wish to offer any help or assistance to the government, that it is in a fair bit of strife at the moment. It really needs to get its act together because there are people — I would suggest millions of people throughout the state of Victoria — who are looking at what is going on in the public transport area at the moment and are wondering what they have done. They are saying to themselves, ‘Did we vote for these idiots?’. That is something that a lot of people are repeating to themselves over and over, almost on a daily basis: ‘Did we put these drongos into government?’. The public transport portfolio is an area — —

**Mr Herbert** — The fantasy world of Mr Finn.

**Mr FINN** — Mr Herbert is whingeing over there, which he is particularly good at, it has to be said. Can I suggest that he go down to his local hotel from time to time — —

**Mr Herbert** — I do; I go to the Cosmo.

**Mr FINN** — Where’s that? Costco? What?

**Mr Herbert** — I have been drinking — —

**Mr FINN** — I don’t want to know how much you have been drinking. What I am suggesting to you is that you go down and talk to the punters at the bar, and they will tell you that they think Jacinta Allan is a goose. That is what they think — —

**The ACTING PRESIDENT (Mr Morris)** — Order! I will have to interrupt Mr Finn, as it is now 1 o’clock, so that we can take a break for lunch.

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

**Mr FINN** — As I was saying before lunch, a bit over an hour ago, we are in fact not living in the 1970s, as Mr Ondarchie pointed out, but we are revisiting a period in our state’s history that not many people want to go back to. There is a very real concern that we are back going through the 1980s, and I am sure Mr Jennings well remembers how disastrous that time was for our state. It has to be said that the current public transport minister is not doing anything to allay the fears of Victorians who are deeply concerned about the direction that we are going. We just have to remember; go back to the 1980s. Mr Ondarchie, I am sure, will remember what I like to call the ‘Melbourne international tram festival’, where trams were parked down Bourke Street and they were parked down Swanston Street as far as the eye could see. We had no public transport to speak of in those days because they were all parked down the street here. It was somewhat of an unmitigated disaster at the time. Nobody could seem to do anything to get them moving again.

People are concerned. I have to say, as I go around they are saying to me, when talking about Jacinta Allan, ‘Here we go again’. They are saying to me, ‘History does repeat itself’. They are reminding me of the time we had the great scratchie ticket debacle, which I think was just before the election of the Kennett government in 1992. I well recall the then transport minister, Alan Brown, getting up and disclosing in the other place that many, many thousands of dollars worth of scratchie tickets had had to be pulped at a factory somewhere underneath the West Gate Bridge. People are concerned that we might see similar things happening again, because there is not a lot of confidence in this minister.

This, you have got to remember, comes from a party which gave us the myki debacle. It has to be said that the myki debacle continues to a certain degree. I think Terry Mulder — who has been mentioned in this debate by Ms Hartland as somebody she would like to see appear before the committee, and I do not think anybody has any objection to that — did a pretty good job with some very, very difficult material when he was the minister with regard to the myki ticketing system.

I do not know who came up with the myki ticketing system — I do not think anybody knows who came up with the myki ticketing system — but whoever it was should be taken out and thrown into the Yarra River with a very large rock around their neck. It caused and

continues to cause a great deal of angst. Why we as a state and Labor as the government did not go to many of the places around the world, to a country and a city that actually knew what they were doing and had systems that worked — Singapore, London, there is no shortage of places — or get London's Oyster card, the ticketing system over there, is somewhat of a mystery to me.

That brings to my mind who the transport minister was at the time. That of course was Peter Batchelor. He has kept a pretty low profile, it has to be said, in recent years, since his retirement. I hope he is having an enjoyable retirement. I hope he is enjoying that parliamentary pension. During his time as minister Peter Batchelor gave us the myki card and changed the name of Spencer Street station. At one stage you would not have to ask where Spencer Street station was, because it was pretty clear, was it not? But now I am often stopped in the street by tourists in particular who are here to take in the magnificence of Melbourne and asked where is Southern Cross station, and I have to direct them. I am very happy to do that, but I do not know why Labor governments and Labor transport ministers have this capacity, tendency — call it what you will — to mess with things that do not need messing with.

As a member of the committee that we are talking about, as you would know, Deputy President, I for one would like to ask the minister, Jacinta Allan, for her side of the story. I would be fascinated to know what has been going on from her perspective over the past year since she took over, because I well remember that one of the first acts of the then Gillard government after the election of the coalition in Victoria in 2010 was to take a dirty great slice out of the funding for the regional rail project. We had to find those funds. In fact for quite some time after we took office there was some debate within the government, as I understand it, as to whether the project would continue.

That was of great concern to those of us representing the western suburbs, and I had a number of discussions at the time with the then transport minister, Mr Mulder. But to his credit and to the credit of the then Treasurer, Kim Wells, they came up with the money that was needed to build the regional rail link. In fact they did not just come up with the money; they actually built the thing. Not only did they build the thing — and here is something that will shock the other side of the house — but they built a major project on time and under budget. When was the last time that we heard anybody from the other side claiming that they have done that?

**Mr Morris** — Was it the desal plant?

**Mr FINN** — I do not think we will go near the desal plant, Mr Morris, because that could take us down a path that could take a while to get off. We will leave that one alone. But the regional rail link is a work of art to look at. When I look at the Tarneit station and some of those stations at the back of Werribee now — once they were out the back of Werribee, now they are almost in the suburbs; houses are just popping up almost on a daily basis around them, and when you go down there you see that what were once barren and pretty useless paddocks now have railway stations, and of course the lines, the car parks, the bus services and everything else that go along with it — I think to myself, 'This is a legacy of the Liberal-Nationals government to the people of the western suburbs', and I am particularly proud of that.

But something went wrong after the change of government in 2014. We had found the money, we had built the project, we brought it in on time and under budget and all the Labor Party had to do — all Jacinta Allan had to do — was to print the timetables and run the trains. I would have thought that it was pretty straightforward. In fact I think any reasonable person would have thought that it was a pretty straightforward proposition that having had the whole project presented to her, all the minister had to do was to get the timetables right and run the trains. Sadly we found out that in the finest traditions of Labor transport ministers, she could not do it. She stuffed it up. From day one as minister she stuffed it up and she is still stuffing it up. So I think it is important that we as a Parliament and as a community get to know from her perspective exactly what is going on before the whole system falls apart.

We were told yesterday in the public hearing of the Standing Committee on the Economy and Infrastructure, so ably chaired by my friend and colleague, Mr Morris, that nobody quite knows what is going on with the V/Line trains. We were told that there was a degree of confidence. Confidence is good; I like confidence. But we were given no guarantees. In fact I had to push some of the witnesses that we had yesterday to see if we could get a guarantee on when our V/Line services would be back to a standard that we would normally expect. After asking for it — I may have asked for it at least half a dozen times — in the end the head of Public Transport Victoria had to concede that in fact there are no guarantees.

If the head of Public Transport Victoria, before a public hearing of this Parliament, cannot give some guarantees, I think it is pretty important that we go to the next level and ask the minister if she can give guarantees. If the minister cannot give guarantees, we should ask her what is going on in her portfolio. Can

she give some sort of guarantee that she has any idea of what is going on in her portfolio? I think there are a lot of people who are really keen to know.

When you have a situation where trains can sail through level crossings without triggering the bells or the barriers, then you have a situation where people's lives are at risk. I do not think that there is anything more important than the safety of human beings. If you are in a car heading down the street to get some fish and chips or a beer or something and are crossing a level crossing and all of a sudden you are collected by a train, that is the end of you. That is a possibility that each and every one of us faces. Each and every one of us that crosses a railway line is facing that possibility at the moment. We do not know why. We were told yesterday, 'We don't know why'. We were told that greasing the tracks might help.

**Mr Morris** — But not too much.

**Mr FINN** — But not too much. You cannot over-grease the tracks because — —

**Mr Morris** — It could slide off.

**Mr FINN** — It could slide off, but we were told that the derailment last week was not a result of over-greasing the tracks. This was a great relief to me, although the head of Metro Trains Melbourne did have to admit to us that he did not actually know why the train derailed last week — but it was not over-greasing. I suppose it gave me some sort of consolation and perhaps made me sleep a little easier last night knowing that too much grease did not cause that particular problem.

As Mr Morris mentioned in his contribution, there are so many questions that need to be answered. It reminds me of an election campaign that the coalition ran some years back. There are so many questions that need to be answered, and if the head of Metro Trains Melbourne and the head of V/Line and the head of Public Transport Victoria cannot tell us, there is only one way to find out, surely. If they do not know, then surely the minister must know. If she were doing her job, she would be on top of things. She would be aware of the dangers of the current situation.

We should not shy away — I have to say this — from the word 'crisis', because I believe, and it has been said by others, that in fact we are facing a crisis in public transport in this state. I think, as I mentioned a moment ago, we are facing a situation where we can be cleaned up by a V/Line train or indeed a Metro train — that is another possibility — just by going down the street and crossing a railway line. If that is not a crisis, what is?

That is directly affecting human lives and threatening human lives, and that is something that I think we should be very keen to hear from the minister about.

I commend Mr Morris for bringing this motion before the house today, because there are people right across this state, whether they be in the metropolitan area, in country areas or in regional towns, who want to know if their train will run, and there is no guarantee of that. There was no guarantee of that before this latest crisis occurred. There were a lot of people wondering what was going on with V/Line. They want to know if their train will run, and I think that is a pretty fair and reasonable sort of thing to know if you are a public transport user.

They also want to know if it is safe. I have seen photos of the insides of country trains from Ballarat, for example, and from Geelong that are so packed, so crowded that people are literally hanging off each other just to stay standing or people are crouched on the floor or sitting on the floor. It is not exactly a safe situation, and as a member of Parliament and as a member of the economy and infrastructure committee I would be very keen to ask the minister how long she intends for that situation to continue. I have to say some of the photos that I have seen have reminded me of some of the footage that I have seen on television of trains in India where the people are just packed in. It is a very unhealthy scenario. I would not have thought — —

**Ms Pulford** — Have you caught a train in India?

**Mr FINN** — No, I have seen it on the telly. I have never been to India.

**Ms Pulford** — There is a fair difference.

**Mr FINN** — Have you been to India? Have you caught trains in India?

**Ms Pulford** — I have caught trains in India.

**Mr FINN** — Have you caught trains from Ballarat?

**Ms Pulford** — I have. They're incomparable.

**Mr FINN** — Have you? Lately? They're incompetent, did you say?

**Ms Pulford** — They're incomparable.

**Mr FINN** — I am sorry.

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

**Ms Pulford** — They are incomparable. I am being verballed.

**Mr FINN** — I am sorry; I do apologise. I am being baited by the minister, Deputy President. I do apologise for that, and I will most certainly address my comments through the Chair, but I am fascinated to hear the minister's comments about trains in India, because I think that may well be the way that we are heading in Victoria at the moment with the numbers that are crammed on. We just might have big blokes on the railway platform pushing them in like they do in Japan. This could be a truly multicultural city, because we could have trains like India and have Japanese blokes pushing the crowd into the trains. We could say not only is the city multicultural but indeed the public transport is as well. That is something I would have thought we can all look forward to!

I am above all else a fair man, and I think it is fair and reasonable that we give the minister an opportunity to defend herself. I think it is important that we as a Parliament and as a committee give the minister a chance to put her side of the story, because there are a lot of people in Victoria at the moment who are being very, very uncharitable to the minister. It is of course Ash Wednesday today, and I think we could even go as far as saying that they are being unchristian to the minister. They are calling her things that, quite frankly, I do not think she should be called, and of course we are referring not just to people in the general community but even people within her own government who are calling her those sorts of things. I think Mr Ondarchie in his contribution made some reference to a phone hook-up.

**Mr Ondarchie** — Stitch-up.

**Mr FINN** — It may well have been a stitch-up. It might not have been intended to be a stitch-up, but I think it was by the end. But we had a phone hook-up, I understand, according to media reports, that a number of members of the government — Labor members of Parliament — were involved in, and apparently, from all reports, they did not hold back on what they thought of the minister.

**Mr Morris** — Not just elevated rail but elevated voices.

**Mr FINN** — Indeed, not just elevated rail but elevated voices. I understand — just from reading that particular newspaper article — that again they were exceedingly uncharitable to the minister. This was splashed all over the newspapers. It was splashed all over television. It was splashed all over the radio. It is

only fair that she be given the opportunity to put her side of the story. What could be fairer than what we are proposing here today? We are reaching out to the minister and we are saying, 'Minister, we want to hear your side of the story. We want to know your side of the story as to why the Victorian public transport system is a total mess. We want to know why the Victorian public transport system is in crisis'. We want to know from the minister's perspective why she has stuffed this up and why she continues to do that. It is only fair that she be given the opportunity to do that.

I think this motion today, with the support of course of both sides of the house, is only a fair and reasonable way to reach out to the minister and to give her an opportunity to publicly put her credentials on the table — to tell the people of Victoria, to tell those people who are perhaps stuck on train platforms, perhaps stuck in trams and not going anywhere just at the minute. This is her opportunity to reach out to them and explain that it might not be her fault after all. I could not begin to imagine whose fault it is, but it might not be her fault. So let us give her the opportunity.

**Mr Ondarchie** — Anybody but Jacinta.

**Mr FINN** — It could be indeed.

**Mr Morris** — Climate change.

**Mr FINN** — Oh, yes — I had not thought of that. I tell you what, Mr Morris has a big future. He has just pointed out that it could be climate change. I am looking forward to that, because that is the great thing about members of the Labor Party — it does not matter when it comes, but you know that at some stage they will blame climate change for anything and everything. So that is something we can look forward to as well.

But, as I say, the minister has been subject to significant ridicule in the media. I think she should be given the opportunity to right any wrong that may have been perpetrated. I keep using these words 'fair and reasonable' because that is what we are on about. We are on about giving her a fair go. That is what this is about. We want to give her a fair go. We want to let her have her say. We want to hear from her. We want to hear what is going on in that mind of hers. We want to know what indeed is going on in the cabinet. I could not believe when I read this in the paper. I was appalled when I heard this.

**Ms Pulford** — On a point of order, Deputy President, Mr Finn has been going for 27, 28 minutes here. He has not introduced any new content in this debate in at least the last 15 minutes that I have been sitting here. He is returning to and repeating his points

to an extraordinarily tireless degree. I was wondering if Mr Finn could be encouraged to wrap up his remarks, or at least introduce some new content into the debate. This is very repetitious.

**Mr Ondarchie** — On the point of order, Deputy President, that is not a point of order. Mr Finn is entitled to put his contribution to this house in the way that he sees fit, as are all members of this house. I do not think it is appropriate that the minister should editorialise on his contribution to this chamber, and I ask you to rule it out.

**The DEPUTY PRESIDENT** — Order! I would encourage Mr Finn to bring himself back to the motion. Mr Finn, to continue.

**Mr FINN** — I am very happy to continue with my contribution on the motion, because what we are doing, as I said before, is reaching out to the minister. We are inviting her. We are not attempting to bully her, we are not attempting to intimidate her, but we are reaching out to her to come to our committee to answer some questions and to explain — to give her side of the story — which is a pretty reasonable sort of thing.

There is something else that the minister might like to clear the air on, because I have heard around these corridors, but I have also read in the media, that the minister is only there because she is a mate of the Premier's. That is what I have heard. It would be good to know if that is the truth. It would be good to ask the minister herself if she is only there because she is a factional friend of a pretty friendless Premier just at the moment. He is a bit short on mates at the minute, so perhaps he is hanging onto Jacinta Allan in the hope that — well, I am not sure what he is hoping for, but he is hanging onto her for whatever reason. That is something that needs to be examined.

**Mr Ondarchie** — Talk about the infrastructure projects.

**Mr FINN** — Which infrastructure projects are you talking about? We have to find out I think, given that the Premier has declared that he has confidence in the minister — —

**Mr Morris** — Does he?

**Mr FINN** — That is what he said. The Premier has said he has confidence in the minister. I think it would be a very, very good thing if she can put a case as to why the public should have confidence in her. It is all very well for a factional mate to have confidence in her, but it is the public that we serve here. As parliamentarians and as members of this house it is the

public that we serve. If we ignore what the public want, we are not doing our jobs. It is a dereliction of our duty, in fact, if we ignore the public, and if the public are having doubts and are lacking in confidence in a particular minister, then I think it is important that we try to set their minds at rest.

Without doubt this motion — and a very important motion it is — gives the minister an opportunity to put her case on the record and to explain to the people of Victoria what she is doing, how she is doing it, what she wants to do and why they should have confidence in her. I do not know about what other members of the house may think, but there is a strong degree of doubt — doubt, I think, is a good word — about the minister's ability in a lot of people's minds, and I cannot be at all surprised about that given my own example in Sunbury. Last year the minister announced that as of 1 July last year, to begin with, Sunbury residents would be kicked off V/Line train services. This came as somewhat of a shock, it has to be said, to the people of Sunbury, and they were not at all pleased. Having been brushed off by the member for Sunbury in the Assembly, many of them came to me pleading for assistance, which I was very happy to — —

**Mr Ondarchie** interjected.

**Mr FINN** — We will get to that thing if you like; it is another broken promise by this government to the people of Sunbury. But on this occasion they came to me because the minister had made it clear that as of 1 July they would not be allowed to use V/Line trains, and they were not at all happy, because they had been promised previously by the previous member for Macedon in the Assembly, who represented Sunbury, that once the electrification of the Sunbury line occurred the Sunbury population would be able to use both the electric trains and V/Line.

Members have got to remember that the electrification of the line to Sunbury is not something that the people of Sunbury actually wanted. It was forced upon them by the Brumby government. The then member, Joanne Duncan, as a sweetener I assume to try to get the Sunbury people onside on this particular issue, made the promise that Sunbury people would be able to use both metropolitan trains and V/Line. Here they were, having had that promise made to them previously, and the newly elected minister — the minister that this motion is requesting appear before the economic and infrastructure committee — at the beginning of last year, a matter of literally weeks after taking over her portfolio, let it be known to the people of Sunbury that she was breaking the promise that had been made previously and that indeed on 1 July last year Sunbury

people would not be allowed to travel on V/Line. Not only would they not be allowed to travel on V/Line, but if they attempted to do so they would be facing a fine of some \$432.

**Mr Morris** — Four hundred and thirty-two?

**Mr FINN** — That is right, \$432, which is a fair whack for getting on a train, I would have thought, and you can imagine that the Sunbury community did not react well. They did not react well. They came to me, and I was very happy to assist them, as I always am.

I met with the Sunbury Train Association, and we sat down and discussed what could be done. I said to them I would be very happy to represent their views here in the Parliament. I see that as a very, very important part of my job. I am not a representative of Spring Street in the west; I am a representative of the west in Spring Street. When the people of Sunbury came to me with their concerns, I was very, very happy to help them and assist them. I have to say I may have had a degree of self-interest in this because when I get the train from Sunbury I much prefer to get the V/Line train than the metro train. The V/Line train is much, much nicer, much more comfortable and much faster, it has to be said, because of course the metro trains as a general rule stop at all stations. The V/Line trains stop at St Albans and maybe Watergardens and then go straight through to Footscray and the city.

**Mr Ondarchie** interjected.

**Mr FINN** — There are some good people on V/Line trains. I have met some shockers, but I will not name them, although I might have earlier in the day. As I say, I had strong sympathy with the people who came to me, because I could fully understand the concerns that they had about what was about to be happening to their train service. In fact I do not think I have ever seen people so fired up on an issue. I recall putting out some brochures on the subject, and the reaction was quite extraordinary. It was absolutely amazing.

As a result of that fury in the community, the minister bent a little and she said, 'We won't be kicking you off the train and fining you \$432 on 1 July; we'll do it on 1 January'. This was of course a huge relief to the people of Sunbury, who said, 'Well, that gives us another six months to campaign', which they proceeded to do with some significant fervour. Members might ask themselves where Josh Bull, the member for Sunbury, was when all this was going on.

**Mr Morris** — He would have been supporting them.

**Mr FINN** — Well, he was not. He was very, very quiet on it.

**Mr Ondarchie** interjected.

**Mr FINN** — Josh Bull, very appropriately named. My understanding is that he spent most of the second half of last year under his desk in the foetal position as a result of the people of Sunbury letting him know and letting the minister know that they were not happy punters at all.

There was a public meeting held at the Sunbury Bowling Club. There is a pretty good set-up actually out there at the Sunbury Bowling Club.

**Mr Ondarchie** — An important piece of infrastructure.

**Mr FINN** — It is an important piece of infrastructure, and it has been growing particularly since it got pokies. There is an example there of why you should not play the pokies.

**The DEPUTY PRESIDENT** — Order! I draw Mr Finn back to the motion, not the Sunbury Bowling Club.

**Mr FINN** — I am sorry, Deputy President. I was just explaining where we were having a meeting to discuss this decision by the minister to remove V/Line services from Sunbury. We got there, and the place was filling up at a rapid rate. I was lucky to get a seat, in fact. What had occurred was that the geniuses at Public Transport Victoria or the minister's department, or it might have been Josh Bull's office — I do not know — had set up big tables with butcher's paper and crayons. I do not know who we were supposed to draw or whatever. I thought, 'This is going to be fun', and during the course of this meeting they proceeded to ask us questions that we really did not care about. There were over 200 people there, which for 6 o'clock on a weeknight is quite extraordinary, and you have to ask why 6 o'clock on a weeknight was chosen — although I have got a fair idea. I do not think you would have to be a Rhodes scholar to work out why the meeting was held at 6 o'clock and not 8 o'clock. It was because if it had been held at 8 o'clock there probably would have been 2000 people there.

**Mr Ondarchie** interjected.

**Mr FINN** — It is. Anyway, the poor moderator chap, who was obviously being paid a poultice for taking his life into his own hands on this particular occasion, tried to lead us down all sorts of paths to get

us away from the issue that people actually wanted to talk about.

**Mr Ondarchie** — How did that go?

**Mr FINN** — Not all that well, it has to be said. While we were having a break at one stage — I do not know; we were changing butcher's paper or something — the minister showed up. It was probably not the cleverest thing she has ever done in her life, because the people at that meeting let her know in no uncertain terms. I am almost a veteran of Sunbury public meetings — I have been both on the winning side and the losing side from time to time — so I know that nobody holds a public meeting like the people of Sunbury. They get fired up in a big way, and on this occasion they were very fired up. The minister found out exactly what the people of Sunbury were thinking not just about the future of their V/Line service but about her, her history, her future and indeed the future of the government. I have to say that many of them were using words of very few syllables to describe how they felt about this particular situation. But anyway, this meeting had such an impact that government representatives said they would go away and think about it, which I have to say did not instil a great deal of confidence in the people who were there.

**Mr Morris** — No round of applause?

**Mr FINN** — No round of applause at all. People walked away saying, 'This mob are hopeless'. We were told earlier in the year just how important it was that Sunbury be removed from the V/Line service. We were told for months and months on end just how important this decision was, almost to the future of humanity, so impassioned was the argument from the minister and from the government. But about a month after the particular meeting that I described an announcement was made, 'Sunbury can keep its V/Line services'. This was met with a great deal of happiness by a good many people in Sunbury, but it did not change their view on the minister or her future. They thought that the whole thing had been botched from start to finish, and of course it had.

What Sunbury people are now concerned about is that, once this federal election is out of the way — my understanding is that Labor's polling was showing that the decision was impacting on the chances of Rob Mitchell maintaining the federal seat of McEwen —

**Mr Ondarchie** — Who?

**Mr FINN** — Exactly. McEwen is the most marginal federal seat in the country, and Sunbury is in McEwen, so Labor members were very concerned that this issue

would be having an impact. That was the reason. But commuters in Sunbury and those who use the train service in Sunbury are now concerned that they may lose V/Line services again, so yet again they are preparing to fight if they have to, and I am here to tell the house this afternoon that I will stand with them shoulder to shoulder in any attempt to protect them from losing their V/Line services.

I might add that that is just one example, but you have got to wonder how anybody could really have any great confidence in a minister who carries on the way this one does — as I said, in the long and proud tradition of Labor transport ministers who just get in there and stumble from one disaster to the next. You have got to wonder what will be the next disaster that befalls this particular minister and this transport system. After having a regional rail link handed to her, she turned it into a dog's breakfast. The only way you can describe it is as a total dog's breakfast.

**Mr Morris** — A kind description.

**Mr FINN** — I am a very kind man, and I am attempting to show that here today. Again I go back to the need for the minister not just to explain from her own perspective what she has done and what she intends to do, because I am sure we are all very interested to hear, but in my view it is very important, as I said earlier, that the people of Victoria be taken into this equation, because if we are not acting in the interests of the people of Victoria, then we are just not up to the mark at all.

The people of Victoria deserve to know, and it seems to me they deserve to know about the future of their transport system. They deserve to know if their trains will be running anytime soon. They deserve to know if they can plan to get to work, if they can plan to go to the footy and if they can plan to go and visit their grandma on the weekend. They need to be able to plan, and at the moment they cannot do that because we just do not know if those trains will be running. It is important that Jacinta Allan come to the committee as minister and tell us exactly what is going on, because, as has been pointed out earlier today, yesterday we on that committee sought guarantees.

I personally sought guarantees from the head of Metro Trains, from the head of Public Transport Victoria and from the newly appointed head of V/Line, Mr Gary Liddle. I requested guarantees as to what would happen, and they could not give them to me. They said, 'We are very confident that we will have this sorted out by the middle of the year'. However, earlier this year — back in early January — the Acting Premier at

the time, Mr Merlino, said, 'The worst of this is over'. That was before the whole system just collapsed. We are getting conflicting stories from all over the place. Surely there must be somebody who can stand up and tell us what is going to happen.

**Ms Wooldridge** — It should be the minister.

**Mr FINN** — Of course it should be the minister. Who else could it be? If we can get the chief honchos from the various branches of the train network — and they are very busy — in and ask them what is going on, and if they say, 'We can't guarantee exactly what is going on', then we have to go another step higher. That is something that I think the people of Victoria expect of us. If we cannot get answers from the people who supposedly have the hands-on control of our train system, then surely the person who is ultimately in charge of the train system, the Minister for Public Transport, will be able to provide us with some answers — hopefully all the answers that we require.

Of course you have to remember that Mr Liddle, who is the acting CEO of V/Line and who was appearing before the committee yesterday, had been in the job six days. He kept repeating to us that he was there to look forward to the future. He was not looking back — and he could not look back because he had not been there. He knew nothing about the past and he was really hoping he would know something about the future. We have this dirty great hole in our knowledge.

**Ms Shing** — Dirty great hole?

**Mr FINN** — It is a dirty great hole in our knowledge, and if you want to talk about dirty great holes, you talk about the desalination plant. What a shocker. Can you get the train down there as well, down to Wonthaggi? What a great spot.

But we have this great vacuum in our knowledge, and we asked Mr Liddle yesterday a whole range of questions. The chair of the committee, Mr Morris, Mr Ondarchie, you, Deputy President, Ms Hartland, Mr Eideh, Mr Elasmr and I all asked Mr Liddle a series of questions which we had hoped would add to our general sum of knowledge of what had occurred over the last number of months to bring about this crisis. We wanted to know what had led to the situation where hundreds of thousands of Victorians had no train service. I thought it was a pretty straightforward question and that that is what you do when you have public hearings — you ask those sorts of questions. What happened?

Time and again Mr Liddle said, 'I've only been here six days; I haven't got a clue'. So what we need to do,

given that the newly appointed acting CEO of V/Line was unable to answer questions — and I do believe he was genuinely unable to because, as he pointed out so often, he had only been there six days — we need to go to somebody who was in the engine compartment, if I can use that term, for the entire period of the last six months or so leading up to this crisis. That person, surely, is the minister, because if the minister does not know, you have to ask the question, 'Who does know?'. If the minister does not know then we have a lot of trouble on our hands. Commuters have even more trouble on their hands because whilst they are waiting for that train that never comes, they are wondering what is going on and nobody is in a position to tell them. If the minister will not tell them, who is going to tell them?

The minister has, in my view — and I do not want to browbeat her in any way, I will leave that to her — an obligation to come clean with the people of Victoria. I think she has a duty. It is part of her ministerial responsibilities to tell the people of Victoria exactly what is going on.

**Mr Morris** — She could tell us if she doesn't know.

**Mr FINN** — Yes, Mr Morris points out that she can tell us she does not know if she does not know, but if she does not know, we need to know that, and that is something that the people of Victoria need to know also. If we have a minister who has overseen a period now of extended crisis of the public transport system and she does not know what has happened, and she does not know how to solve it, we need to know, and the only way we can find out is if we ask her. So all we are asking today is obviously for the Legislative Assembly to provide the minister with leave to join us at our committee. We do not wish to be aggressive in any way. It is merely a matter of finding out these basic facts as to what has happened in the lead-up to this crisis. I am very hopeful that members of the government will support this motion. I do not know whether any members opposite have indicated where they are going on this, but Ms Hartland has indicated, I think, that she will support the motion. I do not know what the government intends to do on this.

**Mr Morris** — They're a bit wobbly.

**Mr FINN** — They do not know either? Does anyone know anything over there? Whether we are Liberal, Labor, Greens, the DLP, Nationals, Shooters and Fishers, or whatever we might happen to be, we all have the same obligation as elected members of the Parliament of Victoria to the people of this state, and that is to tell the truth. We all have the same obligation

to shine a light where a light might not have been shone before, to shine a light on the truth and let the people of this state know exactly what is going on. That is what we are here for, perhaps primarily. Obviously we are here to represent our constituents, to develop policy and all of those things that we do so very well on a regular basis, but surely more than anything else it is our obligation, our duty, to tell the truth to those who sent us here because if they are out there, they do not know what is going on, and if we do not know what is going on either, we are in deep, deep trouble.

The invitation has been extended to the minister to come and speak to the committee, to put her side of the story I for one, as a member of the committee and Parliament, am very keen to hear what the minister knows because this is an extremely important matter of public importance. If we as a Parliament do not go after the truth in this then we might as well all stay home, or we could wander across the road to the inn — either way. This matter is important, the public transport system in this state is in crisis and there is one person who ultimately has responsibility. If we can explain to the people of Victoria exactly what is going on here, I think that would be a giant step in the right direction. I do not believe we can do that unless we have the full cooperation of the minister, with the blessing of the Legislative Assembly — our friends across the way whom we love so dearly.

I am therefore very hopeful that the government will support the motion introduced by Mr Morris today. I commend him most warmly for bringing forward the motion because I know he is a truth seeker and he wishes to find out what is going on. I know that as a representative of the Western District, which he does so very well, there are many people down that way in my old stomping ground — down through Colac and Warrnambool and even up to Ballarat — who want to know what is going on with their trains, and this is a genuine attempt to find out. I ask the house, and the government in particular, to support Mr Morris's motion today.

**Ms PULFORD** (Minister for Agriculture) — I would like to speak in opposition to this motion while always welcoming the opportunity to debate investment in and service delivery of our regional rail services. I might say at the outset that Mr Finn has been here a while and might be familiar with the practices of this house and indeed the standing committee procedures of this house, as well as the procedures that they replicate that are also applied in the British Parliament, where so many of our procedures have their origins, and also the commonwealth Parliament. *Odgers' Australian Senate Practice* notes that the Senate may not summon

members of the House of Representatives. Members here would be familiar with the Legislative Council standing committee procedures that state that a standing committee can compel ministers from its own house to appear in front of a committee but not ministers from the other house, and a Legislative Council standing committee has the power to ask a member of the Legislative Assembly to appear before a committee but cannot compel such a member to do so.

This is a debate that we have had on plenty of occasions in this Parliament, in this house, certainly in the nine years that I have been here. It is a long-held principle of the Westminster system to not have a member of one house appearing in front of another. What the motion is seeking does go very much against the principles of sovereignty of the bicameral system in which both our houses of Parliament work independently of one another. That is an important point that Mr Finn conveniently overlooked in his hour-long contribution on Mr Morris's motion.

Mr Finn's contribution really was one of the more compelling arguments that I have heard in a long time for a return of time limits for Wednesdays. Among other things, Mr Finn did get into a bit of a discussion about train travel in India. Unlike Mr Finn, I have actually had the pleasure — I use that term loosely — of a few overnight train rides through India, and I can assure Mr Finn that, as a reasonably regular user of the Ballarat V/Line service, there are a million miles between the service standard and quality and the amenity of passenger rail services in India and passenger rail services in regional Victoria.

Regional rail services are something that we always welcome the opportunity to talk about. We are proud of our record over many, many years of investing in regional rail services. We acknowledge, as members well know, as Minister Allan has indicated on many occasions in recent weeks, our intense frustration and disappointment. That is of course shared by many of the users of our V/Line services. This is of course most acutely felt by people who are users of the commuter aspects of the service. Many of our V/Line passengers ride the rails occasionally for some of the fabulous major events for which Melbourne is known: the tennis, the grand prix — it is that time of the year — and to catch up with friends and family. A lot of people catch the train to travel to Melbourne for specialist medical appointments and other things. There is quite a large population of university students who travel on the V/Line services to Melbourne.

But the people who have been most profoundly impacted by the disruption in the last few weeks are of

course commuters who ride the service each and every day or many, many times a week and for whom their trip to Melbourne is a trip to work, where they are expected to be on time, as distinct from somebody who is going to Melbourne to hit the shops for a few hours — there is a world of difference. Of course the government understands and acknowledges that this disruption has been an unacceptable burden placed on our commuters but also on other less frequent users of the service who have been caught up in this.

It is worth reflecting on the journey that has been the provision of regional rail services in Victoria, and I would like to take members on a bit of a walk down memory lane to illustrate the point that it is Labor governments that invest in regional rail services, coalition governments that undo that work and Labor governments that reinvest and rebuild. There is a pattern here that can be demonstrated over three decades, and anybody who cares to look at it will see that this is an undeniable fact. The Kennett-McNamara government famously closed five regional rail lines. There is still palpable community anger about this in some parts of regional Victoria many, many years down the track. By contrast, what we have been building is extra capacity, extra resilience in the service and extra services, and this is of course consistent with the work that was undertaken by the previous Labor government as well.

In 1999, under the Kennett government, V/Line Passenger and V/Line Freight were franchised and privatised separately. National Express acquired V/Line Passenger and Freight Victoria acquired V/Line Freight. The V/Line freight contract included a 45-year lease from the government of most regional track, both passenger and freight, with responsibility for track signalling and level crossings, and with access to passenger sections of track guaranteed for V/Line passengers.

In the same period of time, during the lead-up to the 1999 state election, the then Labor opposition and then Leader of the Opposition, Steve Bracks, announced that a Labor government would deliver regional fast rail. In December 2002, following the election of the Bracks government, the government was forced to buy back the franchises from National Express. In 2003 the Bracks government had to take full control by changing the shareholding of V/Line to make the Victorian government sole shareholder by a recently created statutory corporation, which was V/line Passenger Corporation. In 2004 members may recall continuing difficulties with the Warrnambool and Shepparton lines. They were the remaining two privately operated lines, and in 2004 they had to be brought back under

the control of V/Line, again by a state Labor government.

In 2005 the regional fast rail project was under way in a big way. This was a project that the coalition opposition at the time mocked mercilessly. It was absolutely transformative for the communities that benefited from it. It involved the upgrading of the tracks that connect Melbourne to Bendigo, Ballarat, Geelong and the Latrobe Valley. It included new rolling stock and the expansion of the timetable of rail services. It was a particularly important part of the work that the former Labor government did in the revitalisation and rebuilding of these regional Victorian cities, because as anyone who lives in regional Victoria knows, connectivity is everything.

When we talk about connectivity, that has a number of different manifestations — not just rail but road connections. Increasingly, connectivity to the online world is what we think about when we think about policy challenges that at their heart are about overcoming isolation or distance from a larger population centre or indeed the capital city. So regional fast rail was a terrific and transformative project.

As this work was under way the former Labor government was still mopping up the mess that had been left behind by the Kennett government. Pacific National, which had purchased Freight Australia, entered into an agreement to sell the remainder of its Victorian rail lease of the network back to the Bracks government for \$133.8 million. As was the case with many of the quick and dirty privatisation efforts of the Kennett government in regional Victoria, the legacy continued as the corresponding service agreements completely failed to move with the times. This is evident in any number of other respects but probably most starkly when we talk about regional rail.

Fast forward to the end of 2010, and there was a change of government. What happened next? This was when things started to get pretty ugly for our regional rail services. The greatest crime committed by the Baillieu-Napthine government in relation to regional rail was its \$70 million cut from V/Line and the plan to take 100 jobs out of the system, which Jacinta Allan nipped in the bud upon taking responsibility as Minister for Public Transport.

There was a spectacular failure to order enough trains to run the projects that Labor had started to prepare for the regional rail link. Not one carriage was ordered in two years. There was heaps of stuff that the Baillieu government did not do in its first two years; in fact it almost did not do everything it was so busy not doing

stuff. There was just so much that did not happen. One of the thousands of things that did not happen in Victoria in that couple of years was that the Baillieu-Napthine government did not order one single carriage. Not a single regional public transport project was started, planned or finished in four years.

I think the former government was probably investing more time in the secret plan to privatise V/Line, for which the whistle was blown, than watching what was needed to maintain the service that had been built, how to build on the service that had been built and how to prepare the service, the network and V/Line for the commencement of the regional rail project.

The previous government's service agreement with V/Line reduced its funding enormously — a 20 per cent reduction in V/Line's funding — —

**Mr Ondarchie** — On a point of order, Acting President, I remind the house of the point of order made by Ms Pulford during Mr Finn's contribution where she talked about relevance and asked that he be brought back to the bill. The minister has been talking for some time about the former government when the motion is quite specific about asking the Minister for Public Transport to come before the Standing Committee on the Economy and Infrastructure. I ask you to remind the minister of her own point of order and ask her to come back to the content of the motion.

**Ms PULFORD** — On the point of order, Acting President, it was about tedious repetition and not relevance.

**The ACTING PRESIDENT (Mr Finn)** — Order! Whatever it was about, it has been a while since the minister actually mentioned the motion. I will not uphold the point of order, but it would be good if the minister would make a passing reference to the motion from time to time.

**Ms PULFORD** — I note that a speaker who preceded me in this debate did not feel at all constrained by the need for anybody else in the Parliament to have a go in this debate anytime soon, so with that in mind and given the rules of this debate that I walked into, I will take your guidance. However, I think it is really important for us to contemplate the journey, because the motion is about the challenges that are currently besetting the V/Line service, issues that have been widely canvassed — —

**Mr Ondarchie** — I did not say that at all.

**Ms PULFORD** — What was it that you were proposing to ask the minister about at the inquiry then?

**An honourable member** interjected.

**The ACTING PRESIDENT (Mr Finn)** — Order! I ask members and the minister to speak through the Chair.

**Ms PULFORD** — I think Mr Ondarchie fails to recognise that the matter at hand is a question of some of the issues affecting the V/Line service at the moment and the desire for the committee to discuss these matters with the minister.

**Mr Morris** — No.

**Ms PULFORD** — What is it that you would like to talk to the minister about then?

**The ACTING PRESIDENT (Mr Finn)** — Order! I ask the minister to speak through the Chair and I ask Mr Morris not to respond; that would be very helpful.

**Ms PULFORD** — The Liberal Party members in the house seem to be frightfully confused about what it is that they are after here, but I will move on.

In the four years that preceded the one year that Mr Morris is exclusively interested in there were dramatic cuts to the V/Line budget. There were plans to reduce staff by 100. There was a secret plan to privatise the whole thing to finish the dirty work of the Kennett-McNamara government. There had been a magnificent failure to plan, start or finish any significant regional rail project, and there was 'Oh, whoops! We forgot to order a carriage because we were too busy worrying about whatever Geoff Shaw was asking for that week'.

By contrast our government has been getting on with building capacity in our regional rail service. We have announced a number of initiatives, including the Bendigo Metro, a high-frequency service for Geelong, and 21 V/Locity carriages that were in our first budget — the carriages that had not been ordered by the previous government plus a whole lot more. That is \$257 million worth of carriages to meet the growth in demand driven by greater patronage across these services. Then of course there is the happy story that comes along with that about the work that will flow for people in and around Dandenong as Bombardier undertakes that work. This is something we have talked about a little bit in question time.

Over the last 12 months I have taken a couple of questions in this house on behalf of the Minister for Public Transport from members about the regional network development plan. Minister Allan is a terrific advocate for regional Victoria. She has dedicated her

working life and her time in this Parliament to making regional Victorian communities stronger, and she has certainly embarked on the development of the regional public transport plan with that dedication firmly at the centre of her work.

There was a lengthy discussion over the course of last year around the development of the regional network development plan. Mr Purcell, I know, has an interest in this. I think Mr Morris participated in a forum in Ballarat. This is something that members have had an interest in because whilst Melbourne has often had an integrated transport plan in various iterations over a long time, no-one has ever really stopped to think about whether or not this would be something useful for regional Victoria. This is the first time that Victoria will have a fully integrated regional network development plan that will articulate short-term objectives, medium-term objectives and long-term objectives. The kind of longer term transport planning that a city like Melbourne gets we think regional Victoria absolutely deserves as well.

There was a lot of consultation around this plan. There were 1500 pieces of feedback collected. There were multiple workshops held all over Victoria. During the course of last year Minister Allan also announced improvements to the Ballarat line, delivering eight new carriages into service from the production line, which provides up to 900 seats each time these carriages are used for Ballarat commuters. The things that drive use of these services are different for different people, but reliability and frequency are the things that drive patronage growth.

**Mr Ramsay** — How are the new January figures looking?

**Ms PULFORD** — Mr Ramsay, if you had been here for the hour that we all listened to Mr Finn talk about this and if you had read the papers over summer you would have noted that there have been some challenges with the service. The government does not shy away from that and has apologised to people who have been affected by it.

Works are underway on the Rowsley passing loop so that trains can pass each other and so that there is improved reliability on the line. Mr Ramsay used to spend a bit of time in Ballarat. He dropped us all like a hot potato after the election, but he did, to his credit, spend lots of time in Ballarat over the four years. We miss Mr Ramsay, but I am sure the folks in Geelong are enjoying his company in the way that we enjoyed his company between 2010 and 2014.

As I reckon Mr Ramsay will definitely know, advocacy organisations like the Committee for Ballarat, which is focused on what is next — the longer term plans for Ballarat rail — have been talking to all of us for a while about some of the passing loops and bridge projects that would be important work to build capacity and to really make a substantial change to capacity over the longer term. We are talking about places where population growth is significant, and indeed many of the centres that are serviced by our V/Line commuter services in particular are experiencing a rapid population growth. This is something that we welcome, something that we encourage and something that the government is working very hard to support.

I would add to that that the car park upgrade at the Wendouree railway station was announced as well during the course of last year, increasing the total number of car parking spaces to 400. That car park can fill up pretty quickly in the mornings, and additional commuter parking is a welcome thing for the commuter users of the service.

But certainly there were challenges that were evident. The system was creaking in a number of ways well before Ms Allan became the minister. It is worth noting, perhaps for Mr Morris's benefit as he was not in this place at the time — I am sure these matters were canvassed in the house then — that in 2002 the *Herald Sun* reported that taxpayers footed a bill of more than \$10 million for buses to replace cancelled V/Line trains the previous year. It talked about the pressures on the system, the growth in passenger trips that the government at the time clearly did not prepare for and the patronage growth in a number of places, including Seymour, which had the highest patronage growth. At the time the government was reducing the maintenance budget, reducing the operation budget and reducing the number of people who worked on making the system work. The former public transport minister, Mr Mulder, certainly had a hell of a lot to say about this in the period up to 2010. He was pretty quiet for the four years after that.

Of course none of us in regional Victoria will forget the Baillieu government's attempts in November 2012 to offload V/Line to Metro Trains Melbourne, raising the prospect of our country rail services returning to private hands. The apple does not fall far from the tree, does it? This was unfinished business of the Kennett government. The Baillieu government was busted resurrecting this old agenda. The Kennett government franchised the operation of V/Line to private company National Express in 1999, as I mentioned earlier, but V/Line returned to public ownership just three years later after the company walked away. This was reported

in the *Age* in November 2012 in an article written by Adam Carey. The article quotes the then opposition spokesperson for public transport, Fiona Richardson, who noted that the attempted privatisation of V/Line had been a disaster and should not be repeated.

You see the pattern over and over again: Labor governments investing in and building our regional public transport system and services, as well as investing in rolling stock, investing in the tracks and investing in the stations — the whole kit and caboodle — and then this work being undermined and undone the second there is a change of government.

In the *Geelong Advertiser* in June 2014 again there was speculation about the privatisation agenda and some dramatic changes that the former government introduced to the services agreement between V/Line and Public Transport Victoria. Regional Victorians who do use the rail services were certainly alarmed and, I think, then relieved when the former government scuttled away, having been unable to successfully make the case for privatising V/Line. But those opposite have had a crack at it the last couple of times, so I think we can take to the bank that they would do it again if they ever thought they could get away with it.

Then of course in the moments before the 2014 election there was another important report on the state of our V/Line service, this one from Adam Carey, transport writer at the *Age*. He wrote about the years of inadequate funding having left our country railways run down and unreliable. The article also talks about a maintenance deficit, decline in the maintenance budget and an actual reduction on the year that preceded it.

**Mr Ramsay** — On a point of order, Acting President, I have been in the chamber now for 5 minutes, and during Ms Pulford's contribution I have not heard yet any relevance to the motion by Mr Morris in relation to Minister Allan appearing before an upper house economy and infrastructure committee. It is not an opportunity for the minister to stand up and read press releases going back from 2014 to 2002. We are in the year 2016, we have significant problems with public transport in Victoria and I ask you to refer the member back to the motion that Mr Morris put to this chamber.

**The ACTING PRESIDENT (Mr Finn)** — Order! I uphold the point of order. I understand that there has been a wideranging debate, and I appreciate that.

**Ms PULFORD** — You set these rules.

**The ACTING PRESIDENT (Mr Finn)** — Order! No, not at all. I am very happy after nearly 28 minutes to say that I think the member has ranged widely

enough and that it is probably time to come back to the motion.

**Ms PULFORD** — Thank you for your guidance, Acting President. It is worth noting the timetable changes, and I know some of the issues that have been the cause of such frustration for commuters in recent weeks do go to the question of timetabling. I would like to make an observation, as indeed is made in this media report from November 2014, around declining punctuality and indeed some of the sneaky stuff that the former government did with the timetable to manage the perception of its punctuality targets. I used to be able to get on the train in Ballarat and get to a meeting in this precinct within an hour. That just cannot be done anymore. That is as a result — —

**Mr Ramsay** — You can't get a train; you have to get a bus.

**Ms PULFORD** — I will come to that. There was a service that was always my favourite — the 7.46 a.m. It was really neat; you could get to a 9 o'clock start here in the Parliament precinct. It was a service that ran express from Ballarat straight through to Southern Cross, or you could stop and change direction around the loop at the point at which the North Melbourne stops were introduced to the timetable. The point is the 1-hour service became a thing of the past under the former government, and there were a number of timetabling changes that were made. It is not like Ballarat has gone any further away from Melbourne — it is actually in exactly the same spot they put it when they found gold in the 1850s — but the travel times have become longer on the rail service. It would be a glorious thing to be back to the 1-hour service; I would be very excited about that.

I take up Mr Ramsay's interjection about, 'But it would be a bus', and would just provide the opportunity — —

**Mr Ondarchie** — He didn't say it like that.

**Ms PULFORD** — It was kind of like that. I know *Hansard* probably will not be able to capture the tone, but that was the gist of it.

One of the things that Minister Allan and the government have been working very hard to do during this period of intense and unacceptable disruption to our commuters has been to stabilise the service. There were announcements made around the timetabling; there are of course still, particularly on the Gippsland line, a large number of train services that are replaced by coach services. But one of the things we were hearing most loudly and clearly from commuters is that they just need certainty. They need to know what is going

and when it is going so that they can look at the V/Line app on their phone and get accurate information, and that is really, really important. I think people understand that we are working furiously to improve the services, to get to the bottom of this situation and to return to the trajectory we were on before January, which was all about continually improving and investing in the services. But of course safety has to come first, so that has been foremost in our thinking during this period in January.

For Mr Ramsay's benefit and the benefit of the house, I would just indicate the proportions of trains and coach replacements that are in place in the now stabilised timetable. In terms of the Geelong service there are 91 trains and 17 coach replacements; Ballarat has 59 trains and 14 coach replacements; the Bendigo service has 34 trains and 7 coach replacements; the Seymour service has 40 trains and no coach replacements; and the Albury service has 6 trains and no coach replacements. Of course we recognise that the Gippsland service has been hardest hit by this. Gippsland commuters have been impacted more than others by this, and their service is 10 train services and 26 coach replacements. I note that fares are not being collected for people on the coach replacement services, and that is still the case. That is just in response to Mr Ramsay's suggestion that if I tried to catch the train, it would be a coach.

What we have in place now is an arrangement whereby people can check the app, check the timetable online or pick up a timetable from a station and they will know what they are going to get and when they are going to get it. That is really important so that people can make decisions. Some people do not mind catching a coach and some people have a really strong preference for not catching a coach, but it means that they can get on and have a look and say, 'Well, you can go 40 minutes this side or that side, and I will catch the coach down and I will catch the train back'. At last people have the information they need to make the decisions about their own travel, and that is really important.

**Mr Ramsay** — Old people do not like coaches. They have accessibility issues.

**Ms PULFORD** — Yes, coaches definitely have accessibility issues. Did you say older people?

**Mr Morris** interjected.

**Ms PULFORD** — I think Mr Morris is getting into Mr Ramsay about his age. That seems unparliamentary!

**Mr Morris** — We work well together.

**Ms PULFORD** — Very good. Excellent.

**Mr Morris** — Unlike — —

**Ms PULFORD** — No, we all work well together.

**Mr Morris** — Really?

**Ms PULFORD** — Absolutely, and a very youthful team too I might add. Absolutely. Mr Ramsay's point is absolutely accurate; of course boarding a coach is harder for some travellers than others. That is why it is important that people know what is running when. It is an incredibly frustrating thing to turn up for a train and it is a coach — not so much to turn up for a coach and it is a train, I imagine, but I have not experienced so much of that. But certainly in the latter part of 2014 I was finding myself on a really regular basis on the overnight coach to Mildura, which makes a stop at Ballarat. That one was working for me for a while. The people who were tucked in with their blankets and their breakfast bars for the 7.00 a.m. arrival in Mildura were obviously getting on for a wholly different journey, but the first stop is Ballarat, and I did catch that one a few times. It leaves Melbourne at about 9.30 in the evening.

**Mr Ramsay** — Can you tell us why you're only partly funding the Murray Basin rail project?

**Ms PULFORD** — Okay. On Murray Basin rail, unlike the former government, we have finished the business case. We have provided the business case to the commonwealth government. The former government thought this was a \$200 million project; it is a \$416 million project. This project will be delivered by this government. The first \$30 million of works has already been completed, and this will be transformative for our grains producers and be of great benefit for our mineral sands industry and indeed for many of our horticulture producers in the northern part of the state, where timely access to market is everything.

That is part of Labor's legacy of investing in freight rail, not privatising freight rail, and we very much look forward to a response from federal Minister Truss or Prime Minister Turnbull at the earliest possible opportunity about whether or not they are going to get on board, because whether they get on board will determine how quickly this can be done. The main line is of course on the national freight rail network — that is the bit that makes sense for the federal government to fund. Acting President Finn, would you like me to return to the motion?

**The ACTING PRESIDENT (Mr Finn)** — Order! I would be delighted if the minister would return.

**Ms PULFORD** — Mr Ramsay started that.

**The ACTING PRESIDENT (Mr Finn)** — Order! Lobbying the federal government during the course of this debate might be stretching the bounds just a tad too far.

**Ms PULFORD** — We do not just lobby them in the Parliament.

**Mr Ramsay** — Regional Victoria has no freight railway connections thanks to the Andrews government; it won't fully fund anything.

**Ms PULFORD** — Your friends privatised the freight rail network — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Minister!

**Mr Ramsay** interjected.

**The ACTING PRESIDENT (Mr Finn)** — Order! If the minister and Mr Ramsay would have some respect for the Chair, it would be helpful. I also ask them to have some respect for the chamber and to not have a conversation across the chamber. Indeed I ask the minister to direct her comments through the Chair and Mr Ramsay to restrain himself just a tad.

**Ms PULFORD** — Thank you for that, Acting President. In my defence, though, I would just make the point that freight rail falls squarely within the transport portfolio, in the purview of Ms Allan's responsibilities.

**The ACTING PRESIDENT (Mr Finn)** — Order! I am sure it may well do, but it has absolutely nothing to do with the motion.

**Ms PULFORD** — It is germane to the motion because the committee does want to interrogate Minister Allan about her responsibilities, and perhaps in that it would maybe invite Mr Truss to ask if he is going to come too — —

**Mr Ramsay** interjected.

**The ACTING PRESIDENT (Mr Finn)** — Order! I ask Mr Ramsay to restrain himself. I know it may be difficult, but I ask him to restrain himself. If the minister could direct her comments through the Chair, they may not bait Mr Ramsay to the degree that they have to this point.

**Ms PULFORD** — We just all do love a regional rail debate, because Labor governments build and invest in regional rail, and coalition governments undermine that investment and undo our good work.

So just to recap in concluding, there are challenges — there are very real challenges — that have been a cause of significant frustration to not only regional rail users, particularly regular users and people who use the service to commute to work, but also to all others in the last month. We share with those people their intense disappointment about this and look forward to as quickly as is humanly possible returning the service to a standard that country Victorians need and deserve. We want to have strong patronage growth, we want to have a service that can meet that demand and we want passengers to have a great travelling experience.

I will just conclude where I began on the question of the parliamentary convention and Minister Allan's appearance being sought by the economy and infrastructure standing committee. It is a longstanding and well-accepted convention that this motion seeks to have the house throw out. To have a member of the Assembly appear before a Council standing committee does go against a very long history and tradition of our bicameral system and the relationship between the houses as established in the Westminster system and practised by Westminster parliaments around the world.

The minister is, as members know, a regular user of the V/Line service. She has been talking to people on the services over recent weeks and is working hard to resolve these issues, as all members know. Minister Allan is a wonderful champion for regional communities. I know her frustration at the recent events is significant and that she will work around the clock to put our V/Line service back on track so that we can get on with building the service for future generations, as is the form and history of Labor governments in Victoria over decades. It stands in stark contrast to the \$70 million of cuts, the secret privatisation plan, the \$100 million jobs that were cut and the terrible legacy — which is even worse than the Baillieu and Napthine governments legacies — of those extraordinary cuts. They were just flogging everything off; that was the legacy of the Kennett government.

**Mr MORRIS** (Western Victoria) — In summation, I would like to thank members for their contributions to the debate. In particular I would like to thank Mr Mulino and Minister Pulford for their references to precedent. I note they both tried very admirably but in vain to say that there was no precedent for a minister from the Assembly to attend an upper house inquiry or appear before an upper house committee. Indeed Mr Mulino delved back to the 1800s to find an obscure precedent that should not allow a minister in 2016 to appear before an upper house committee to answer questions about a crisis that she has created.

In my initial contribution, which I am sure Mr Mulino listened to intently, and I am sure Minister Pulford will now, I said it was just a few short years ago — in 2007 — when a committee of which Minister Pulford was a member did have a minister from the lower house come before an upper house inquiry. So to say that this goes against convention — —

**Ms Pulford** interjected.

**Mr MORRIS** — He was the consumer affairs minister and it was about liquor control.

**Ms Pulford** — No, it was not our committee.

**Mr MORRIS** — It was Mr Robinson.

**Ms Pulford** — No, we used to play by the standing orders.

**Mr MORRIS** — You are listed — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Not only is the minister's interjecting disorderly, but she is not in her place, which is doubly disorderly.

**Ms Pulford** — You started this.

**Mr MORRIS** — Acting President, I am happy to provide the minister with a copy of the report from this inquiry in which her name is listed. So I assume that she did take some part in it considering — —

**Ms Pulford** — The consumer affairs minister?

**Mr MORRIS** — Yes. It was in 2007 — on 6 December 2007. Check your diary.

**Ms Pulford** — The committee did not exist in 2007.

**The ACTING PRESIDENT (Mr Finn)** — Order! If the minister and Mr Morris wish to discuss this, I suggest that there is a lovely little spot on the steps out the front.

**Mr MORRIS** — We shall do that. Thank you for your guidance, Acting President. Indeed we do have a precedent, and I will provide that to the minister.

**Ms Pulford** — On a point of order, Acting President, I will just correct the record. The committee that Mr Morris is a member of — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Minister, there is no point of order.

**Mr MORRIS** — By way of further commentary, I did not say it was this exact committee; I said it was an upper house committee. It certainly was an upper house

committee that Minister Pulford was then a member of, and I will provide that report to her.

Something that is almost without precedent is what we saw on the front page of the *Ballarat Courier* on Saturday, 30 January. It was the headline 'Put up or shut up', and underneath the article reads:

It's time for public transport minister Jacinta Allan to stand up for regional commuters.

Below that is an open letter to the minister, which reads:

Dear Jacinta,

Ballarat train commuters are fed up.

The past few months have provided even more evidence why significant investment in rail infrastructure is needed. All of the apologies in the world don't mean a thing if you don't address the long list of problems on the train line.

We understand that this is a problem caused by successive governments, but it's your job to fix it. We know what the problems are and we have repeatedly told you that unless there are a number of infrastructure solutions listed in the May budget things won't get any better.

This is your chance to put your money where your mouth is, because talk is cheap.

Show us this government cares about regional commuters and give us a reason to think you can actually solve the problem. Otherwise stop pretending that you can.

Yours sincerely,  
Ballarat

I think it is almost without precedent to see an open letter to a minister on the front page of Ballarat's daily newspaper. I commend the editor of the *Ballarat Courier*, Mr Eugene Duffy, and the other journalists there who have done a remarkable job in ensuring that the minister is held to account for her continuing failures.

Back to the substance of the motion, which is that we are inviting the minister to come before our committee to provide answers to the many questions that have been posed in this house today. There have been questions posed by members on both sides of this house today, and these are the questions that need to be answered. If the minister does not have anything to hide, I cannot see any reason at all why she would not want to appear before our committee.

In summation, I would once again like to thank everybody for their contributions to the debate this afternoon. I strongly commend this motion, and I look forward to seeing support from members in this house for this motion.

**House divided on motion:***Ayes, 23*

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

*Noes, 13*

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

*Pairs*

Crozier, Ms	Somyurek, Mr
Ramsay, Mr	Leane, Mr

**Motion agreed to.**

**ROYAL COMMISSION INTO TRADE  
UNION GOVERNANCE AND  
CORRUPTION**

**Mr ONDARCHIE** (Northern Metropolitan) — I move:

That this house notes the evidence and findings of the Royal Commission into Trade Union Governance and Corruption that, as an official of the Australian Workers Union, the member for Western Metropolitan Region, Mr Cesar Melhem, MLC —

- (1) repeatedly put his own interests and the interests of his union ahead of the interests of the workers he was supposed to represent;
- (2) took payments behind workers' backs from employers with whom he was negotiating on workers' behalf;
- (3) knowingly signed up workers to bad wage deals with employers from whom he had secretly sought and obtained payments;
- (4) issued false invoices to disguise payments from employers;
- (5) dishonestly falsified union records by listing workers as union members without their knowledge or consent; and
- (6) breached his fiduciary duty as a union official by using union resources and the AWU's name and connections to operate a slush fund for his own and his associates' advancement;

and calls on the Premier to put the interests of ordinary workers ahead of rotting union officials and expel Mr Melhem from the parliamentary ALP.

Let us start at the start. I draw the house's attention to 28 May 2013, when Mr Melhem rose in this place to deliver his inaugural speech to the Legislative Council. I quote from his inaugural contribution to this place, where he said this:

Within three years of my arrival in Australia I was a full-time union official, which was something I never thought of as a career path when I came here. I just found myself in that position, representing the people I had been working alongside. I have spent the last 23 years listening to those people and their opinions and understanding their hopes and aspirations. For the past seven years I have been proud to be the secretary of the Australian Workers Union. We all learn from experience. I have certainly learnt many things from the people I have represented over the years and from those who employed them. I can tell you with certainty that Victorians want to work. They want to work in successful businesses. They want jobs to support themselves and their families now, and they want jobs for their children and for future generations as well. They want to live comfortably and look ahead with optimism.

Further, he says by way of thanks in his inaugural speech:

I thank the many tens of thousands of members of the Australian Workers Union ... I have served over the years, who have taught and inspired me. In particular I thank all the delegates and health and safety representatives who give so freely of themselves, all in the name of a fair go. These are people who go out and help working people and help their workmates. Contrary to popular belief, the reason they are delegates or health and safety representatives is not that they are appointed by a union. My union never appointed delegates. They are elected by their peers because their peers look up to them and see their leadership qualities. They do these things for nothing because they want to help their workmates. I am so proud that I have had the honour to work with people like that for the past 23 years.

He also went on to thank other people who have helped him, educated him and supported him over his time, and in particular he thought to thank his predecessor, the Australian Workers Union (AWU) Victorian branch secretary, the then federal Minister for Employment and Workplace Relations, now Leader of the Federal Opposition, Bill Shorten. That was Mr Melhem's inaugural speech to this place, where he talked about standing up for the workers and how proud he was to represent the workers so they could optimise their hopes — their futures.

Then I turn to the findings of the Royal Commission into Trade Union Governance and Corruption, led by Commissioner Dyson Heydon. I turn to volume 1, and I read from the transcript, where in the preamble it says:

A state secretary of the AWU in Victoria in the first part of this century, Cesar Melhem, has been responsible for numerous actions favouring the interests of the union over the members, which may be breaches of legal duty.

Further, by way of some examples from the royal commission, in section 52(d) the report says:

the AWU and a large cleaning company agreed to extend a WorkChoices enterprise agreement, thereby saving the company some \$2 000 000 per year it would otherwise have had to pay its casual workers in penalty rates under the relevant award. In exchange, the cleaning company paid the AWU \$25 000 per year and provided lists of 100 bogus 'members' — the great majority of whom were unaware that they had been included in these lists ...

In section (f) it says:

the AWU and the joint venture responsible for the EastLink tunnel project in Melbourne, Thiess John Holland, entered into an agreement pursuant to which the joint venture paid \$110 000 inclusive of GST per year to the AWU for the three-year life of the project, disguised by a series of false invoices ...

In section (h) it says:

a company operating a mushroom farm in Victoria agreed to pay the AWU \$4000 a month for a number of months in exchange for industrial peace ...

In section (i) it says:

a construction company in Victoria paid membership dues for its employees to the AWU, disguised for a number of years by false invoices ...

The report's introduction also goes on to talk about some common themes. It says:

The first ... common theme is the propensity for the creation of false records. This has occurred across numerous case studies. To take some examples, as noted above in the Thiess John Holland case study, an arrangement was entered into between the AWU and a Thiess John Holland joint venture pursuant to which \$110 000 a year for the three-year term of the EastLink project was paid by Thiess John Holland to the AWU in many cases disguised by false invoices. In the Unibuilt case study, an employee was falsely described as a research officer for a labour hire company when in fact he was working as an electoral officer for a candidate for a parliamentary seat. In the Winslow case study a series of false invoices were sent over a number of years claiming payment for training when in truth money was being sought for the payment of membership fees.

Further, in part 62 of the introduction it says:

A third theme revealed by some of the case studies, particularly those involving the AWU, involves the payment of large sums by employers to the union. In some cases the arrangements pursuant to which these payments were made were undocumented and their purposes were described in oral evidence only in vague terms. In the case of Cleanevent, on the other hand, the arrangement was documented and its purpose clear. In all cases, the arrangements were made in the

context of bargaining for enterprise agreements. In all cases, they were undisclosed to the members on whose behalf that bargaining was taking place.

It then talks about the discomfort of these arrangements, and it says in section 64:

That discomfort was apparent in the Cleanevent case study. Nonetheless, the arrangement was documented. That documentation gives a very clear indication of how highly disadvantageous these arrangements can be for members. In exchange for payments of \$25 000 per year, the Victorian branch of the AWU —

whose then secretary was Cesar Melhem —

in substance agreed for three years not to seek better terms and conditions for those of its members employed by Cleanevent. It would not have been difficult to obtain better terms and conditions. But the Victorian branch of the AWU preferred to take the fairly paltry sum of money for itself. For workers employed by Cleanevent the outcome was appalling. The members of the Cleanevent management team involved in the deal described it as saving the company amounts ranging from \$1 million to \$2 million. All involved benefited from the deal except the people the union was supposed to be representing.

I just pause there and take us back to Mr Melhem's inaugural contribution to this place, where he said he was proud to be secretary of the AWU and look after its members. There is clear evidence from the trade union royal commission that in fact that is not what he did.

I go on further into volume 1 of the trade union royal commission findings. I turn to part 10, where it talks about the AWU and in fact where it talks about Cleanevent. I turn to section 272, where it says:

Chapter 10.1 is introductory. Chapter 10.2 involves Cleanevent Australia Pty Ltd. There are a number of issues raised by the Cleanevent case study. The first is whether the AWU and Cleanevent agreed to extend an enterprise agreement made under the WorkChoices regime, thereby saving the company some \$2 000 000 per year it would otherwise have had to pay its casual workers in penalty rates under the award. In exchange Cleanevent paid the AWU \$25 000 per year and provided lists of '100 purported members'.

Section 273:

The findings are that Cesar Melhem, then state assistant secretary, and the AWU may have committed an offence against s 176(1)(a) and (b) of the Crimes Act 1958 (Vic) by soliciting a corrupt commission.

It goes on in section 274 to say:

Cesar Melhem also may have contravened s 285 of the Fair Work (Registered Organisations) Act 2009 (cth). In procuring the payment of the amounts received by Cleanevent, and in making directions as to how the membership records were to be treated in relation to those payments, Cesar Melhem was acting in the exercise of the powers or duties of his office in

relation to the financial management of the branch. He did so recklessly and contrary to the requirements of the AWU rules, including the rules requiring payment by members of prescribed membership contributions. He also acted so as to expose the AWU Vic branch to civil penalties arising from contraventions of the above provisions of the Fair Work (Registered Organisations) Act 2009 (cth).

It goes on to say in section 275:

Cesar Melhem also may have contravened s 286 of the Fair Work (Registered Organisations) Act 2009 ... in that he acted otherwise than in good faith and for an improper purpose in falsely inflating the membership numbers of the AWU Vic branch at the expense of the other branches of the AWU.

In section 276 it says:

In relation to the payments which were recorded as membership income in the financial statements of AWU Vic, they were not in truth membership income. As a result, s 253(3) of the Fair Work (Registered Organisations) Act 2009 ... may have been contravened by the AWU. That section requires that the financial statements of a reporting unit must give a true and fair view of its financial position.

Section 277 says:

In relation to the inflation of membership numbers the AWU Vic branch failed to keep records of the members of the AWU so as to record persons who had in fact become members. As such the AWU may have contravened s 230 of the Fair Work (Registered Organisations) Act 2009 ...

These matters, says the royal commission, have been referred to the appropriate authorities.

In relation to Thiess John Holland, it says in section 279 of volume 1 of the report of the trade union royal commission:

Chapter 11.3 relates to Thiess John Holland (TJH). This joint venture was responsible for ... the EastLink tunnel project in Melbourne in 2005. The first issue is whether the AWU and the joint venture entered into an agreement pursuant to which the joint venture paid \$100 000 a year to the AWU, disguised by false invoices.

In section 280 it says:

The following findings are made:

- (a) that there was an agreement that TJH would pay a sum of \$100 000 plus GST to the AWU each year for the duration of the project;
- (b) the genesis of the agreement was a proposal by Bill Shorten to Stephen Sasse in late 2004 that the joint venture provide financial support to the AWU in relation to the dedication of an organiser or organisers to the project;
- (c) that proposal was not the subject of a concluded agreement at the time that the contract was let and Julian Rzesniowiecki and Cesar Melhem assumed primary conduct of the negotiations;

- (d) discussions regarding financial support for the provision of an organiser or organisers took place between Julian Rzesniowiecki and Cesar Melhem while the negotiations for the EBA were completed;
- (e) at some point at around the time the 2005 EBA was finalised, Julian Rzesniowiecki and Cesar Melhem agreed on a sum of \$100 000 per year;
- (f) shortly thereafter, Julian Rzesniowiecki and Cesar Melhem determined that the payments pursuant to the agreement would be effected by the AWU issuing invoices to TJH described as services that the AWU might provide to the joint venture; and
- (g) the agreement was implemented by payment of invoices issued by the AWU, many of which were false invoices.

It says in section 281:

Further, the AWU and Cesar Melhem each owed fiduciary duties to members employed by TJH. The AWU, in entering into the arrangement and seeking payments pursuant to it, acted in a position of actual conflict of interest and duty or where there was a real and substantial possibility of such conflict. The AWU's self-interest conflicted with its fiduciary duties to the TJH employees. Cesar Melhem advanced the interests of the AWU in circumstances where those interests conflicted, or where there was a real and substantial possibility of conflict, with his duties to the members of the AWU.

It says in section 282:

Accordingly, Cesar Melhem and Julian Rzesniowiecki may have contravened s 83 of the Crimes Act 1958 (Vic). Cesar Melhem, Julian Rzesniowiecki, the AWU and John Holland ... may have contravened s 176 of the Crimes Act 1958 (Vic). Cesar Melhem, Julian Rzesniowiecki and the AWU may have contravened s 83 of the Crimes Act 1958. Appropriate referrals have been made.

It then goes on to talk about paid education and ACI. It says — and there is no controversy about this:

... ACI paid three instalments of \$160 000 to the AWU for what was described as 'paid education leave'.

It says in this trade union royal commission document:

It is difficult to understand however what precisely the ACI received in exchange for these three payments —

for paid education leave. It says in section 284:

The findings are that payments of this magnitude, made for no consideration, would not have been made without an expectation that the AWU would show favour to ACI in relation to its dealings with its employees. Further, the secretive nature of the payments, the absence of proper documentation in support of them, and the unsatisfactory evidence of Cesar Melhem and Mike Gilhome about them all support the inference that they were, to the knowledge of both parties, improper. Accordingly, Cesar Melhem, and the AWU may have committed an offence under s 176(1)(b) of the Crimes Act 1958 ... These matters have been referred to the appropriate authorities.

It goes on further in the report to talk about Unibilt. Section 288 says:

Chapter 10.7 —

of the overall report —

deals with Unibilt. It concerns contributions by, first, a company or companies associated with Ted Lockyer and, secondly, the AWU, of personnel employed to work on the campaign of Bill Shorten for the 2007 federal election.

Section 289 says:

Prior to and during the campaign for his election to the federal seat of Maribymong, Bill Shorten was the national secretary of the AWU. The relevant people employed to work on his campaign were Lance Wilson and Fiona Ward. Counsel assisting —

in the inquiry —

did not press for adverse findings against Bill Shorten, Ted Lockyer or the AWU and none are made. Counsel assisting did submit that some adverse findings should be made in relation to the conduct of Cesar Melhem in causing the AWU to assume the responsibility for Lance Wilson's employment.

In section 290 it says:

The two issues that arise in relation to Cesar Melhem's conduct concern: (a) his decision to allow the Victorian branch of the AWU to be interposed in the arrangements involving Lance Wilson in May 2007; and (b) his decision to issue a credit note in respect of the debt owed by Unibilt ... to the AWU. The finding is that Cesar Melhem in engaging in this conduct, may have contravened rule 57 of the AWU rules. These matters have been referred to the appropriate authorities.

The report goes on to talk about miscellaneous membership issues as well. It touches on the AWU's relationship with the Australian netballers association, the Australian Jockeys Association and other companies such as BMD Constructions.

**Mr Dalidakis** — Given your interest, are you a member of the AWU?

**Mr ONDARCHIE** — I pick up Mr Dalidakis's interjection asking me if I am a member of the AWU. I am not a member of the AWU, and it would be declared in the register of members interests if I were. I am free at some point to question Mr Dalidakis's loyalties as well, but we might talk about that at another time. We could talk about it in Chinese maybe and talk about the things that happened in China, but I will save that for another time.

In section 294, as Mr Dalidakis seeks to be an apologist for this activity, the report says:

In relation to BMD, the findings are that AWU membership numbers in relation to BMD employees were falsely inflated. Accordingly, the AWU may have contravened s 230 of the Fair Work (Registered Organisations) Act 2009 ... Further, Cesar Melhem may have contravened s 83(1) of the Crimes Act 1958 ...

There is a litany of things in the trade union royal commission's final report that point fairly and squarely to Daniel Andrews, and he must act on this. The trade union royal commission was told Mr Melhem took a \$130 000 overseas trip paid for by employer ACI and lined up false invoices through which his union was paid \$300 000 by an employer-friendly deal over EastLink that Bill Shorten arranged.

Mr Melhem is still to answer suggestions that he lied on oath at the commission in June when he denied having spoken to another witness about the hearings. An adviser to Premier Daniel Andrews, John-Paul Blandthorn, subsequently gave evidence that Mr Melhem tried to discuss with him three matters that the commission was investigating yet Mr Melhem said he did not. All this is on top of a long list of other disguised payments to Mr Melhem's union and the slush fund which Mr Melhem is alleged to have lined up and about which the commission has already heard some evidence.

**Mr Rich-Phillips** interjected.

**Mr ONDARCHIE** — To pick up Mr Rich-Phillips's interjection — —

**Mr Dalidakis** interjected.

**Mr ONDARCHIE** — I just heard it. I wasn't sure where he was sitting.

**Mr Dalidakis** — On a point of order, Acting President, the fact remains that to take up an interjection from a member who is out of their place is disorderly. I believe you were about to make that point. I ask the member, if he wishes to so participate, to return to his seat.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! I have already dealt with that, thank you very much, and members should know. The member, to continue.

**Mr ONDARCHIE** — I am not sure where I was in my contribution, so I will quickly review where I was up to. I think I was saying that Mr Melhem still has to answer suggestions that he lied on oath to the commission in June when he denied having spoken to another witness about the hearings. This other witness, an adviser to Premier Daniel Andrews, John-Paul

Blandthorn, said in his evidence that Mr Melhem had tried to discuss three matters with him which the commission was investigating. John-Paul Blandthorn, an adviser to Premier Daniel Andrews in the Premier's office, told the commission, 'Yes, Mr Melhem tried to have a conversation with me about this', and Mr Melhem told the commission, 'No, I didn't'. I will tell you what: Mr Andrews has to play referee here and make the call. Is it John-Paul Blandthorn, or is it Cesar Melhem? Let us just see where this goes.

The commission found that lawyers assisting the trade union royal commission published their submissions and said that Mr Melhem may have been guilty of soliciting a corrupt commission. One part of the commentary that has been heard is that, if Daniel Andrews has any concern for decency and honesty, then it is about time he took some action. If he is true to his word, then he should be insisting that the Labor Party and the union movement clean up their act and cut all ties with Mr Melhem.

In his maiden speech Mr Melhem talked about how proud he was to support workers and stand up for them. How can these workers have any confidence in Mr Melhem, the union officials or the Labor Party when these officials and the evidence given in the royal commission say that Mr Melhem took payments behind workers' backs and not for the sake of the workers? Imagine the Cleanevent cleaners who are going home each night and are trying to make ends meet. They could have got a better pay deal, but the AWU and assistant state secretary Cesar Melhem cut a better deal for the union than they did for the workers. One could almost suggest that he misled the house in his inaugural speech when he said he was proud to stand up for the workers. The evidence suggests he was standing up for himself and the AWU ahead of the workers. If somebody on that side wants to stand up and apologise for that or stand up and defend him, they will get their chance.

One of the extraordinary things is that so many of these former union officials do not think they did anything wrong. Cesar Melhem, who took over from Bill Shorten in the AWU and is now a member of this house, argued that a secret side payment to the union was fine because it was really members' money. That does not explain the secret need for bogus invoices, bogus training and research that was never undertaken, for advertising space that was never used or for tickets for balls that were never held. What is the Premier going to do about this? The Labor rorts culture continues in this state, and the Premier is doing nothing about it.

Then we found in November that Victorian taxpayers are footing the bill for Cesar Melhem to employ his former union mate Frank Leo as an electorate officer. He was the person named as part of the investigation into the Chiquita Mushrooms scandal. The royal commissioners heard evidence about how low-paid workers were sold out in exchange for payment to union funds, yet Cesar Melhem sees nothing wrong with Frank Leo going on the taxpayers payroll.

To be fair, I cannot fully accuse the Labor Party of being all in one box on this one, because Martin Ferguson said it was time for the Labor Party to 'clean up its act'. When Martin Ferguson was a federal minister those opposite held him in very high regard. But he said that it was time for the Labor Party to 'clean up its act'. Well, he gets it; how come Daniel Andrews does not get it?

Commissioner Dyson Heydon said:

These aberrations cannot be regarded as isolated. They are not the work of a few rogue unions, or a few rogue officials. The misconduct exhibits great variety. It is widespread. It is deep seated.

It seems that former union official, now member of the Legislative Council, Cesar Melhem, may face criminal charges, including false accounting and receiving corrupt commissions. In short, it is alleged he took payments from bosses behind the backs of workers he was supposed to be representing and issued false documents to disguise those payments. There are senior officials in the union movement who recognise that this sort of behaviour by trade union officials is unacceptable and must be cleaned up. Premier Daniel Andrews needs to do the same thing.

The *Age* summed this up well when it said the commission had been called a witch-hunt and a political stunt but we cannot deny the facts. The facts as found by the trade union royal commission remain that Cesar Melhem repeatedly put his own interests and the interests of his union ahead of the interests of the workers he was supposed to represent. He took payments from behind workers' backs while he was supposed to be negotiating on their behalf. He signed up employees to bad wage deals simply to support his union, and he issued false invoices to disguise payments from employers. He falsified union records by listing workers and union members without their knowledge or their consent, and he breached his fiduciary duty as a union official and a leader in the AWU, whose members are the same people who he said he was proud to represent.

You cannot say one thing on the one hand in your inaugural speech in this place and be found to be acting quite differently when you are in your role. Mr Melhem said he was proud to have supported workers. At times he said in contributions in this place that he was proud to support the workers, but the evidence is the evidence — that is, he took deals at the expense of those workers to supplement his own activities and those of the AWU. He issued false invoices. He had companies paid for training and research that never happened. He took an overseas trip at the expense of one of these employers. He falsified membership lists.

If the Premier claims to be a man of integrity, the Premier should do the right thing. He should put the interests of ordinary workers and ordinary Victorians ahead of those roting union officials. It is time for the Premier to give Mr Melhem the boot out of the parliamentary ALP. If members opposite today stand up in defence of this overwhelming evidence and these overwhelming facts, it will say lots and lots about them. But then they can stand today if they wish — —

**Mr Dalidakis** — Allegations.

**Mr ONDARCHIE** — Mr Dalidakis should feel free to do it and say that either John-Paul Blandthorn or Mr Melhem were lying to the royal commission. He can make the choice.

**Mr Dalidakis** — On a point of order, Acting President, the fact remains that the member is reflecting on another member of this chamber and attempting to imply that allegations that have indeed been made are truth or fact, when they are far from that. It is in fact contested, and I ask him to withdraw.

**The ACTING PRESIDENT** (Mr Elasmarr) — Order! I have been listening to the member and I do not believe it is a point of order, first of all I ask the member to continue with his contribution but to bear in mind the allegation which has not yet been proven.

**Mr ONDARCHIE** — Thank you for your guidance, Acting President, and I remind those opposite that I am quoting from the report of the Royal Commission into Trade Union Governance and Corruption. If those opposite want to make a value judgement about the efficacy and honesty of the trade union royal commission, they should stand up and say it, but I commend the work of Commissioner Dyson Heydon.

I commend this inquiry into the activities of trade unions, their governance and corruption, and I commend the findings it has made because many of them point squarely to a member of this chamber. That

member said, in his inaugural speech, that he is proud to stand up for the dreams and aspirations of the workers. Yet the trade union royal commission found that when he was in that capacity he was doing deals behind the scenes to take things away from the workers. I wonder how the cleaners at Cleanevent felt when they got home and watched their TV news or opened their morning newspapers to find the guy they were paying membership fees to was cutting a deal to take money away from them and supplement the union.

The Australian Labor Party cannot possibly be proud of that activity. Those whom I know well on the other side of politics demonstrate integrity in supporting those workers and their own beliefs, but this is in contravention of the beliefs they purport to stand for. So I challenge members opposite today. If they think the findings of the royal commission regarding Mr Melhem relate to an appropriate set of activities, they should stand up and say so, and that will reflect on them.

**Mr Dalidakis** — Then sit down and let me have a go.

**Mr ONDARCHIE** — Isn't it interesting? The self-appointed minister for defence of the Australian Labor Party wants to interject.

**Mr Dalidakis** — No, you said stand up. I will stand up if you sit down. Don't tell me to stand up if you won't sit down.

**Mr ONDARCHIE** — Acting President, I could not possibly know who is next on the speakers' list, but it has become obvious that the greatest self-promoter in the chamber is suggesting it is him.

I commend the motion before the house. I wish it a speedy passage. I cannot for the life of me understand why anybody would oppose it or want to stand proudly alongside someone who has been found to have done these things. If members opposite truly stand up for the workers and the beliefs of the Australian Labor Party, they will not defend against this motion today, they will agree to it. I commend the motion to the house.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — That would have to be 30 minutes of the greatest bile I have heard in this chamber since I was elected as a member of Parliament in 2014.

The Salem witch-hunt, which ran from February 1692 until May 1693, took less time than the witch-hunt which was the royal commission into the trade union movement. I find it absolutely astounding that somebody could have the gall to stand up and pretend

that he was representing the workers when the Liberal Party, time and time again, both at the state and federal level, does everything it can to sell out the workers, including right now the very act of the Liberal Party federally to wind back penalty rates for hardworking mums and dads of this country who work on Saturdays and Sundays to pay their way. Right now the Liberal Party is trying to have penalty rates taken away from these people. They will be taken away by the very people who are pretending to stand up and protect the workers in this country. I find it obscene, and I will not be lectured to by those people opposite.

Before we get into the substantive part of the motion let us have a look at the history of the three most recent royal commissions started and enacted by the Labor Party at either a state or federal level, remembering that royal commissions should be the domain of important public policy: we have public policy issues such as family violence, institutional child abuse and of course Aboriginal deaths in custody. They are the three most recent Labor royal commissions at either the state or federal level. Let us contrast that with the three royal commissions put in place by the Liberal people at either a state or federal level. The three I will talk about are all examples at the federal level, and the two most recent ones, under former Prime Minister Abbott, were the home insulation royal commission and the Royal Commission into Trade Union Governance and Corruption, which this motion concerns. And of course there was the royal commission into the building and construction industry.

Let us have a look at those commissions, because I find it quite obscene that when we talk about important public policy issues that confront society — family violence, black deaths in custody and institutional child abuse — are what the Labor Party wants to focus and enact change on, being what do the Liberal people, the swill opposite, want to focus on? Their opponents. Time and time again when they get their hands on the levers, instead of trying to enact proper public policy change for the benefit of society now and into the future, they use it to try to attack their opponents. Nothing more, nothing less. I will get to the royal commission into the trade union movement in a moment, because it is a disgrace. It is an abuse of public policy and it was an absolute disgrace for the Liberal Party to spend \$60 million of our money, the money of the people in Southern Metropolitan Region, Victorian taxpayers money and money from people all around this country, to attack its opponents. Nothing more, nothing less. It is obscene.

To be lectured by somebody with a silver spoon in his mouth who is pretending that members opposite are

here to represent the worker is an absolute disgrace. Let us have a look at the motion, which is about a politically motivated trade union royal commission, and I will labour those words again — politically motivated. Let us for a moment have a look at Dyson Heydon, who was the royal commissioner, and the wilful abandonment of natural justice by him and Jeremy Stoljar as they went on their own Salem witch-hunt of 2014 and 2015. It is an absolute disgrace. Let me remind you that it was \$60 million not for a public policy pursuit like the prevention of black deaths in custody or family violence or even for institutional child abuse but to simply smear and attack their opponents. That is what Mr Ondarchie has come into this chamber to do. Allegations have been raised in the royal commission that do not stand up to the normal evidentiary standards that a court of law would accept. Those opposite allow people to say whatever they like unchallenged, and they then have got the gall to come into this chamber and try to repeat those allegations that have not been tested in a court of law.

These allegations are very serious, and if Mr Ondarchie wants to stand by them, I implore him to go onto the steps outside of the chamber, where he is not afforded protection under parliamentary privilege, and repeat those allegations. Let him do that. Let him repeat those allegations outside the protection afforded to him by Parliament. But he will not. He does not have the guts. He looks like he has the guts, but he does not have the guts to do it outside this place. What a waste of \$60 million. He sits over there and smirks. How much would \$60 million have funded in terms of hospital beds? Or how about education places in the public education system? What about \$60 million to restore the damage those opposite did to the TAFE system? It was \$60 million of our money that the federal government wasted to simply smear and attack its political opponents, whether it be the trade union movement or members of Parliament. And who did it rely upon to prosecute its claims? 'Hello, I'm a puppet of the Liberal Party. My name is Dyson Heydon. I will do what they ask me to do'. Are you joking me?

The proof of the matter is not only did Dyson Heydon approve a request to do a fundraiser for the Liberal Party, as everybody well knows, but he did not actually at any stage say that it was wrong for him to do so. He said, 'I'll just defer it. I'll defer it until the royal commission is finished. There's nothing wrong with that, and then the royal commission can continue'. When he got caught with his hand in the Liberal Party fundraiser cookie jar, probably to try to help Mr Ondarchie, Mr Finn and his mates get elected to Parliament, what did he do? He pretended to consider whether he was somewhat biased in continuing on in

the royal commission. What did he do? He obviously had 10 seconds of quiet think music to himself — Liberal Party think music, so it would have been quite interesting to hear what he was listening to — and then he decided to continue. He decided to go on with the royal commission, completely abandoning any perception whatsoever of impartiality. The idea of impartiality was completely dispensed with.

Dyson Heydon, as I have said, was in charge of what can only be described as a sham royal commission that smeared and slandered both the political opponents of the Abbott government and working people, middle-class people, wealthy people and even — guess what? — socio-economically challenged people, people that the Liberal Party do not represent. To get lectured here by somebody that pretends that they do so is really quite an embarrassment, and the fact that those opposite were prepared to stand up and do so was somewhat surprising. But let us just remember that smearing and slandering your political opponents might work for members opposite in the chamber — —

**Mr Finn** interjected.

**Mr DALIDAKIS** — Let me just take up the interjection. Mr Finn wants to talk about Kathy Jackson. Let me tell him that Kathy Jackson was the pin-up girl for the Liberal Party. Christopher Pyne, who is the current Liberal — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Mr Finn! The minister, to continue.

**Mr DALIDAKIS** — Thank you, Acting President. Christopher Pyne, the federal Liberal minister, had — —

**Mr Finn** interjected.

**Mr DALIDAKIS** — Let me say this because it was Mr Finn that mentioned Kathy Jackson's name. This is what Christopher Pyne had to say. This is a direct quote:

Kathy Jackson is a revolutionary, and Kathy Jackson will be remembered as a lion of the union movement.

Christopher Pyne said those words. So for Mr Finn to pretend to get up here — —

**Mr Ondarchie** — On a point of order, Acting President, Mr Dalidakis has been on his feet for over 10 minutes. The motion relates to Cesar Melhem. He is talking about a range of other people, and he has not yet

mentioned Cesar Melhem 10½ minutes into his contribution. I ask you to bring him back to the motion.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I am not going to uphold the point of order, but I appreciate that if he had not been invited by Mr Ondarchie's and Mr Finn's interjections, maybe he would have gone ahead.

**Mr DALIDAKIS** — Thank you, Acting President. What offended those opposite so much was that I quoted one of their own who had defended Kathy Jackson, who Mr Finn was just apparently attacking. I really wish that they could get their stories straight, because for \$60 million they deserve a better storyline than just smearing and attacking their political opponents, and that includes both state and federal members of Parliament. That includes leaders of the union movement, people that have dedicated their lives to making the lives of the working-class people better each and every day that they get up to go to work.

So what do we have? We have a witch-hunt headed by a Liberal Party lapdog — and who was that lapdog's little master? Jeremy Stoljar. Well, how much money did Jeremy Stoljar get out of it? I will come back to Jeremy Stoljar. What did Jeremy Stoljar do? He and the commissioner continued their campaign of defamation and denigration of the whole labour movement — that is, the political labour movement, of which I am a very proud member, and the trade union movement, of which I am a member. Unlike some of that unrepresentative swill over the seas of the dispatch box, I am a member of the Australian Workers Union (AWU), and I have got no problems with the AWU leadership. They have done a fine job representing their members each and every day.

In that somewhat vile contribution by Mr Ondarchie before me, let me just remind him that when he wants to talk about ACI Glass, the ACI glassworkers here, as I am advised, are the highest paid glassworkers anywhere in the world. So if he wants to smear and slander somebody like Mr Melhem for the work that he has done representing working-class people, he should remember that they are the highest paid workers in their industry anywhere in the world. As for EastLink, let me remind everybody in this chamber and outside the chamber that so far as EastLink goes everybody was calling — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Elasmr)** — Order! It is very difficult to hear the minister, to be honest. The minister, to continue.

**Mr DALIDAKIS** — ACI members are the highest paid workers in their industry in the world. So you know what? I happen to be a member of a union that has delivered that, and I am proud to be a member of a union that has delivered that. That is what the union does. In relation to EastLink, there were no false invoices for EastLink. In relation to EastLink, it was built on time, as my recollection goes, and it was built on budget, and that was done by the construction companies working together with the AWU again.

So when the construction companies and those opposite call for the Construction, Forestry, Mining and Energy Union (CFMEU) not to be a union on site at construction projects, and then a construction company does a deal with another union, all of a sudden they cry wolf. All of a sudden when they try to get the CFMEU off a construction project and call for other unions to be involved, the AWU steps up and represents the workers, so they then think they can get two bites at the same cherry and go, 'Oh, no! We don't like the AWU either'.

What I find amazing is that these people can come into the chamber and pretend to care about the union movement, they can come in and pretend to care about working-class people and they can come in and pretend to care about members of the AWU, none of which they are. They are not working class, they are not AWU members and they are not working on construction sites or doing cleaning jobs, like Mr Ondarchie pretends that he wants.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Mr Ondarchie, maybe you would be better fitted out as a cleaner. Then you could take out your AWU membership and attack the AWU.

Let us now talk about Kathy Jackson. Kathy Jackson misappropriated some \$1.4 million —

**Mr Finn** — On a point of order, Acting President, we have now heard more than 15 minutes of Mr Dalidakis and, to back up what Mr Ondarchie said 5 minutes ago, we are yet to get to the crux of this motion. We all like to have a bit of a preface; we all like to have a bit of an introduction, but I reckon 15 minutes of introduction is probably pushing it a bit far, and I ask you to bring him to the crux of this motion.

**Mr Herbert** — On the point of order, Acting President, this is just about wasting the time given to Mr Dalidakis. He has been talking about the very crux of the motion. The very basis of it is that it is an

anti-union smear campaign motion and he is referring to the absolute heart of it.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Again I am not going to uphold the point of order, but if members could minimise their interjections the minister may concentrate more on the motion itself. I invite the minister to come back to the motion.

**Mr DALIDAKIS** — Can I just remind the chamber that the very opening sentence of this motion is:

That this house notes the evidence and findings of the Royal Commission into Trade Union Governance and Corruption ...

That is the very beginning of this motion. What I have done in the entire time I have been talking is to deal expressly with the findings and evidence of that royal commission, so if those opposite wish to challenge what I am doing, maybe they should have been a bit cleverer with the motion they put on the notice paper.

Let us be clear; let us move to the AWU, which this motion wants to talk about in part, and let us look at the little lap-dog Mr Stoljar and his desire and attempt to link Mr Shorten to questionable behaviour within the AWU, which was seriously flawed. So seriously flawed was Mr Stoljar's behaviour that when the findings came out in relation to Mr Shorten this is what Mr Stoljar said — this is what happened, and these are his words, not mine — and I quote:

The evidence does not support a finding that Mr Shorten had any substantial involvement in the arrangement ...

It then goes on to say:

The question is whether there may have been anything improper or unlawful about that. It is submitted that the evidence does not establish that there was.

Let me repeat that last point.

It is submitted that the evidence does not establish that there was.

So what we have here is the federal Liberal Party wasting taxpayers money — \$60 million-plus of it, by the way — on a royal commission that contributed nothing to public policy life or the pursuit of good in society. All it did was try to smear, denigrate and attack the labour movement. To think that the state Liberal Party wants to jump in bed with the federal Liberal Party to waste more of taxpayers time in this chamber to debate a motion that the federal Liberal Party has already wasted \$60 million of our money on is quite disgraceful.

Guess what Mr Stoljar went on to say:

... there is no suggestion that Mr Shorten was involved ...

Let us just be very clear: \$60 million was spent to smear, denigrate, attack, belittle and try to weaken their opponents. That is nothing short of a travesty. How much of a difference would \$60 million have made to our health waiting lists or to paying for ambulances to serve our community or to building new schools or to investing more in the TAFE sector instead of cutting it? How much more of a difference would \$60 million have made? Instead what the Liberal Party wanted to use it for was to attack and denigrate its opponents.

I have only very briefly touched upon Dyson Heydon. Let us get to the crux of the matter here. Dyson Heydon was previously a captain's pick. We know how well captain's picks worked out for Tony Abbott — so well that he is no longer Prime Minister.

**Mr Finn** — On a point of order, President, 20 minutes has now passed, and the only time that Mr Dalidakis has actually made any contribution on the crux of this motion is to attack the royal commissioner. There is nothing in this motion that refers to the royal commissioner. I would suggest to you, Acting President, that on the question of relevance the minister is way off track and way up a wattle.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Again I say to Mr Finn that that is not a point of order. I again remind members on my left not to interject so much — so that Mr Dalidakis can continue with his contribution. If members continue with their interjections, they will never start. It is up to the minister.

**Mr DALIDAKIS** — What I was getting to was that Dyson Heydon was another captain's pick by the former Prime Minister, Tony Abbott. It worked so well for Tony Abbott that he is no longer Prime Minister. He made lots of captain's picks. Do you know what else came out during the royal commission hearings, Acting President? Dyson Heydon was apparently one of the people who gave Tony Abbott his Rhodes scholarship. 'That's really nice. Thanks very much, Dyson, for the Rhodes scholarship. Guess what? I'm going to put you back in the seat so that you can get paid to do a hatchet job on my political opponents' — —

**Mr Ramsay** interjected.

**Mr DALIDAKIS** — Mr Ramsay was not here for the beginning of my contribution, so for Mr Ramsay's benefit let me just remind him that when the Labor Party gets the opportunity to implement royal

commissions it does it for family violence, it does it for institutional child abuse and it does it for Aboriginal deaths in custody. That is what the Labor Party chooses to use royal commissions for. What does the Liberal Party use them for? It uses them for the building and construction industry, it uses them for home insulation in order to attack Kevin Rudd and it uses them to attack the union movement. Liberal Party members are self-serving. They put their hands in your pocket, Acting President, and take your money out to spend it on partisan political behaviour — —

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The minister is inviting other members to interject.

**Mr Ondarchie** — On a point of order, Acting President, the minister suggested that there are members of this house who have their hands in your pocket, which is reflecting on the Chair. He might be reminded that that is not appropriate behaviour in this Parliament and that he might choose to talk to the motion and surprise us.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I have already advised the minister to continue.

**Mr DALIDAKIS** — What we saw was Dyson Heydon becoming an extension of Tony Abbott's attack dogs, used to attack his opponents. That is what we saw. The royal commission was nothing more than an abuse of public policy to try to smear the Liberal Party's opponents, to try to attack the labour movement. Guess what, Acting President? The public is cleverer than that. Each and every time those opposite do it the public sees through it, so every time the Liberal Party wants to smear us, we come back stronger.

The reason we come back stronger is that there is one party that cares about the working-class people, and that is the Labor Party and the labour movement — not Mr Ondarchie, not Mr Finn, not Mr Ramsay, not anybody on that side of the chamber and not anybody in the Liberal Party in federal Parliament. All of them always try to attack the labour movement. Why? Because we represent the working-class people better than they ever could. We understand what working-class people go through better than they ever will, and that is nothing to be ashamed of. It is something I remain eternally proud of, being an AWU member.

**Mr Ramsay** interjected.

**Mr DALIDAKIS** — Let me take up the interjection of Mr Ramsay, who claims I am somehow smearing

Dyson Heydon. I do not need to smear Dyson Heydon. All I have done is present the facts. He gave Tony Abbott his Rhodes Scholarship, and Tony Abbott returned the favour and said, 'Go and attack the union movement'. By the way, while Dyson Heydon was attacking the union movement, he said he would do a fundraiser for the Liberal Party, and then he refused to excuse himself from the royal commission. He instead made it a partisan attack — a witch-hunt for the labour movement. That is what Dyson Heydon did. They want to say that I am smearing Dyson Heydon; I am simply putting on record facts that everybody is already aware of.

Those opposite may find the truth inconvenient, but the truth will remain the truth in black and white now, tomorrow, next year and the year after. The truth is that Dyson Heydon wasted \$60 million of Victorian and other jurisdictions' taxpayers money for nothing other than a witch-hunt to smear and attack political opponents. That is exactly what Craig Ondarchie has done by attacking Cesar Melhem. He is trying to attack a member of this house with nothing more than allegations that are untried and untested by any court of law. The royal commission itself acknowledges that it is only an administrative inquiry and not a legal construct. It says the royal commission is not a judicial inquiry. These are the royal commission's own words. The conclusions reached by the royal commission are an expression of an opinion. This is what we have got: Mr Ondarchie attacking another member of this place on an opinion — not facts, nothing tried and tested in a court of law, nothing more than an opinion.

Mr Ondarchie gets up to try to smear somebody because of an opinion, and at no stage has any allegation been levelled against Mr Melhem that he has personally benefited or mismanaged any of the union funds. None of those claims have been made. Mr Ondarchie did not even make those claims. So let us get down again that it is an attack on the labour movement. It is an attack on their Labor political opponents by members opposite. It is an attack on the working-class people, and most importantly this motion is an attack on political process. That is what this motion is; it is an attack on political process. We will not stand for it on this side of the chamber, and we will not vote for it.

**Business interrupted pursuant to standing orders.**

## RELATIONSHIPS AMENDMENT BILL 2015

*Council's amendment and Assembly's amendments*

**Returned from Assembly with message disagreeing with Council amendment and seeking agreement with further Assembly amendments.**

**Ordered to be considered later this day.**

## STATEMENTS ON REPORTS AND PAPERS

### **Standing Committee on the Environment and Planning: rate capping policy**

**Ms BATH** (Eastern Victoria) — I am pleased to rise to make a contribution on the Standing Committee on the Environment and Planning's first report into rate capping policy. As a member of this committee I read with interest the submissions to this inquiry and listened to the views of many councils and their concerns regarding rate capping.

To begin I must be clear that this Labor government did not introduce rate capping at the consumer price index for the 2015–16 financial year. Therefore the Andrews government did not follow through on its election promise to cap rates at CPI. There have been council rate rises in Victoria for the 2015–16 year, and these averaged 3.8 per cent according to the Municipal Association of Victoria. The difference between the increase in CPI and rates in the year to 30 June 2015 was 2.7 per cent. This is compared to the increase of 1 per cent in the year to 30 June 2014, when the coalition was in government. While in government the Liberal-Nationals coalition significantly increased funding to the local government sector. The coalition's financial assistance helped reduce the impact of rate rises.

We in the coalition understand that a one-size-fits-all policy does not work when it comes to determining rates. We understand that some councils, in particular those in the city, have more options to raise revenue from sources other than rates, such as money received through parking meters and fines. Metropolitan councils tend to be geographically smaller and have more rateable properties, which usually means a higher rate base. As South Gippsland Shire Council Cr Don Hill told the committee:

Out in the country areas we are paying two to three times the rates they would pay inside the metropolitan areas.

Infrastructure maintenance and renewal requirements in country councils are quite large, with extensive road networks, a number of bridges and walking and cycling

paths that need to be maintained for local communities. Some of these local councils do not have a large number of residents to provide rate revenue; however, many of them cover tourist destinations, which sees large numbers of people flock to these areas over holiday periods. Infrastructure needs to be able to cope with the influx of visitors yet rate revenue is not always enough to cover this. That is why when in government the coalition introduced extra assistance for country councils. This included a \$160 million country roads and bridges program which the Labor government axed.

I called on the Victorian government to re-establish the country roads and bridges program, which provided \$1 million per year to each of the 40 rural councils that qualified. Labor members of the committee voted against this recommendation. Councils within my electorate have expressed great disappointment to me over Labor's decision to cut this successful program. The committee heard that some of the rural and regional councils have over 100 bridges that are in urgent need of upgrades.

The committee also anticipated that the ability of local government to fund bridge upgrades would be constrained by the proposed system unless councils increase borrowings, apply for higher caps or introduce special levies. Maintaining local roads is one of the biggest costs faced by local government. Without these added funds councils have no choice other than to raise rates to have access to money to maintain our roads and bridges, which are vital for industry, tourism, families and this state's prosperity.

Baw Baw Shire Council's CEO Helen Anstis informed the committee that:

At the moment we have got bridges that people are taking 22-kilometre detours or 18-kilometre detours to avoid, because we cannot maintain all the bridges to the standard ...

The coalition's country roads and bridges program funded much-needed support for basic road maintenance, including pothole repairs, resealing, bridge maintenance and replacements, as well as other important repairs.

This Labor government will argue that it released its Stronger Country Bridges program. This program was announced by the Premier in Traralgon in my electorate, yet only one of the 48 bridges funded in Victoria happens to be in Gippsland. Gippsland has over 700 bridges, and sadly one is extremely insufficient.

The Andrews government's replacement country roads and bridges program is just another example of regional Victorians having to scramble for crumbs under the Labor government's table. We do not want to see country councils scrambling for funds to maintain local infrastructure or have to raise rates too high to cover cost burdens, and that is why, as I stated earlier, we do not want to have a one-size-fits-all approach to rate collection.

### **Auditor-General: *East West Link Project***

**Ms TIERNEY** (Western Victoria) — This afternoon I would like to make some comments in relation to the Auditor-General's report that was tabled in December 2015 on the east-west link (EWL) project. In fact it was tabled in this place on 9 December last year. The Acting Auditor-General, Dr Peter Frost, notes in the letter to the Presiding Officers accompanying the report, and I quote, and this is right at the beginning of the report:

... the EWL business case did not provide a sound basis for the government's decision to commit to the investment and that key decisions during the project planning, development and procurement phases were driven by an overriding sense of urgency to sign the contract before the November 2014 state election.

Dr Frost's words are a damning indictment of the former government's handling of the project. They demonstrate a significant cost to the Victorian taxpayer from the short-sighted actions of the former government in seeking to pursue a political objective. They show why we must not and cannot in good conscience abdicate our duties to the taxpayers of this state for short-term political gain, as was sadly the case in relation to this project.

In addition to this, as we have learnt from the federal Auditor-General's report that was released on 14 December last year, the federal coalition government was just as inept and irresponsible in its decision to sign over \$1.5 billion. It did so despite its own public servants warning as to the merits of the project. The headline figures from the Auditor-General's report speak for themselves in demonstrating the ineptitude of the former government's handling of this project, as well as the simple fact that given the weaknesses of the business case, it should never have gone ahead.

Signing the contract was, in the circumstances, and I quote, 'imprudent and exposed the state to significant cost and risk'. As is noted in the report's conclusion, the total cost of the project would have been close to \$23 billion. For every \$1 of these \$23 billion spent,

55 cents would have been lost. As the Treasurer noted, the handling of the east–west link is a lesson in how not to govern. And, as aforementioned, the merits of the east–west link were also questioned by public servants in Canberra. In spite of this, just like their state colleagues, federal coalition members threw caution to the wind and committed a total of \$3 billion in federal funding to the project.

This occurred even though, as the federal Auditor-General notes, and I quote:

Neither stage of the east–west link project had proceeded fully through the processes that have been established to assess the merits of nationally significant infrastructure investments ...

The initial tranche of \$1.5 billion was allocated by the federal government, even though the money simply was not yet needed, so that the federal government could score cheap political points.

So just what have we learnt from this report? We have learnt that you do need to have specialist staff who understand infrastructure build. You need to have public servants who are prepared to be bold and provide advice. You need to have a government that is prepared to listen. Above all, in terms of infrastructure, you try to make sure that the politics, as much as you can, are taken out of it and that at the very least you do not look at the election cycle and the timetable of the state election of 2014 as the reason to disregard what the population in this state wanted. But as it turned out it actually was a very important time for Labor, given that it did turn into a referendum on roads and public transport — and I am pleased to announce yet again to the opposition that it was Labor that won that referendum.

### **Department of Economic Development, Jobs, Transport and Resources: report 2014–15**

**Ms LOVELL** (Northern Victoria) — I rise to speak on the annual report 2014–15 of the Department of Economic Development, Jobs, Transport and Resources. Page 6 of the report says that this department ‘Led the development of the government’s major infrastructure policy documents’. We just had the Deputy President give us a lecture on major projects, but she forgot to mention that Daniel Andrews promised the people on the Pakenham-Cranbourne line that they would have ground-level trains and grade separations, and now they have got a sky rail that they are not happy about at all. We can all give people lectures on those sorts of things, but if you do not live up to what you are saying, you may soon be out of government. We know that the people on that rail line

certainly feel those opposite should be out of government, as do the people on the Shepparton line.

Our rail line is absolutely atrocious. We have four services to Melbourne per day. We did have three services under the former Labor government; the Liberal government did introduce an additional fourth service to Melbourne per day. We only have three return trains to Shepparton per day. There were additional promises from the Liberal government that this year we would have a fourth return service per day and we would have an additional return service both ways on Saturdays and Sundays. While we have four trains to Melbourne on Monday to Friday, with three trains returning to Shepparton on Monday and Friday, on Saturday and Sunday we actually only have two return services. It is a fairly ordinary service that we have.

While the rest of the state has been severely disrupted by the recent mismanagement of the rail system by the incompetent Minister for Public Transport, Jacinta Allan, our line has not been as disrupted because our services are just atrocious all the time — they have just been a little bit worse than what they normally would be. What we are hoping is that we have not been pushed down the list once again for more improvements to happen on the Bendigo, Ballarat and Geelong lines — the typical lines that Labor governments will look to improve — because our services need that investment. We have the worst services in the state, and we should not be pushed down the list for others.

I want to mention an incident that happened to one of my constituents a couple of weeks ago. This particular constituent called V/Line on a Friday to see what trains might be available from Shepparton to Melbourne on Saturday. She made three attempts at getting information. The first time she rang the number in the phone book that was for the Shepparton rail station, but it went through to Public Transport Victoria in Melbourne. She was told that on Saturday she had the choice of two trains from Shepparton to Melbourne — 7.04 a.m. and 4.05 p.m. — or she could catch a bus and train combination. She could catch the bus to Kerang and a train to Melbourne, which was more than a 7-hour trip. This was actually given to her by Public Transport Victoria as a serious viable option for her to get to Melbourne. What a disgrace.

On her second attempt she actually went to the Shepparton station, and she was told that there were two trains — at 7.04 a.m. and at 4.05 p.m. — or there was an express bus. She asked when the express bus left and was told that it leaves either when it is full or at

7.04 a.m., when the train leaves. This bus does not even exist on the timetable, yet someone with a straight face told her at the Shepparton station that this was a viable option for her.

On her third attempt she rang the number again, and this time she got Shepparton rail and was told that there were two trains — at 7.04 a.m. and at 4.05 p.m. — and of course they did not tell her about the express bus, because it does not exist. She asked them about the Kerang option and was told that she could go that way, but it would take her all day. They did not think that it was a viable option despite her already being told by Public Transport Victoria that it was. This is the type of service that we have put up with in Shepparton for a long time. It is absolutely disgraceful.

There needs to be serious investment in our rail services in Shepparton. There was a review of the line done under the Liberal government, and the recommendations from that should be implemented. We are now waiting for the review of the whole state, and no doubt we will just be lumped in with the rest of the state and pushed down the priority list again, and that is just not acceptable. This government must start to invest in the Shepparton rail services.

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

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Ombudsman report entitled *Reporting and investigation of allegations of abuse in the disability sector: Phase 2 — incident reporting* of December 2015. I thank the Ombudsman and her office for conducting their investigation into this serious issue within the disability sector in Victoria. This report comes as a result of significant media coverage in 2014 of incidents of appalling abuse in facilities across the state against people living with a disability. As a result the Ombudsman announced a two-part investigation into the reporting and investigation of allegations of abuse in the disability sector. The phase 1 report investigated the effectiveness of oversight. I raised that report in this house last year and spoke of the investigation's findings.

As I was when I read the phase 1 report, I was extremely disappointed when I read the phase 2 report. Phase 2 examined incident reporting and management in the range of environments in which people with a disability live across the state. Using 357 incidents reported to the Department of Health and Human Services over two months, 19 incidents reported to the Transport Accident Commission between January 2013 and August 2015, 42 notifications made about people with disability living in supported residential services

between July 2012 and December 2014 and 78 submissions from people with an interest in the sector, the Ombudsman outlined many disconcerting findings. The main issues included reporting incidents; failing to report and the impact on staff, clients and families; the means of reporting; communication, investigation and review mechanisms; and departmental responses.

In Victoria, 1 million people live with a disability, with 365 000 defined as having a profound or severe disability. Of these, the vast majority live at home, but 5000 live in supported accommodation, which is state funded. The report indicated, and I quote:

There is broad consensus that people with disability are more likely to experience abuse than the general population, for example:

children with disability are three to four times more likely to be mistreated;

adults with an intellectual disability are more than 10 times more likely to be a victim of sexual assault.

These figures are staggering and inexcusable, and yet this report indicates that it found that overall the level of abuse within the sector is under-reported. As the Ombudsman puts it, and I agree, the current figures are really just the tip of the iceberg.

The report indicates that there are significant flaws in how reports of abuse are made, how they are communicated and what actions are triggered as a result. In most instances of reports being lodged through the current system's outdated and ineffective mechanism, there was 'non-existent or very sporadic' feedback provided for future reference. How can learning from incident reports be achieved if the necessary support is not provided? I again quote:

The impact of this is clear: it perpetuates poor and inconsistent practice in circumstances where we are aware there is already an under-reporting of abuse.

The reasons for failing to report were also investigated in this report. The Office of the Public Advocate stated in its submission a possible reason as to why this occurs:

The experience of violence is likely to be under-reported by people with disability for reasons including fear or repercussions ... family breakdown, that support services will cease and implications for personal care, transport, and communication assistance.

The fear, however, is not only felt by the victim; staff are also intimidated in reporting as the consequences of reporting place them at risk. There is pressure from management not to report and ostracism and possible

loss of work and income if they do. The ways in which reports are currently lodged means that the paperwork is passed through many hands before it reaches its final destination, leaving many staff vulnerable. The culture of fear must end; it is toxic.

Escalation and communication are another two key issues in the sector. The Ombudsman found that there was — —

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

**Auditor-General: Local Government —  
2014–15 Audit Snapshot**

**Mrs PEULICH** (South Eastern Metropolitan) —  
Acting President, I will not claim the 5 minutes and 45 seconds that the previous speaker had. Thank you for the opportunity of making a few remarks on a report that I have already spoken on. I wish to take the opportunity of doing so now on a topic of particular interest, and that is the Auditor-General's *Local Government — 2014–15 Audit Snapshot*. Apart from the audit itself, a part of the Auditor-General's report focuses on the early work done in relation to the new performance reporting regime, the Local Government Performance Reporting Framework, which was to be implemented from 1 July 2014.

The whole concept of performance reporting is not new. In fact under former Kennett government minister Robert McClelland we did have a performance framework. In fact I was one who drove a lot of that in the background. Of course when the Labor government then won office, it scrapped that and we went into organised chaos. I will not say disorganised chaos, because if you have a look at what local government does, it certainly does report on its performance, but it has never been in a way that you can compare apples with apples.

I still think that there is a problem in one regard in relation to the new performance framework, and that is its having different cohorts. I know that the objective is to compare apples with apples and oranges with oranges, but in the broader scheme of things that can also have its shortcomings. For example, recently we read on the new website that the government is responsible for establishing Know Your Council, that one of the Casey councillors had attended something like 83 per cent of the meetings and that by comparison that was low. But what the new website fails to acknowledge and does not provide any explanatory notes on is that the City of Casey has doubled the number of meetings that any other council has because

of the growth occurring in the area and because of the volume of business and the size of the agenda. So there are flaws. But there are some good things in the framework, such as the emphasis on gathering data.

At the end of section 3 of the report, 'Performance reporting', the recommendations include:

That local councils enhance their performance reporting processes by developing performance statement preparation plans and setting performance indicator targets.

One would have thought that would have been driven more robustly and that the Municipal Association of Victoria, Local Government Victoria and other peak bodies would have driven it harder and faster. The next recommendation is:

That Local Government Victoria refines and updates the definitions in the *Local Government Better Practice Guide 2014–2015 — Performance Reporting Framework Indicator Workbook* to demonstrate a clearer linkage between the performance objective and the result.

That has been a consistent criticism by the Auditor-General — that the manner in which councils report on their performance is about activities and not about achieving outcomes. Can I say that the Know Your Council website continues in that tradition. When I had a look at some of my local councils to see how they were doing I came across topics under the performance summary such as animal management, aquatic facilities, food safety, governance, home and community care, libraries, maternal and child health, roads, statutory planning, waste collection, financial performance, sustainable capacity, governance and management.

What really struck me, however, was that there was nothing about another key area of activity, and that is the services or the support that is provided in relation to the local economy and jobs — what local government was actually doing to spearhead, lead or facilitate businesses, given that businesses are significant contributors to the rate base. There appears to be no reporting of that activity, even though an all-party committee report of a previous Parliament on economic development and infrastructure recommended that every department should focus on economic activity and jobs. Clearly the new performance framework ignores that. I think it is a gross failing. I think it fails to represent a significant cohort of the contributors to the rate base, and I ask the minister and Local Government Victoria to rectify this so it reflects more broadly the services that are expected from local government.

### **Standing Committee on the Environment and Planning: onshore unconventional gas in Victoria**

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the report entitled *Inquiry into onshore unconventional gas in Victoria — Final Report*, which was tabled in this place in December 2015. Let me begin by first re-emphasising the report's findings concerning Victoria's prospects for commercial sources of unconventional gas. Although onshore the Gippsland and Otway basins have received attention from the industry, there is no guarantee that, if there was gas to be found there, it would be commercially viable to produce. Instead it appears that Victoria may be more prospective for tight and shale gas.

The discovery of tight gas near Seaspray in Gippsland in 2004, however, is the only discovery of unconventional gas in Victoria so far. Although Lakes Oil's estimate reaches around 1.7 trillion cubic feet of gas, once again it is not clear whether this can be commercially extracted. Furthermore, while the geology of the Gippsland region may not be prospective for shale gas, the Otway Basin may be. Be that as it may, there seems to be little information in general concerning the exploration of shale gas in Victoria.

Reading the report, the opinion I have now formed is that there are far too many risks linked with unconventional gas extraction and they just end up outweighing its associated benefits. Firstly, since Victoria is a relatively small and densely populated state, many challenges exist regarding the coexistence of the unconventional gas industry alongside other industries such as agriculture, tourism and the dairy industry et cetera. The other challenge is scientific knowledge requirements. The committee has found that there is an actual gap in the geological and hydrogeological science which would underpin a possible unconventional gas industry in Victoria.

The report finds that the state's regulatory system is not currently in a position to effectively manage the potential risks associated with unconventional gas. One of the most striking findings of the report is that it is unclear whether the development of unconventional gas in Victoria would even influence the price of gas in this state, which is precisely the reason we are having this debate to begin with.

Let me conclude by stating that the committee was unable to reach a definitive conclusion. In fact it came up with a number of minority reports in relation to whether or not the ban should remain in place, and a

fair bit of work needs to be done on that. I conclude by moving to the minority report which was handed down by a member of this place, Mr Somyurek, which I think sets out the right way to go. There are two recommendations in his report. The first recommendation is to:

Enact a moratorium on unconventional, fracking-related gas production for three years — and, in line with agreed recommendations of the committee, including:

detailed scientific research to be commissioned by the government on all health and environmental risks associated with onshore unconventional gas production and how they can be contained;

a parallel process of implementing best practice in regulation; and

economic modelling to identify potential impact in terms of jobs, manufacturing and the economy of onshore gas production.

Recommendation 2 is to:

Immediately discontinue the moratorium on conventional gas wells on the basis that any proposal to drill a conventional well will include a number of commitments by the applicants including:

... gas production will use only conventional non-fracking means;

full consultation with local communities and landowners;

a percentage of the resource will be reserved for local businesses or consumers at a price below the prevailing local price; and

a commitment to abide by all best practices under the various acts and regulations.

With these words, I commend the committee on its work. Obviously it has been a challenging process for the committee. Democracy was at work, and that is why we had various reports coming out. It was not a consensus, but I want to commend each member of the committee who actually put their own view on this issue. I have got respect for their individual views. I commend the report and the work of the committee to the house.

### **Regional Development Victoria: report 2014–15**

**Mr RAMSAY** (Western Victoria) — I am pleased to be able to speak to the Regional Development Victoria annual report for 2014–15. While I do not intend to go into the report in detail, I want to flag some of the detail within it.

I firstly want to note James Flintoft has a chief executive's foreword in the report. James and I actually rode together in the Cadel Evans people's race two weeks ago, a wonderful cycle race around the Great Ocean Road. It gave the Geelong region a great opportunity to showcase some of the beautiful scenery that the ride went through in a number of small towns going from Eastern Beach in Geelong through Barwon Heads, out through Torquay and then inland across small regional towns like Moriac and coming back on the back of Villawood and back into Geelong. For me personally to be able to be a part of that great national cycle race was a real pleasure, and I know James got a lot of satisfaction also out of being one of the 4000 people who rode in that people's race.

I am digressing somewhat, but I did want to refer to James's comments in relation to Regional Development Victoria and also the past programs under the previous coalition government. While this government was very keen to rebrand and have some name changes and some acronyms that really no-one can either pronounce or remember because they are so long, 124 of the projects that remained with the transition of government have actually been continued. I think that is very important, and I congratulate those that have been party to those outstanding projects under the old Regional Growth Fund, which was, as we know, a \$1 billion fund providing a range of programs through the Putting Locals First, energy to the regions, country roads and bridges, and leadership programs — a whole raft of very important programs for regional Victoria.

I will also just draw members' attention to a couple of highlights, as it says in the report, which actually I had quite a lot to do with myself. These projects are continuing in relation to the ongoing investments in businesses but also the potential jobs that will be created and the regional economic activity that will be created through partnership funding both through the Regional Growth Fund and also through the businesses themselves.

Certainly in the Barwon south-west region, in which I live and which I also represent from the Geelong office, I note with some pleasure that \$22 million was provided to the Australian Lamb Company. This is a company in Colac which was previously CRF Foods, of which I was one of the founding investors. It employs over 400 people in the Colac region, and that company has grown under the new ownership of the Australian Lamb Company, with 125 new jobs on top of the 400 it was already providing in the region. The economic value created by that business is very important to the Colac region. AKD Softwoods also

provides important investment in the region through its milling operation.

I would also like to acknowledge and congratulate Brad Bennett of Benno's Meating Place in Barwon Heads, who won the 2016 National Sausage King competition in the pork category — 'best of the wurst', as it is called. This is a good little local business in Barwon Heads that now has a national title in relation to the quality food it provides, so I congratulate Brad.

Two issues I quickly want to raise are in relation to the \$25 million upgrade to train routes in regional Victoria. That is subject to the passage of the port of Melbourne lease legislation. We are now seeing a lot of these projects being subject to the port of Melbourne sale — —

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

### **Public Accounts and Estimates Committee: budget estimates 2015–16**

**Mr DAVIS** (Southern Metropolitan) — I am pleased to make a contribution to the report section tonight, in particular in relation to the budget, and make some comments particularly about the local government section of the state budget and how government policy interacts with that. During the state budget period it became clear that \$38 million had been cut from council funding statewide. To be fair, there is also a federal freeze on assistance grants, and that adds up to a significant pressure on councils, given that costs are rising — modestly, it is true, but nonetheless there is still a significant increase in costs. The government went to the election with a policy to cap rates at the CPI, and I state for the record in this chamber that the CPI to 30 June was 1.1 per cent. But we know that the government's rate capping policy is a very strange and confusing policy. It is a bit like a dog's breakfast, I have to say. 'We'll cap rates at the CPI', it said, which would be 1.1 per cent. It must be a retrospective capping to cap at the actual CPI.

I note that the Essential Services Commission — that group of pointy heads — advised that the rates in Victoria should go up by just over 3 per cent. Ignoring that advice, ignoring the CPI and ignoring the government's own policy, the minister capped rates at 2.5 per cent. However, there is a get-out-of-jail provision for some councils which says they can apply for variations. There are 21 councils that in one form or another have sought formal variation. As I say, this is very confusing because if a council had applied for a variation — after all of the costs, the consultancies, the

calculations and all the other work at council level to come up with a proposed variation — and that was accepted by the Essential Services Commission, goodness knows whether the minister would accept it anyway. Her history is that she did not accept the last lot of recommendations from the Essential Services Commission.

Let us be clear here: 3.05 per cent was the proposal by the Essential Services Commission. The minister used 2.5 per cent. That had no status at all. It was simply some recommendation from Treasury, different from what the CPI actually was — a prospective sort of estimate of what the CPI might be in the future — but nothing to do with council costs, and I note that key point. But consumers can remember as they are paying their rates in the current week — and I think most are due by the 14th — that they are not paying the CPI. The minister gave councils a year off without rate capping, and many went up by 3, 4, 5, 6, 7 and even 8 per cent — very far distant from the CPI — and in the forthcoming year we are also going to see something different.

As I say, the minister's policy is a dog's breakfast. Why on earth would anyone believe that the Essential Services Commission's recommendation would be followed in any case? That is the key point here. Why on earth would councils even think for a second that the Essential Services Commission's ideas would be followed when the minister has patently ignored them in the very first round?

But what I do say is that country councils face different pressures — significant pressures — and I understand those pressures. Council costs are different from the CPI in any case, but what is very clear is that because of poor management by this government, the chaotic policy that it has implemented, nobody knows what is going on. The councils do not know what is going on; the community does not know what is going on. They know that when they get their rates bill this week they are going to be paying more than a 1.1 per cent increase in their rates, and that that is a direct breach of the government's policy, and they know that in the next year they are going to be paying a 2.5 per cent cap across the state, except where there is a variation and except where the variation is accepted. So we do not know whether the variations will be granted or, even if they are granted, whether they will be accepted.

So we have got this policy. Nobody can work out what is going on. Nobody knows why it is going in this direction, except that the minister is incompetent and does not know what she is doing and has set up a set of policies that are confusing, that do not help consumers,

that do not help councils and that do not help that the local government sector. Nobody knows what is going on. This is a chaotic, hopeless minister and a failed policy — a flawed policy, a dog's breakfast of a policy. I think when councils are having their funds cut it is a bit unfair to cap their rates.

## RELATIONSHIPS AMENDMENT BILL 2015

### *Council's amendment and Assembly's amendments*

#### **Message from Assembly disagreeing with Council amendment and seeking agreement with further Assembly amendments considered:**

##### **Council's amendment:**

Insert the following New Clause to follow clause 5—

##### **'A Registration**

After section 10(3) of the Principal Act **insert**—

“(4) The Registrar may conduct a ceremony in connection with the registration of a registrable domestic relationship under this section.”.

##### **Assembly's amendments:**

1. Insert the following New Clause to follow clause 5:

##### **“AA Additional services in relation to information in Register and other information**

(1) For the heading to section 27 of the Principal Act **substitute**—

**‘Provision of additional services or information in relation to registrable relationships’.**

(2) After section 27(1)(a) of the Principal Act **insert**—

‘(ab) additional services in connection with any ceremony to celebrate the registration of a registrable domestic relationship;’.

2. Clause 8, line 30, omit “6” and insert “7”.

**Ms PULFORD** (Minister for Agriculture) — I move:

That —

- (1) the Council does not insist on its amendment to this bill; and
- (2) the amendments made by the Assembly be agreed to.

I will speak to this briefly. This was, if members recall, the last matter that we dealt with before we broke for

Christmas and the summer break. The matter at hand is about the capacity of the registrar of births, deaths and marriages to conduct a ceremony. Ms Pennicuik moved an amendment seeking that the registrar be able to conduct a ceremony in conjunction with the registration of a registrable domestic relationship under section 10 of the Relationships Act 2008. At the time I indicated that the government was not opposing that amendment but that it would seek some advice over the summer — —

**Mr Davis** — You were trying to stall it; that’s what you were trying to do.

**Ms PULFORD** — That is complete rubbish, Mr Davis, and you know that. We supported the amendment, but we did at the time indicate that we would consider whether or not that was the best means by which we could achieve the outcome that Ms Pennicuik was seeking, which of course I think is something that has wide support in the house.

This has occurred, and the bill as amended in the Council by Ms Pennicuik’s amendment was considered by the Assembly. The Assembly has disagreed with that but agreed to an amendment which the government believes meets the same policy objective that Ms Pennicuik was seeking back in December but does so in a way that is more effective. The question about the policy intent has not changed. The words seek to reflect what we think is a better way to achieve that outcome and are the effect of the consideration the government has given since the last sitting day of 2015, so I would seek the Council’s agreement to the bill as amended by the Assembly.

**Ms PENNICUIK** (Southern Metropolitan) — I thank the minister for what she said in support of the proposal that has been put forward by the government — that is, that the Council not insist on the amendment that was passed with great support in the last session, which was an amendment to section 10 of the Relationships Act 2008 to provide that the registrar of births, deaths and marriages may conduct a ceremony in connection with the registration of a registrable domestic relationship under that section.

The government has proposed, and the Assembly has agreed to, a different amendment that would make an insertion into section 27 of the principal act. Section 27 already refers to ‘Additional services in relation to information in register and other information’, and that heading to section 27, with the amendment that has passed the Assembly, would be changed to ‘Provision of additional services or information in relation to registrable relationships’. After section 27(1)(a), which

currently reads ‘the provision of information in the form of a decorative certificate or other document’, the following amendment would be inserted:

- (ab) additional services in connection with any ceremony to celebrate the registration of a registrable domestic relationship ...

The Greens, and I in particular and Mr Hibbins in the Assembly, have spoken with the Attorney-General with regard to this changed form of the same amendment, and we do believe that it has the same practical effect. In fact it could be seen to probably be in a better part of the act in that it goes along with the provision of a certificate. The conducting of a ceremony probably does go together better with the provision of a certificate than with some of the other provisions that are listed in section 10, so we are happy to support this.

I would like to just add a few other comments which reiterate my appreciation of the great support from the house during the last sitting week for this amendment, given that it is eight years since the act first came into being and the addition of a ceremony was first proposed. I think it will bring great joy to a lot of people to be able to avail themselves of this service when they go to register their relationship — to collect a decorative certificate and to have a ceremony conducted by the registrar. I think it would be great if the government could facilitate the registrar and the office of the registrar advertising the availability of these services so that when someone makes an application to register their relationship they are, as a matter of course, told that these additional services are available. People will then avail themselves of these services and will have in Victoria a much more joyous occasion than what at the moment is a very bureaucratic and not very joyful occasion. Well, it is still a joyful occasion, but there is nothing in the act to facilitate it being even more joyful. With those words, the Greens will be happy to support the government’s amendments.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I rise to briefly speak to the proposition that has been returned from the Assembly. The position that has been taken by the coalition in respect of the Relationships Amendment Bill 2015 is that members of the two coalition parties have a free vote with respect to this piece of legislation. That was the practice we took with the original legislation when the Relationships Bill 2007 was first introduced in this Parliament back in the mid-2000s, and it is a practice that we have continued with the two subsequent amending bills. Accordingly that was the practice taken with Ms Pennicuik’s amendment when it was

considered by the house in December, and, as I recall, that amendment at the time was passed without division in this chamber. That was a decision of individual members of the coalition choosing not to divide on that proposition at that point, and in that vein the proposal put by the government this afternoon, seeking for the Council not to insist on Ms Pennicuik's original amendment but instead pass these alternative amendments that have been brought forward, will also be taken by coalition members as a free vote.

**Mr DAVIS** (Southern Metropolitan) — I just want to make a number of small points on this. I supported the amendment that was moved last year. It is very clear that the amendment achieved the objective which it set out to achieve, which was to make it clear that ceremonies were part of the arrangements that could be held by the registrar of births, deaths and marriages. I do not, for one, believe that this is a necessary amendment. I do think that the government might like to tidy it up in certain ways, but I think this is more about the politics of the government trying to get somewhat on the front foot on this matter.

With those small comments, I do think that this could have been allowed to stand as it was and remain in the lower house without being further amended. Notwithstanding that, the general principle is one that I support and welcome, and in those circumstances and given, as Mr Rich-Phillips has outlined, that we have a free vote, I think that it should be left to stand as proposed.

**Motion agreed to.**

## ADJOURNMENT

**Ms PULFORD** (Minister for Agriculture) — I move:

That the house do now adjourn.

## Dhurringile Prison

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Corrections. It is regarding the release of findings from a recent review into allegations made about inappropriate behaviour by prison staff and prisoners at Dhurringile Prison. My request of the minister is that he immediately releases the review into these allegations so that the department and community can work together to improve confidence in the management of the facility going forward. In the opening weeks of this year local media coverage explored allegations made by an anonymous prison officer who said mismanagement and incidents of serious misconduct

had been occurring at the prison, including allegations of sexual activity between staff and prisoners, smuggling of contraband, guards walking off their posts and an overarching negative workplace culture.

Last year the Department of Justice and Regulation commissioned a review of Dhurringile Prison following the expression of staff concerns; however, the findings have so far not been released publicly. Since the story first broke responses from the department in the media have been vague at best, including the department stating:

A number of recommendations have already been implemented, including reviewing our internal processes to ensure that staff are confident to raise issues before they escalate.

The community is far from satisfied with vague public statements and is calling for the review to be released.

On 25 January, together with the shadow Minister for Police, Ed O'Donohue, the member for Euroa in the Legislative Assembly, Steph Ryan, and a member for Northern Victoria Region, Damian Drum, I visited the prison and met with prison management and senior members of the department in an attempt to get to the bottom of the issues concerning my constituents. In order for prison farms like Dhurringile to be successful there needs to be a high level of community confidence in the government's management of the facility. At present people in the community are far from satisfied that the prison is being run well and are concerned for the safety of their families and property. The only way to restore the community's confidence is to release the review so that people can assess for themselves the level of the problems and be confident that the government's response is appropriate and adequate.

Dhurringile Prison has been an important facility in our community for many years. It not only fills a necessary need for an appropriate level of incarceration for low-security prisoners but is also an important economic driver, providing direct employment on site and further employment through the need for services and as a consumer of goods from local suppliers. I can understand that portions of the review, including names, may need to be redacted to protect security and privacy, but if the government really wants to regain the Dhurringile community's confidence, then it needs to release this report, with redactions if necessary. It was also concerning that during the meeting that we had with the prison management and department officials we were advised that meetings between the department and the community had not proceeded for some months. Following our meeting at the prison we also met with Dhurringile community members from

neighbouring properties, and it was disappointing to hear a very different version of why the meetings between the department and local residents had not been held.

### **Chandler Highway bridge**

**Mr ELASMAR** (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. It concerns the proposed new laneway for the Chandler Highway bridge. I have received numerous calls from constituents and a large number of visitors to my electorate office asking for timetables for the works to commence and for information about the finalisation of the new laneway. The bridge was opened to road traffic in 1928 as a temporary measure, and I have to say there is much excitement in my electorate concerning this Labor government initiative.

I am personally very pleased that the government has selected this site for an upgrade. The Chandler Highway bridge at peak times is unbelievably congested. I ask the minister when the construction of the Chandler Highway bridge laneway will commence and when the new laneway is expected to be completed?

### **Venus Bay**

**Ms DUNN** (Eastern Metropolitan) — My adjournment matter is for the Minister for Local Government. The action I request is that she commits to protecting the remaining public open space in Venus Bay in the Shire of South Gippsland. The local community in Venus Bay has been campaigning for the past 30 years for the protection of the 1 per cent of remaining public open space. These open spaces are critical to the livability of our suburbs and towns, are highly valued by the community and also provide important physical and mental health benefits. Across Victoria these spaces are being swallowed up by residential consolidation.

In Venus Bay the South Gippsland shire now plans to sell at least 7 of these important public spaces and quite possibly as many as 10 to 20. Apart from the benefits that the Venus Bay open space provides to the community, it is also the last refuge for many endangered birds and mammals as well as 14 varieties of native grasses that comprise highly endangered grassland communities of which there is only 1 per cent left in Victoria. These small reserves also hold important Indigenous cultural heritage for the Gunai Kurnai people, including skeletal remains, artefacts and middens.

In areas of Victoria such as Venus Bay where there is less than 2 to 3 per cent of remaining public open space, I ask the Minister for Local Government whether she will commit to protecting these areas, and in particular will she commit to protecting the last remaining public open spaces under threat of being sold by the South Gippsland shire in Venus Bay?

### **Sunbury Road duplication**

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Roads and Road Safety. It concerns a campaign that has begun recently, almost in conjunction with one that I have been pushing for some years, for the duplication of the Sunbury–Melbourne road between the airport and Bulla and the construction of the Bulla bypass. This is something that has been a strong desire of Sunbury people in particular for a very long time. Now that the Hume City Council has got onside, I am hopeful that the minister might see fit to do something about it.

As the minister would be aware, within the last year or so the road itself around the back of the airport has had a reduced speed limit of 80 kilometres per hour imposed on it, and it really needs to be duplicated at this time. There are huge numbers of people living in Sunbury and in the Shire of Macedon Ranges, and this is the major road between the airport, Sunbury and the Macedon Ranges. Huge numbers of people are using this road, and as the airport continues to grow — as it inevitably will — this road will become even busier. As those who use the road would attest, the congestion at various times of the day is just extraordinary. I think it is long overdue for this road to be taken on and duplicated. I ask the minister to take this matter into consideration and to direct VicRoads to begin a study of this particular proposal and get on with building this road duplication before the road is beyond any reasonable way of passing.

### **Gender equality**

**Mr MELHEM** (Western Metropolitan) — My adjournment matter is directed to my colleague in the other place, the Minister for Women and Minister for the Prevention of Family Violence, the Honourable Fiona Richardson. It is in regard to the gender equality strategy, which is currently in its consultation process. Gender inequality is a key driver of poor outcomes for women and affects them in all areas of their lives. This includes the workforce, where each year women in full-time work earn around \$15 000 less than men and retire with just over half the superannuation savings of men. Therefore the development of a gender equality strategy is crucial for increasing women's safety,

security and wellbeing, all whilst encouraging a society based on respect and equality.

The action I seek is that the minister update me on the progress of the gender equality strategy and inform me on how members of my electorate can have their say on the strategy so I can get the best possible outcome and feedback for my constituents in relation to that strategy and make sure that strategy achieves its goal to reduce the gap which currently exists between men and women in relation to earnings and retirement benefits.

### **Ballarat basketball stadium**

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Regional Development, Jaala Pulford. I know Mr Pulford was in the gallery, and it would be of interest to him as well.

The matter I wish to raise was in fact raised in a constituency question to the Minister for Sport, John Eren, but in his normal sort of lazy way he has redirected the question to the Minister for Regional Development. It is perhaps fortuitous that Mr Eren has done the handpass, as Minister Pulford would have intimate knowledge of the disappointment of the Ballarat sporting community that the proposed new Ballarat basketball stadium is only partly funded. The latest bid to the National Stronger Regions Fund was unsuccessful, as has been the case with the previous five rounds under previous federal governments. This is why the previous state coalition government fully funded the basketball stadium with an election commitment of \$15 million to have six nationally accredited courts instead of the current four funded courts.

The Andrews government has only committed \$9 million to the new stadium, and Peter Eddy, a 30-year advocate for a new basketball stadium, is concerned that national tournaments will be lost to Melbourne and Werribee unless additional funding is committed.

The action I seek is for the minister to fully fund the Ballarat basketball stadium so it can be in a good position to host national tournaments and provide a facility that will be utilised by thousands of sporting enthusiasts in the Ballarat region. This is a region dogged by high unemployment, obesity and diabetes, so any new sporting facility that has a national focus would be welcomed by the Ballarat community.

### **Gippsland road safety**

**Ms SHING** (Eastern Victoria) — I wish to raise a matter this evening for the attention of the Minister for

Roads and Road Safety, Mr Donnellan, in the other place. I note that over the Christmas and New Year period, despite the best efforts of road users — motorcyclists, cyclists, pedestrians and tourists to Gippsland — the road toll continued to rise, and most tragically we have seen deaths as recently as the last week, including those of a motorcyclist and others, in the Gippsland region.

We have a number of precarious roads which — despite the best efforts and education, and despite the best use of technology and preventive measures taken by people who are, I think, in the main trying to do the right thing and trying to improve the safety of themselves and others on our regional roads — are perhaps contributing to serious injuries and fatalities, as well as near misses, in greater proportions than might otherwise be the case.

I note there have been a significant number of initiatives developed, including through community consultation as part of the Towards Zero road strategy, and the physical changes to our roads, including the introduction of roundabouts and road treatments to improve visibility and slow the way in which drivers approach potentially dangerous intersections, are helping. We are also seeing changes to roads which were previously single lane that are now being separated through duplication, and these things over time will hopefully change driver behaviour and make regional roads safer.

I ask the minister to provide information as to how regional roads in Gippsland will continue to be improved, specifically for people who do not ordinarily use those roads and may travel on them at some speed. This includes the very popular recreational tourist routes for motorcyclists as well as the popular cycling routes, which are often very densely occupied on the weekends, when there are also caravans, trucks and cars with trailers operating on often very narrow pathways through difficult driving conditions.

I ask the minister, firstly, to provide additional funding and additional announcements in relation to road safety for motorcyclists and other road users in Gippsland, and secondly, to provide time frames within which these treatments and improvements might occur.

### **Kangaroo control**

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the Minister for Environment, Climate Change and Water. My issue is again in relation to the extremely high number of kangaroos that are inflicting damage on farms throughout regional Victoria.

There is an incredible amount of damage being done each and every night across Victoria as hundreds of kangaroos, roaming around in packs, are eating pastures, eating crops, destroying these crops and destroying the fences that are put in place to try to control these pest animals.

I have raised this issue previously with the minister in a slightly different manner, but I received a very mediocre response in relation to the urgency surrounding this issue. Since November — throughout December and January — this issue has become worse. More and more people are contacting my office asking if we can get something done. It is an issue where the minister has to get serious and immediately give the farmers that are battling drought conditions the opportunity to control these numbers of kangaroos that are allowed to roam around the countryside causing thousands of dollars of damage and lost produce, which means therefore that the farmers are not able to have the correct amount of stock. On top of that lost produce is the incredible amount of fencing damage that is being done.

When the farmers try to get permits to shoot kangaroos they are being allocated a paltry amount in the permit — maybe five kangaroos a month. This is incredibly inept, incredibly impractical, and it is having no impact on the enormous numbers of kangaroos that are inflicting this enormous damage.

We need a minister that has the ability to increase the number of permits that are given but also to increase the number of kangaroos that can be culled with each respective permit. That number has to be increased. This issue is not going to go away, and it will not fix itself. We need a minister who is able to make tough decisions. We do not need a study. We do not need to find out where the high volume of kangaroos is. We do not need to find out where the dead kangaroos are on the respective roads around Victoria. We simply need a department that is able to offer these farming businesses the ability to control the numbers of kangaroos around their farms so that they can get on with their lives and run their own businesses.

### **Pakenham South West Primary School**

**Mr MULINO** (Eastern Victoria) — My adjournment matter is for the Minister for Education in the other place. The matter relates to the new schools public-private partnership (PPP) project, which the government announced some time ago, and it relates to 15 high-priority government schools in high-growth areas.

One of the projects is in my electorate, the Pakenham South West Primary School. This region is a high-population growth region already. Pakenham had a population of something in the order of 33 000 people in 2011, and my understanding from having discussed population growth in the area is that it is growing by thousands every year. Having discussed this with a number of stakeholders in the area, including the local council, my understanding is that the growth rates are exceeding what many had expected for the area and that housing estates are going in at faster and faster rates, and of course this is going to lead to a very rapidly growing number of young people in the area, so the building of primary schools is going to be particularly important for this community, amongst others.

Under the PPP model, new schools will be financed, designed, constructed and maintained by the private sector over 25 years. We have seen previous tranches of PPP schools implemented in very effective ways, so the community that I represent is certainly looking forward to this school.

I ask that the minister visit the site for the Pakenham South West Primary School in the next couple of months, and that the minister inspect what progress has been made to date and that he also provide an update on key milestones over the coming year. The Pakenham South West Primary School has a projected opening date of 2017, but it would be useful to have an update on when the community can expect certain key milestones within that project to be hit.

There is considerable interest in this particular school in the community, and there would be much value in an update on how the project is proceeding.

### **Ballarat rail services**

**Mr MORRIS** (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Public Transport, Jacinta Allan, in the other place. This particular adjournment matter relates to the Ballarat train line, believe it or not. I note that there was some data that came out of V/Line with regard to reliability and punctuality on the Ballarat line. I think it is important to give a bit of context as to where the reliability and punctuality on the Ballarat line was in November 2014. Members may recall November 2014 was when the responsible coalition government left government and handed over to Labor. In November 2014 reliability on the Ballarat line was 99.4 per cent. In January this year we saw that reliability at 87.5 per cent, a drop of 11.9 per cent — nearly 12 per cent.

Let us have a look at punctuality. Punctuality in November 2014 was 92.3 per cent under the coalition. Now under Labor, in January 2016 it was 83.7 per cent, a drop of 8.6 per cent. We have seen drops of 11.9 per cent in reliability and 8.6 per cent in punctuality. We have seen that this V/Line service is in absolute crisis under Jacinta Allan as the public transport minister. The action that I request of the minister is that she take all necessary action to get the Ballarat train service back to the standard it was when the responsible coalition government left office in November 2014.

**The PRESIDENT** — Order! I do not think that is a satisfactory action. I think it is far too vague. It is more like a political point, and indeed there was a significant amount of commentary in that adjournment item. It is in *Hansard*. The member may well use it for other purposes, but I indicate to the minister that I do not expect a response on that one.

### Regional and rural kindergartens

**Ms TIERNEY** (Western Victoria) — My adjournment this evening is a matter for the Minister for Families and Children, and it is in relation to a matter that was raised in question time today. It is in respect of kindergarten funding. It is clear that when children are born their brains are actually much the same; it really does come down to the opportunities that are provided to children. In providing for that, this government is aware that children in smaller rural communities have got less opportunities because of geography than their counterparts in other parts of the state. That is why we have committed to the small rural kindergartens funding model, a new model introduced by this government. There has been an extra \$500 000 of additional funding to that program in recent times. Indeed in my electorate of Western Victoria Region we have benefited enormously.

But despite all of that, there is misinformation being peddled right through the electorate, and in particular I must say that the member for Ripon in the Legislative Assembly has been putting out letters attacking Ms Pulford and me in respect of this. Indeed there has been a petition circulating in my electorate, in places like Donald and Charlton, and in a number of other places not just through my electorate but other electorates. The action I am seeking is for the minister to actually come to Western Victoria Region, sit down with small rural kindergartens and the community members and talk through the many challenges that they are facing, and also, importantly, to correct the misinformation that is being peddled right through the electorate.

### V/Line services

**Ms BATH** (Eastern Victoria) — My adjournment matter this evening is for the Minister for Public Transport, the Honourable Jacinta Allan, and it concerns the cancellation of the V/Locity trains on the Traralgon line. Let me tonight highlight the human face of the disrupted V/Line services, which are causing great pain to many locals in Gippsland. Mirboo North resident Taylor Connelly is a regular user of the Traralgon V/Locity service and has an acquired brain injury. She is frustrated and disappointed at the cancellation of the rail services. Due to the cancellation of the services Taylor has been unable to attend her medical appointments and social interactions in Melbourne. She suffers from stress and anxiety, and she says she cannot actually cope with sitting inside a replacement bus because she cannot tolerate confined spaces. Taylor told me that:

I know that we are in a minority but does the Labor government not spare a thought for the disabled trying to use bus services? It is quite difficult, and I've only got an intellectual disability. Never mind all the people out there with physical disabilities that may rely on V/Line. It is very frustrating and disappointing.

Sale mother Anita Bennell is over 65 years old and she is a carer for her twin adult girls, who have both mental and physical disabilities, including epilepsy for one of them. Anita and her husband, who is also over 65, are struggling to attend their daughters' specialist appointments at St Vincent's Hospital in the city this month due to the massive disruptions on the Gippsland line and the services which leave from Traralgon. She told me the staff at the Traralgon railway station have been very supportive and helpful but cannot guarantee that she and the girls, who are both in wheelchairs, will have access to appropriate low-floor coach services that can accommodate the girls. If an appropriate bus cannot be sourced, then the staff try to accommodate her daughters in a taxi, but the taxi may not be able to easily fit the wheelchairs. This has caused undue stress, aggravation and disappointment to Anita and her girls. Stress can trigger one of her daughter's epilepsy seizures, so that is also an ongoing concern for Anita.

The medical appointments for the girls are booked well in advance and are unable to be changed at the last minute. The girls often delight in travelling on the train; it is a feature and a highlight of their rare visits to Melbourne. The disruption to the timetable means Anita has to do extensive planning with no guarantees that the travel will come off smoothly. This is a lady who has dedicated her life to these girls over the last 30-plus years.

The action I seek from the minister is to immediately put in place arrangements for people who have a physical or mental disability so that all passengers can have access to safe and comfortable travel to Melbourne during this time of train service disruption.

### Monash City Council

**Mrs PEULICH** (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Local Government. This afternoon during statements on reports and papers I spoke about the new performance reporting framework for local government and noted that one of the common features in the reporting framework is governance. This is one area that I think needs to be constantly improved, because people are ingenious in manoeuvring around some of those governance practices, and thus we see a deterioration of local government and what it is intended to do.

In a year of local government elections this is a particularly sore issue. In any council areas where there is an overlay of marginal seats, be they state or federal, councillors are often legitimately seeking higher office and perhaps being preselected for other levels of government. For example, at the City of Monash, Cr Stefanie Perri — a very good councillor, might I say — and Cr Paul Klisaris were preselected as representatives of the Labor Party.

That is why I was so disappointed to hear that an attempt to move a notice of motion given by Cr Theo Zographos and Cr Robert Davies, supported by Cr Bill Pontikis, for live streaming of the City of Monash council proceedings was defeated; it was voted down. Despite there having been some concerns about public displays of behaviour, which were well reported in local papers, just as we have live streaming here in Parliament, just as there is live streaming in federal Parliament and just as there is live streaming in an increasing number of councils, I think live streaming of council proceedings should be a benchmark and standard practice. At the very least there should be audio recordings so that people can be held to account and the facts can be established.

As I said, I was very disappointed to see that that was voted down. Previously the matter had been deferred to the end of 2017, which is clearly into the term of the next council. I think audio and video recordings and the live streaming of council meetings are important. They allow community members better access to council meetings. I am aware that many of them do listen and tune in, especially when there are no Valium tablets to

take if they are having sleeping problems. I say that in jest; I do think it is very important.

Most importantly I think it improves the accountability of councillors in regard to their behaviour at council meetings. I wish to commend and thank Cr Zographos, Cr Davies and Cr Bill Pontikis for bringing this forward and express my disappointment that this motion was voted down by a Labor-held majority.

### Prisons

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Acting Minister for Corrections. It goes to some misunderstanding and uncertainty around future infrastructure delivery for minimum security prisons in country Victoria. The background to this is that in the May budget \$13.5 million was allocated to expand buildings for health, education and relevant rehabilitation programs at Dhurringile, Beechworth and Langi Kal Kal prisons — the three minimum security country prisons.

Following the Metropolitan Remand Centre riot, which saw that prison suffer extensive and significant damage, the government issued a media release on 21 December last year. Page 2 of that release said that:

Funding for the upgrade —

that is, the upgrade to the Metropolitan Remand Centre —

will be redirected from building projects earmarked for minimum security prisons.

In other words, funding that was earmarked for country prisons in country Victoria would be taken away and diverted to help fix and fund works required at the Metropolitan Remand Centre following one of the worst prison riots in Victorian prison history.

It appears that this has not really been communicated clearly to local communities impacted by this change. Along with Ms Lovell and Mr Drum, colleagues in this place, and Ms Ryan, the member for Euroa in the other place, I met with some locals in the Dhurringile region who were unaware of this change and are very concerned about it. Just last week the member for Benambra and I, together with the mayor of Indigo Shire Council, Cr James Trenery, met to discuss this as well.

There seems to be a lack of clarity about the government's intentions with these minimum security prisons in country Victoria. Indeed according to the *Border Mail* today there was a special council meeting of the Indigo Shire Council held last night which sought

answers from the government. Cr Bernard Gaffney is quoted as saying that he told that meeting that the community needed answers. The mayor is quoted as saying that he did not want council letters to continue being ignored by the government.

This comes on the back of confusion after the May budget last year, when the government announced that a management unit would be built at Beechworth. I understand that is now taking place. The action I seek from the acting minister is that he communicate very clearly with the local communities and councils affected — —

**The PRESIDENT** — Time!

There was no action sought by Mr O'Donohue. The direction to the minister is that he is not to respond to Mr O'Donohue's adjournment matter as Mr O'Donohue did not finish with an action. Mr O'Donohue cannot do it after the event.

**Mr Dalidakis** — President, if I may, I actually asked Mr O'Donohue over here. It was not him coming over to try to — —

**The PRESIDENT** — Order! The point is that we have standing orders. Mr O'Donohue was keeping an eye on the clock and did not complete — —

**Mr Dalidakis** — I appreciate that. I just wanted you to know that I asked him over.

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

### Level crossings

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Public Transport in the other place and concerns the government's recent sky rail announcement — a series of massive viaducts on the Caulfield to Dandenong line almost 9 metres high that will have a great noise and visual impact. What I seek from the minister is a clear commitment that councils along this route, particularly the City of Glen Eira, the City of Monash and the City of Greater Dandenong, and the councils along the proposed sky rail route that is being considered along the bay, the City of Kingston and the City of Frankston, are fully consulted. This is not just the closed consultation sessions; this is a full, public and open discussion with councils where the level crossing authority is able to present its case and the community is also able to have its say.

To date the consultation has been abysmal. I have spoken to literally scores and scores of people — —

**Ms Shing** — Literally scores?

**Mr DAVIS** — Literally scores.

**Ms Shing** — What is a score?

**Mr DAVIS** — It is 20, to be precise. Scores are multiples of 20.

**Ms Shing** — So about 40 people?

**Mr DAVIS** — No, much more than that. I would say that I have spoken directly to closer to 100 people about this level of consultation, and it is pretty clear that the government went around the community on this. Not only was there no vote at the election but there has not been proper consultation in the interim, and councils were caught by surprise. For example, on 21 January a number of anti-sky rail protesters spoke to a number of councillors at Glen Eira and sought petitions to be signed. It was very clear from the discussions that the Glen Eira councillors had not been informed about the details of sky rail; they had not been fully brought into the government's confidence about the impact on their area and municipality and what in fact may well be the largest change in 50 years in the municipality in terms of land use and impact on the community. There will be ugly visual outcomes and ugly graffiti as well as shocking outcomes in terms of deafening noise and a cut in property value including, I might say very likely, a cut in council rateable property.

I fear that many councils will be left with costs to bear in order to manage these spaces, clean up these spaces and police these spaces. I think councils and communities have every right to have a full say, and that has not been the case to this point. I urge local councillors to take a leadership role, and I say to them, 'You are in a position to stand up for your community and to fight for your community to ensure that the right outcomes are achieved for your community'. People are no doubt very angry because this is going to have a huge impact. The consultation is actually important. Mayor Perri was mentioned. She was one of those who opposed proper consultation at Monash City Council, and that is a mistake in my humble view. I seek that the minister transport a commitment that that consultation with councils will occur.

**The PRESIDENT** — Order! Just before I call on the minister to answer, in respect of adjournment matters I note that Ms Lovell in particular at the outset of her contribution on an adjournment matter indicates the action she is seeking. I think that is probably a

pretty good practice for members to follow, and it is good in two respects. First of all, it does not end up with the situation where Mr O'Donohue was unable to get his action up in the allocated time because he continued with other material. Secondly, it ensures that if the Chair has concerns about the validity of the action, that can be addressed at the front of the adjournment item, giving the member a chance to recast their adjournment item to make sure that they do get the matter up.

Whilst it is obviously not a prescriptive position or a required position for the house, I think there is some value in following the lead of Ms Lovell in the way she presents her adjournment items with the action up the front and the commentary after. As she has just said to me, if you miss a bit of commentary or context at the end, it is not such a problem, but if you miss the action, you are in strife.

### Responses

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I have adjournment matters from Ms Lovell for the Minister for Corrections regarding allegations of impropriety, Mr Elasmir for the Minister for Roads and Road Safety regarding the Chandler Highway bridge, Ms Dunn for the Minister for Local Government regarding open space in Venus Bay and Mr Finn for the Minister for Roads and Road Safety regarding the road between Sunbury and the Shire of Macedon Ranges.

Mr Melhem had a matter for the Minister for Women regarding gender equality strategies; Mr Ramsay for the Minister for Regional Development regarding the Ballarat basketball stadium funding; Ms Shing for the Minister for Roads and Road Safety regarding information and funding for the improvement of Gippsland roads; and Mr Drum for the Minister for Environment, Climate Change and Water regarding kangaroo damage and, I think, a kangaroo cull.

Mr Mulino had a matter for the Minister for Education regarding a new schools public-private partnership project for Pakenham South West Primary School, Ms Tierney for the Minister for Families and Children regarding kindergarten funding, Ms Bath for the Minister for Public Transport regarding the V/Line Traralgon line and the associated issues there, Mrs Peulich for the Minister for Local Government regarding local governance reporting frameworks and concerning Monash City Council live video streaming and Mr Davis for the Minister for Public Transport regarding the sky rail and local councils being included in open consultation.

That completes the adjournment matters. I have written responses to adjournment debate matters raised by Ms Tierney on 16 April 2015 and Ms Patten on 25 November 2015.

**Mr Finn** — On a point of order, President, I just want to point out to the minister that I raised the matter of the road between the airport and Sunbury, not Sunbury and the Macedon Ranges.

**Mr DALIDAKIS** — My apologies. Thank you for correcting it.

**The PRESIDENT** — Order! On that basis, the house stands adjourned.

**House adjourned 6.33 p.m.**