

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 23 March 2016

(Extract from book 5)

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By authority of the Victorian Government Printer

HANSARD¹⁵⁰



1866–2016

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

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

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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 — #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Morris, Mr Ondarchie and Ms Tierney.

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

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

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

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

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Wednesday, 23 March 2016

The DEPUTY PRESIDENT (Ms Tierney) took the chair at 9.33 a.m. and read the prayer.

RULINGS BY THE CHAIR**Adjournment matters**

The DEPUTY PRESIDENT — Order! I just want to report back on a matter that was raised in the adjournment last night, and it was a matter raised by Ms Crozier and a point of order that was taken by Minister Mikakos. I will allow the matter to stand, essentially, because the action is different to the one that was sought within the six-month period. The difficulty, however, was that the preamble to the actual action was very close to what was raised in an adjournment matter by Ms Crozier in November last year, but as the action was different, the adjournment matter will stand.

PETITIONS

Following petitions presented to house:

Safe Schools program

To the Legislative Council of Victoria:

The petition of concerned residents of Victoria draws to the attention of the house that:

Safe Schools Coalition Victoria was founded by the Rainbow Network, a group supported by Gay and Lesbian Health Victoria;

students, under the guise of an anti-bullying program, are being subjected to a concerted and well-resourced campaign enforcing the acceptance of LGBTI sexuality and radical gender theory;

this program completely ignores the most common forms of bullying and sows the seeds of confusion into impressionable young minds.

The petitioners therefore request that the Legislative Council of Victoria withdraw this program from Victorian schools and redirect the funding to a balanced anti-bullying program that addresses all forms of bullying.

By Dr CARLING-JENKINS (Western Metropolitan) (944 signatures).

Laid on table.

Abbotts Road, Dandenong South, level crossing

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that Labor's plan to

close Abbotts Road permanently and send traffic down Remington Drive will severely impact the community.

The petitioners highlight to the Legislative Council that the closure will:

add 1.5 kilometres each way for people travelling Abbotts Road to or from Cranbourne, Lynbrook, Lyndhurst or beyond;

add significant traffic to the Pound Road–South Gippsland Highway intersection, which will generate further congestion for the highway, Greens Road and Dandenong bypass;

add to lengthy delays on Thompsons Road and other east-west roads;

break Labor's promise to fix the Abbotts Road level crossing;

break the road connection for businesses on the east end of Abbotts Road;

add congestion for Remington Drive businesses;

loss of jobs and businesses.

The petitioners therefore request that the Andrews Labor government immediately rule out a permanent closure of Abbotts Road in Dandenong South.

By Mrs PEULICH (South Eastern Metropolitan) (437 signatures).

Laid on table.

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

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE**Restricted breed dogs**

Mr MORRIS (Western Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr MORRIS (Western Victoria) — I move:

That the Council take note of the report.

In doing so I will make a short contribution. This report looks into reducing the number of dog attacks, which is incredibly important for the community. Dog attacks can lead to both physical and psychological injury, especially in young children. In 2013–14, 836 Victorians were hospitalised because they were bitten or struck by a dog. In addition, more than

1855 Victorians were treated in emergency departments. In 2011, four-year-old Ayen Chol was tragically killed in a dog attack. It is therefore essential that the government adopts the most effective strategies to reduce the risk of dog attacks in the community.

This inquiry primarily focused on one aspect of the government's approach to reducing dog attacks — breed-specific legislation. Under the current legislation, laws target particular breeds or types of dog that are considered to pose a higher risk to the community. These dogs, which are primarily pit bulls, are subject to a range of restrictions that other dogs do not face. This includes the ability for local councils to euthanase dogs of these breeds that are not registered. This inquiry examined whether or not breed-specific legislation has been an effective part of the broader strategy to reduce dog attacks. In so doing, it has considered not only breed-specific legislation but also the broader regulatory framework for dog management in Victoria and elsewhere.

The committee's key conclusion is that Victoria's current breed-specific legislation is not working in practice. It has proven impossible to definitively identify pit bulls. Councils' efforts to do so have sometimes resulted in large costs and significant distress to owners and dogs with no benefit. Many participants in the inquiry informed the committee that alternative approaches were more likely to reduce injuries from dog attacks. A change is clearly required.

A number of people participated in this inquiry, and I would like to thank them all for their time and effort. Participants included members of the general public, veterinary groups, animal welfare organisations, local councils and academics. The information provided by the community was essential in considering the many and complex issues involved in this topic.

I would like to particularly thank a number of people from Calgary, Canada, who provided information about the model of dog management adopted there. These include Mr Bill Bruce, former director of animal services; Mr Ryan Jestin, director of animal and by-law services; and Ms Ronna Balderson, business information analyst. Closer to home, the committee was also provided with very helpful data from Monash University's Victorian injury surveillance unit and the Victorian Civil and Administrative Tribunal. I would like to thank both organisations for taking the time to supply the committee with important information.

As chair of the committee I would like to particularly thank all members of the committee for the collegiate approach to the work that was undertaken in this

inquiry, namely the deputy chair, Mr Khalil Eideh; Mr Bernie Finn; Mr Craig Ondarchie; Ms Gayle Tierney; Mr Nazih Elasmara; and Ms Colleen Hartland. I would also like to thank all the members of the secretariat for the high standard of work that they have undertaken to support the committee in its work, namely Dr Christopher Gribbin, Peter Johnston, Annemarie Burt, Anthony Walsh, Esma Poskovic and Kim Martinow de Navarrete. I would like to go on record to say that this inquiry has certainly been an enlightening one, and I hope the government does take on board the recommendations that have come from it.

Mr ONDARCHIE (Northern Metropolitan) — I take this opportunity to commend the 256 pages of this report of the inquiry into the legislative and regulatory framework relating to restricted breed dogs, and in particular I thank those who came from near and far to provide evidence to the committee inquiry. We had both local and international witnesses, including Mr Bill Bruce, the former director of animal services for the City of Calgary, Canada, and others who travelled across the globe to present evidence on this very important inquiry. I take the opportunity to thank and commend the members of the committee and the secretariat for their work, and in particular I commend the work of the chair, Mr Joshua Morris, for his leadership and his great attitude in making sure that this inquiry reached its conclusion.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Patient Safety in Victorian Public Hospitals, March 2016 (*Ordered to be published*).

Bullying and Harassment in the Health Sector, March 2016 (*Ordered to be published*).

Local government Service Delivery: Recreational Facilities, March 2016 (*Ordered to be published*).

Essential Services Commission — Supporting Customers, Avoiding Labels — Energy Hardship Inquiry Final Report, February 2016.

Statutory Rules under the following Acts of Parliament —

Fisheries Act 1995 — No. 10.

Road Management Act 2004 — No. 11.

Road Safety Act 1986 — No. 12.

Trustee Companies Act 1984 — No. 13.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 14.

MINISTERS STATEMENTS

Playgroup funding

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house about the Andrews Labor government's increased support for new community playgroups. I am pleased to do so during National Playgroup Week. Our Labor government is making Victoria the education state, and this begins with giving every child a strong start in life. In the education state we support parents as their child's first teacher.

It is terrific that we already have about 30 000 Victorian families participating in community playgroups, but it is important to ensure that all families get the opportunity to do so. That is why I was pleased to announce this week that the government would be providing a further \$50 000 boost to the Great Start Community Playgroup Fund. Last year we started the fund, and these grants resulted in 65 new playgroups across the state.

Mr Ondarchie — On a point of order, Deputy President, ministers statements are required to be about new business. I recall Ms Mikakos, the minister at the table last night during the adjournment debate, hearing an adjournment matter from Mr Elasmar which she responded to by way of discharging the matter last night about this very issue. So I wonder if this is in fact new business given that it was dealt with last night.

The DEPUTY PRESIDENT — Order! The minister would not have known that Mr Elasmar was going to ask for that action last night. It is a relatively new initiative, so it stands. The minister, to continue.

Ms MIKAKOS — This is in fact the first time that I am raising this matter as a ministers statement. It is disappointing that Mr Ondarchie does not want to hear about what we are doing to support community playgroups, including in his electorate.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!
Mr Ondarchie!

Ms MIKAKOS — Through this funding, last year these grants resulted in 65 new playgroups across the state. Many of them were in fact in Mr Ondarchie's and my electorates. With this new funding even more Victorian families will have access to a quality

playgroup close to home. Grants of up to \$1000 will be available through Playgroup Victoria, which administers this program, to help parents start a new community playgroup and to get the resources they need, such as books, toys and play equipment, as well as receiving mentoring support.

We are doing this because our government understands that playgroups create inclusive, safe environments for children to develop key social skills as well as learn about the world around them. They also help parents to network and share parenting experiences with each other. I congratulate the world's tallest playgroup, which was on the Eureka Skydeck on Monday, and I congratulate Playgroup Victoria.

Duck season

Ms PULFORD (Minister for Agriculture) — Last weekend marked the beginning of duck hunting season. As members may be aware, the Lake Elizabeth State Game Reserve was closed ahead of the commencement of the open season. On Tuesday, 15 March, late in the day, around 155 blue-billed ducks were found by Department of Environment, Land, Water and Planning (DELWP) staff undertaking surveys.

The weekend's closure to protect these birds was done through an interim arrangement enacted by the DELWP secretary under the Wildlife (State Game Reserves) Regulations 2014. Minister Neville and I also gave notice of our intention to close the wetland later this week in the normal manner under section 86 of the Wildlife Act 1975. The DELWP secretary's order was made on Friday, 18 March, and was actioned that afternoon by Victoria Police and the Game Management Authority (GMA) with the assistance of Parks Victoria. From approximately 4.30 on Friday afternoon around 100 hunters from 22 camps were asked to move on after Lake Elizabeth was closed, with additional hunters advised of the closure and turned around by police and GMA officers as they arrived on Friday evening.

I would like to sincerely thank those hunters at Lake Elizabeth for their cooperation and understanding on Friday, despite disappointment and the obvious inconvenience of packing up camps. There is no doubt that for many of those people it was a weekend that they had looked forward to for a full year.

The Emergency Closures Advisory Committee was convened after the birds were discovered at Lake Elizabeth. The committee was notified on Wednesday, 16 March, and convened formally on 17 March, and after deliberations it presented a range of options but

did not make a recommendation. The lateness of the closure was far from ideal, and I believe this has demonstrated the need for improvements to the legislation.

Current legislation contains strict requirements for publication notices resulting in open and closure lead times of several days. We want to respond to changing conditions as quickly as we can both to protect endangered species but also to reopen wetlands where it is appropriate.

The DEPUTY PRESIDENT — Time!

Registered training organisations

Mr HERBERT (Minister for Training and Skills) — I rise to inform the house of a new Andrews government policy to support quality apprenticeships in Victoria. I advise the house that this year all funded registered training organisations will have a performance audit in preparation for the implementation of the Mackenzie review reforms in 2017.

Reform is needed not just in Victoria but across the country. On 3 March the National Centre for Vocational Education Research released September 2015 data on apprenticeships and traineeships. It is concerning to say that right across the country the figures are not good, but even though numbers in Victoria have declined I am pleased to say we are holding up relatively well with other states.

Nationally there was a 9 per cent decline in apprenticeship and traineeship commencements over the year. Whilst the data shows a 13 per cent decline in commencements in New South Wales, a 12 per cent decline in commencements in South Australia and an 8 per cent decline in Western Australia, our own 2015 end-of-year preliminary data shows that Victoria's decline was 7 per cent — not good, but holding up better than other states. In fact we have just overtaken New South Wales as the state with the highest number of annual commencements.

The good news is that despite the national decline in general traineeship training commencements, for those traditional apprenticeships, the backbone of the workforce skills system, our preliminary data shows that commencements rose by 5 per cent in 2015, the highest level since 2011. Indeed when it comes to those high-skilled areas, the trade apprenticeships, the increase is even better than that.

I believe that whilst the situation nationally is poor — the situation driven by massive federal funding cuts in

the billions, the VET FEE-HELP debacle and the university policy shambles; there is no doubt this is having an impact across the country on employer satisfaction and confidence — Victoria is doing okay.

The DEPUTY PRESIDENT — Order! The minister's time has expired.

MEMBERS STATEMENTS

Nepean Highway, Mount Martha

Mr O'DONOHUE (Eastern Victoria) — The upgrade of the Nepean Highway between Craigie Road and the Peninsula Link interchange, particularly the section between Forest Drive and Uralla Road, must be funded in the upcoming April budget. There have been many casualty crashes along this stretch in recent years, and traffic volumes have increased following the opening of Peninsula Link now several years ago. I call on the government to upgrade this important section of arterial road in the upcoming April budget.

Brussels terrorist attacks

Mr O'DONOHUE — Our thoughts are with the people of Belgium at this very sad and difficult time. It is extremely concerning for people who believe in democratic, free civilisations and open communities that yet again there has been another terrible, heinous terrorism incident in Europe, and our thoughts go out to all those directly affected and all people who suffer as a consequence of these terrible crimes.

Glen Waverley Soccer Club

Mr LEANE (Eastern Metropolitan) — I was very pleased last week to attend a couple of events representing the Minister for Sport, John Eren, where people were recipients of community sports infrastructure grants. In particular in the City of Monash at Larpent Reserve a number of sporting clubs enjoy that particular reserve, especially the Glen Waverley Soccer Club, which is very happy that the state government could assist council with money for a proposed renovation of its clubrooms. The new rooms will include some new female change rooms, toilets and a baby change area to support the particular work that the Glen Waverley Soccer Club is doing. I was told it has got over 130 female players on its lists and a number of teams, and it is growing weekly. This is a great thing that the Andrews government is supporting, and it is very pleased to support great clubs like the Glen Waverley Soccer Club.

UnitingCare Werribee Support and Housing

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak about a very important organisation providing crucial services to residents in and around the Wyndham area. UnitingCare Werribee Support and Housing is an agency that provides services in housing, foster care, emergency relief, crisis support and youth mediation programs. In a 12-month period food and support are provided to over 5500 people in the local community. Without this agency literally thousands of people would be going without food. This includes children who would be going to bed hungry and going to school without breakfast. None of this hard work happens by itself. The agency employs 14 full-time, dedicated staff members and is supported by over 60 volunteers. Staff and volunteers work hard to ensure that food stocks are always replenished, as they only last a couple of days.

UnitingCare Werribee Support and Housing is a leading example of an agency which puts people first and understands the dignity intrinsic to all human beings. Rather than having to wait for an appointment, people can be seen when they arrive at the agency — that is, at their point of need, at their point of crisis. The agency does not turn anybody away. The work has touched the hearts of many, including me. People who have been supported over the years have returned to support the agency once their lives are back on track, to give back to an organisation that gave so much when they needed it most.

The DEPUTY PRESIDENT — Order! The member's time has expired.

Andrew Faull

Mr MORRIS (Western Victoria) — I wish to acknowledge the contribution Mr Andrew Faull has made to the Ballarat community as chair of the Ballarat Health Services board. Andrew, who has just left the role having begun his chairmanship in mid-2011, has overseen significant growth and much-welcomed cultural change in the organisation during this time. Ballarat Health Services, which employs some 4000 staff, has seen much development in the past few years, and it was with the support of the former coalition government that this development occurred, including notably the helipad at the Ballarat Base Hospital to support the treatment of critically ill patients across western Victoria. I thank Andrew for his dedication to the Ballarat community, and I wish him well in his future endeavours.

VicRoads relocation

Mr MORRIS — I note that the Treasurer has once again made comments in the media about the relocation of VicRoads to Ballarat. He was quoted by ABC online on Friday of last week as having said:

Well the work is ongoing, I know that this has caused a fair degree of concern in the Ballarat community and I share the concern that the community has ...

He is further quoted as saying:

We remain committed to the idea of relocation.

In the words of the great Hawthorn coach John Kennedy, can I encourage the Treasurer to 'do something' rather than sitting idle, thumbing his nose at the people of Ballarat. Make the right decision, and relocate VicRoads to Ballarat now.

Duck season

Ms PENNICUIK (Southern Metropolitan) — Last week I attended the opening of another duck shooting season at Lake Burrumbeet near Ballarat. I had intended to travel to Kerang, but at the last minute the government was forced to close Lake Elizabeth due to the presence of protected species, including blue-billed ducks. The government had been advised to cancel the season this year due to low water levels in the wetlands and low bird numbers. It should have acted on that advice in the first place.

The water level at Lake Burrumbeet is very low, requiring a long walk — through mud littered with dead fish — to the edge of the water. Last Saturday morning it was raining and quite misty at the official start of the season at sunrise, although there was no sun. It was very difficult to see anything clearly and so it was impossible for shooters to be able to tell one species of duck from another, but that did not stop them shooting. Not surprisingly, the first injured bird brought to the vets was a lovely red-necked avocet, which is a small wading bird with a long curved beak. It had been shot in the abdomen and had to be euthanised as it was so badly injured. I was told by the rescuer that the person who shot it just left it there and walked off, clearly not in the least concerned. Nothing was done about it as there were very few police or authorised officers at this wetland. Another bird I saw was a mountain duck that was found abandoned in the vast area of mud. We think it had been hit and flown off over the mud but then fell from the sky into the mud and broke its neck. No shooter came to retrieve it, as they are required to do.

These are but two of the many examples of the careless or callous attitude of the duck shooters and the awful violence and suffering that I have seen year after year that is visited upon our beautiful and defenceless waterbirds every duck shooting season in Victoria. It documents the cruelty that duck shooting simply is, and it is a key reason why it should be banned in Victoria, as it is in New South Wales, Queensland and Western Australia, and the vast majority of — —

The DEPUTY PRESIDENT — Order! The member's time has expired.

Wyndham technical school

Mr EIDEH (Western Metropolitan) — I rise to speak on the Wyndham technical school project. I am very pleased to report that I recently attended the Wyndham technical school forum. It was great to see such a large number of schools represented at the forum to commence the vital discussions on the curriculum that will be offered at the Wyndham technical school. I would like to thank Graeme Robertson and his staff, who have worked tirelessly on this important project.

The tech schools initiative is a key part of the Andrews government's education policy and something that we on this side of the house are very proud of. This policy will be the cornerstone that will connect young people with the skills they need to be job ready in the future. We all know that education is essential to meeting the skill needs of Victoria's emerging industries, which is why the Andrew government is investing \$125 million to establish 10 leading edge technical schools to help school students reach their full potential and future careers. The Wyndham technical school will be an important springboard for so many young people in the west.

Great Ocean Road tourism

Mr RAMSAY (Western Victoria) — My members statement today is a call for public support over the Easter period to visit the small businesses along the Great Ocean Road that were affected by the Wye River and Separation Creek fires last Christmas. Road closures had a great impact on retail and hospitality businesses in Apollo Bay, Wye River, Separation Creek and Lorne, with estimated economic losses of \$50 million and more than \$20 million in Lorne alone.

The clean-up efforts in fire-affected areas are ahead of schedule, and now this Easter weekend gives these businesses an opportunity to regain some trade profit lost during the busy summer holiday period. Feeder towns like Birregurra, which hosted 300 firefighters

during the fires, were also impacted by loss of visitor trade. This town has dilapidated and outdated temporary primary school buildings and a recreational reserve with ageing change rooms not fit for purpose due to neglect through the lack of government support over many years. This proud and tight-knit community, like many small communities along the Great Ocean Road, needs public support over Easter.

This Easter weekend offers many delights through the fire-ravaged areas, including the Lorne Lions Easter Art Show, the Birregurra Easter Arts Weekend, the Lorne Sculpture Biennale, the Wye River CFA Auxiliary Easter Fete, the Wye Revival Family Event and the Mark Tricky Memorial Cup football match between Lorne and Birregurra, with a performance from Mike Brady at Stribling Reserve.

These towns and their communities need our support for their survival, so my plea to the Andrews government is that it honour its commitment to support those businesses that lost trade during the road closures and to support the towns like Birregurra with old and ageing infrastructure. I also strongly encourage the general public to visit the towns on the coast, enjoy what they have to offer and receive satisfaction — —

The DEPUTY PRESIDENT — Order! The member's time has expired.

Community Sports Infrastructure Fund

Mr MULINO (Eastern Victoria) — The government's Community Sports Infrastructure Fund is providing communities all over Victoria with state-of-the-art sport and recreation facilities. That is why the \$100 million Community Sports Infrastructure Fund is so important. I would like to highlight two grants in my electorate.

First is a \$90 000 Community Sports Infrastructure Fund grant to deliver the Crib Point netball courts. Along with funds from other sources, this project will involve an investment of over \$200 000. The project will co-locate the football and netball sides of the Crib Point Football Netball Club, creating a cohesive environment and also allowing the facility to host finals events.

In addition I would like to highlight a grant of \$100 000 for the upgrade of the Mountain Road reserve athletics track in Cockatoo. This will be supplemented by funds from other sources for a total investment of approximately \$225 000. This grant will enable the upgrade of the athletics track, with the installation of subsurface drainage and irrigation. Cardinia is a rapidly

growing community, and clubs like Little Athletics throughout the region are seeing significant membership increases. This grant will provide Cockatoo Little Athletics with a facility that can be utilised all year. In addition, the fund will enable the infield of the track to be used for other sports such as soccer.

As other speakers have highlighted, promoting women's sport in this state is extremely important, and I simply note that both of these grants will allow greater sporting access for a number of clubs with very high female membership. I commend both of these grants in my electorate.

Yarra Valley smoke haze

Ms DUNN (Eastern Metropolitan) — I rise to speak about the beautiful Yarra Valley, just outside of Melbourne. It is a gorgeous place which I am sure many members have visited. Underpinning that area of Melbourne are tourism and the wine industry, which bring in at least \$350 million of gross output per annum. Currently that region is clouded in smoke haze, and that haze is from two logging coupe burns: the Skinny Jim coupe and the Tanglefoot coupe. Because of the nature of the weather in that area, the inversion layer is actually keeping the smoke close to the ground, which creates a whole lot of problems with smoke taint for grapes which are still on the vine and yet to be harvested. That puts at risk an enormous industry.

Further to that, I note this morning that one of the local primary schools has issued the following warning to families:

Families with asthmatic members please be aware that DELWP are planning 13 burns over the next few days. Please take appropriate precautions.

It is my understanding that there are five coupe burns scheduled in the next 24 hours — that is, as of yesterday — and eight coupe burns in the next 10 days. Not only is that critical for habitat, carbon store and water supply, but the impact on tourism — —

The DEPUTY PRESIDENT — Order! The member's time has expired.

Chisholm Institute

Mr HERBERT (Minister for Training and Skills) — Just last week I attended Chisholm TAFE's annual awards presentation, and it certainly does it well. The majestic Plaza Ballroom was decked out magnificently, and the atmosphere was electric. Teachers and students wore their pride with beaming

smiles and up-beat discussions. I can think of no better symbol of the rebirth of TAFE in this state than the quality of apprentices, staff and industry award winners who proudly stood on stage to receive their awards and their accolades.

I thank CEO Maria Peters, a great TAFE CEO, board chair Stephen Marks and their staff for building a truly great Victorian institute — an institute that is absolutely critical to the jobs and workforce needs in the south-east of Melbourne. Well done. Keep it up. You are a great asset to Victoria.

Corryong airport

Ms SYMES (Northern Victoria) — My members statement reflects on my visit last week to the beautiful town of Corryong. There I met with Towong council and community members and had a great morning delivering some news about the Andrews Labor government investment in an upgrade of their airport. Nearly \$2 million is going to that project, and the exciting thing about that is that it is a real collaboration between the community, the council and the state government. There will be over \$500 000 from the Regional Jobs and Infrastructure Fund and \$1.42 million provided by the Department of Environment, Land, Water and Planning (DELWP). DELWP will be relocating its fire suppression services to Corryong, which will bring not only greater emergency capacity but also additional jobs to that area.

I would really like to commend the community for getting on board. Many partners contributed to the funding, including Upper Murray Health & Community Services, The Man From Snowy River Tourist Association, Upper Murray Business Incorporated, the Lions Club, Rotary, the Red Cross, the neighbouring shire in New South Wales, Tumbarumba, and Dart Mining, so you can see how important a project like this is to the community. We are going to have much better utilisation of the airport with the upgrade of facilities and a new airport hangar. It will also provide great opportunities for local food and fibre producers. This town is really thriving. The council is really behind this community, and I wish them well.

Police numbers

Mr ONDARCHIE (Northern Metropolitan) — There are some truths in life, and one of those is that crime statistics are on the rise. Crime is on the rise in Victoria, and the latest statistics indicate that there is a growing law and order problem in this state. What is interesting is that we do not hear anything from the government about this. In my own electorate of

Northern Metropolitan Region state police stations that are closed or have reduced numbers include Craigieburn, a growing area in the north of Melbourne; Reservoir, where there is increasing crime and also the location of the office of the Minister for Families and Children; Greensborough, where the police station is not regularly open; Epping, where the station is regularly closed; and West Heidelberg, where there are growing crime problems and where the police station that was closed under Labor remains closed.

What is interesting is that Victorians are feeling it across the board. It is becoming more and more unsafe to spend time out on our streets in public because of the lack of police resources. The two-up policy by Victoria Police due to terror and threats is a step forward in ensuring their members become safe, but it is having an effect on the Victorian public. There are plenty of reports of people driving around Melbourne on a daily basis that might, if they are lucky, see one police car. It is time for Daniel Andrews to make a decision. Does he value the safety of Victorians or not? He should increase the police numbers now.

PRODUCTION OF DOCUMENTS

Debate resumed from 9 March; motion of Ms WOOLDRIDGE (Eastern Metropolitan):

That this house —

- (1) notes the continuing failure of the Leader of the Government, on behalf of the government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —
 - (a) 11 February 2015 in respect of port of Melbourne documents;
 - (b) 25 February 2015 in respect of West Gate distributor documents;
 - (c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;
 - (d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;
 - (e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and
 - (f) 5 August 2015 in respect of Peter Mac Private hospital documents;
- (2) notes the failure of the government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);
- (3) notes that the government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive;
- (4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the Constitution Act 1975, which includes the right to require the production of documents, and the power to make standing orders under section 43 of that act;
- (5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise executive behaviour;
- (6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;
- (7) condemns the government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;
- (8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;
- (9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;
- (10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';
- (11) for the purposes of a motion moved in accordance with (10), standing orders are suspended to the extent necessary so as to provide for the motion —
 - (a) to be a procedural motion for the purposes of standing order 5.03;
 - (b) to take precedence over all other business;
 - (c) to be put without amendment; and
 - (d) in the event that it is negated, to be put again on a subsequent sitting day;
- (12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

Mr ELASMAR (Northern Metropolitan) — I rise to speak against the motion, and once again I am surprised by the double standards of the coalition on this motion before the house. When those across the chamber were

in government they gave no information whatsoever regarding major projects. They were cloaked under the secrecy of privacy and commercial confidentiality. Well, here is a wake-up call. We in the Labor Party were elected to govern in 2014 against all the odds, because no other government in this state in living memory has been thrown out by the electorate after just four years — four years of misrule! It was the people of Victoria who voted those opposite out. Now the opposition has decided to go on yet another fishing expedition and grandstand in this house on the sensitive issue of providing confidential documents to this house and by doing so jeopardise the economic future of this state.

Today, right now, we have the confidence of the Victorian electorate, and we stand by our election promises. But let me say this: it is totally unacceptable for the executive government to be bullied or insulted by this house. We will continue to strive to work hard for the people of Victoria. This translates to jobs not only in Melbourne but across country Victoria. We are a government that cares about the future of this state. Major projects are the lifeblood of Victoria; they engender employment and boost the economy. It is time to stop the game playing and get Victoria moving on the path to prosperity.

When the coalition was in government it revealed nothing at all to us, or to the people of Victoria, of the commercial-in-confidence documents on the major projects it had planned for Victoria. It is critical to our future that commercial confidentiality be respected. We in the Andrews government are charged with implementing projects that will continue to make Victoria the best place in the world to live.

The motion before the house is argumentative, and it seeks to undermine the government's ability to launch job-creation programs that are desperately needed in this state. Members should go and ask the unemployed in their own electorates and see what they prefer: open slather on delaying major projects or job schemes that will see them gainfully employed.

This motion has no merit and deserves no support. It saddens me to see this honourable chamber turned into a kangaroo court. From my understanding, in the ordinary course of events the people of Victoria have the right to remove an elected government or member of Parliament via the ballot box. Do members remember 2014? The people of Victoria voted for change; they voted for a Daniel Andrews Labor government. Coalition members just do not get it. They are not in government anymore.

It is outrageous to bully or threaten a government member, or any member for that matter, in the performance of his or her duties. The motion calls for a six-month suspension of the Leader of the Government from this chamber. This is absolutely ridiculous. This is not a court of public opinion. This is the Victorian Legislative Council. It is not a plaything of the opposition. Once again we are here in this chamber wasting time.

The primary business of this house is the carriage of legislation. What opposition members are doing is sabotaging the legitimate business of this chamber. Do they think that all this grandstanding will advance the economic future of Victorians? I think not, and I believe not. It is a disgrace and an indulgence the state of Victoria can ill afford.

I do not support this motion, not because I stand here as a government member but because it is unjust and unparliamentary. I feel sorry for opposition members: they are truly suffering severe relevance deprivation. It is sad to see the very smart and intelligent people from the other side indulging in this grandstanding.

We are not here in this place to be amused or entertained. We are elected to represent the people and do our very best for them. 'Commercial in confidence' means just that — confidential. It is an outrage that members of this house seek to penalise by suspension the Leader of the Government in this chamber because they have the numbers. It is a disgrace, and it should not be supported by any member.

Members of this chamber have been given the privilege of representing the voters of Victoria. It is a shame that valuable time continues to be squandered on filibustering motions that have no merit. If opposition members have the numbers to suspend the leader of this government, I note that the leader of this government was elected by the people of Victoria. They may have the numbers to suspend him for six months, but let me tell them one thing: they will never have the numbers to suspend him from the people's hearts.

Mr ONDARCHIE (Northern Metropolitan) — Thank you, Deputy President, for the opportunity to speak to order of the day 1 regarding production of documents and the suspension of the Leader of the Government. Perhaps I should pick up from where Mr Elasmir eloquently left off — and I thank him for his contribution and acknowledging the intelligence of members of the opposition. He reminded us that in 2014 the Daniel Andrews government was elected to be the government of the day. I acknowledge that, and I acknowledge the respect he has for democracy in this

state. I respect what he acknowledged when he spoke; he said, 'We are the government'. I acknowledge that. I acknowledge that the people have spoken and made their democratic choice. Their democratic choice also extends to the composition of this chamber. The people of Victoria have decided what the make-up of this chamber is, and the Legislative Council, elected by the people of Victoria in the same democratic sense that Mr Elasmar spoke about in his contribution today, has decided it wants the documents referred to in this matter presented to the Parliament. So the people of Victoria, through their elected representatives in this chamber, have requested the tabling of these documents.

I say to Mr Elasmar that the people have voted. They have made their decision, and their decision was to elect this chamber the way it is today. And this chamber, as is its democratic right on behalf of the people of Victoria, has requested the government to supply documents in respect of the port of Melbourne, in respect of the West Gate distributor, in respect of the Australian Formula One Grand Prix, in respect of the Cranbourne-Pakenham rail corridor, in respect of the Advanced Lignite Demonstration Program and in respect of the Peter Mac Private hospital.

This is an example — and I go to the motion of Ms Wooldridge, which says:

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

And this is the issue. The government has focused completely on the issue of the suspension of the leader. Well, this motion is less about the suspension of the leader and more about the documents this Parliament wants to see. The coalition and I respect cabinet in confidence — we do — but there are elements of those documents which can be produced here for the people of Victoria, and the government is saying to the people of Victoria, 'We are bigger than your Parliament. You elected us as a government, but we, not the Parliament, decide'. And there is a shame in all of this — that the government thinks it is bigger than the Parliament of Victoria.

The reality is this: the people of Victoria have made their decision. They elected representatives to both houses of Parliament, and this house has requested these documents to be provided by the Leader of the Government in this place, and the government has snubbed its nose at that. It has said, 'No, we are not doing it. We are bigger than the Parliament', and therein lies the shame. I commend the motion to the house.

Mr MULINO (Eastern Victoria) — This is a very important motion, and I think that it warrants very careful examination and stepping through each of its elements in some detail. It is important for a number of reasons. As Mr Ondarchie himself said, it is not just about the suspension or the details about that; there are issues of disclosure and there are issues of the balance between the different elements of government. So I think what we need to do is step through those various elements. We should not conflate issues but deal with each of them on their merits. Only in doing so can we land on a sensible outcome on this motion.

I want to start with a bit of context, and I think the context is very important because, if we are going to look at the disclosure of documents and transparency more generally, we do have to look at our system of government and the context in which the opposition is requesting these documents, and not just the opposition but the crossbenchers as well. Of course we are not just looking at claims made of this government; we are looking at claims made of this government in the context of claims that have been made of successive governments. We should look at the behaviour of this government in the context of the way that government should work ideally but also in the context of the ways in which governments have, over a period of time in this state, operated and the ways in which governments have interpreted various conventions and various claims of privilege.

It goes without saying that we operate in a system of government with three arms — an executive, a parliament and a judiciary. One of the elements of genius of the Westminster system is that it has separated different elements of the government and put them, in a sense, in balance. That is really important because it is one of the ways in which our democracy functions well — by distributing power. The only way that you can effectively distribute power and control these various arms of government is to have them, in a sense, in a state of balance. What that means is that any one arm of government cannot make absolute, unqualified claims against the others. If Parliament wants access to certain information on deliberations from the executive, it can make a claim, but it cannot be an absolute claim. By the same token, if the executive wants certain privileges in order to make its decisions effectively, it cannot have an absolute claim of privilege in the sense of refusing to release documents to the Parliament or to other arms of government. There has to be a balance, and that is important in terms of government functioning well.

It is also important in terms of transparency. Transparency is inherently a good thing in any

government but particularly, of course, in a democracy. But transparency must be balanced, on occasion, against other goals when the public interest is to be paramount. I think all of us would agree that the general test here is that the public interest be paramount. So what are some of the things that might be balanced against total transparency? It might be full and frank discussions in cabinet. In our system it is a well-known, well-accepted principle that we are more likely to have full and frank discussions in cabinet if the people involved in those discussions know that for some period of time — it is 30 years federally, and it is different lengths of time in different jurisdictions, but for some period of time — those deliberations will be kept secret. It means that the discussions can be frank. It means that the government of the day can consider issues that might be sensitive and subject to difficulty if they were fully subject to public discussion at too early a stage. So that is a well-known exception to transparency.

There are other well-known exceptions to full transparency, such as private confidence. If an individual takes part in a government process, or if the government through other means obtains information about a private citizen or a private organisation — a non-government organisation — it will on many occasions not be appropriate for that information to be disclosed, and yet it will often be in the public interest for individuals or organisations to provide information to government to help its deliberations or processes. Then there is also commercial in confidence. I am going to go through some of those heads of power in more detail later on, but I want to make the general point that what we are talking about here is a series of balances.

The other complication of course is that in the Westminster system, unlike in some other democratic systems, the executive and the legislature have a different kind of relationship than what we might have, for example, in what one might call a presidential system, or the US system, where the executive is by and large different from the legislature. As we well know, the President of the United States is elected separately from legislative elections, and the US President directly appoints executive officers. In our system the executive, as represented by ministers, overlaps with the legislature, so it creates a complicated relationship. There is no doubt about that, but it does not take away from the fact that there is a well-known, well-accepted need to balance the public interest with the executive having a degree of privilege.

What we find is that ministers in our system are members of the executive, but they are also participants

in legislative processes, as we see in this very house. It is a layer of complexity that one does not find in the US, for example, although I would say that the US has enough complexity in its political system to more than make up for that one element of simplicity.

Mr Ondarchie — As in right now.

Mr MULINO — Yes, indeed, one only needs to look at its current primaries. But these three arms of government are in balance, and I think it is extremely important to stress that that balance is a very important and worthwhile aspect of our political system.

The other point that I want to make in terms of broader context is that there is not just the relationship between different types of government but also the relationship between the government as a whole, or indeed each of the arms separately, and civil society, and that is another important aspect of transparency because the relationship between government and civil society is often just as important to the lives of civilians and just as important to the good functioning of government. One can go way back through the annals of time and look at the origins of many constitutional norms and in fact many constitutions, and much of constitutional law is driven by the relationship between government and civil society and in fact limiting government's capacity to impact on civil society.

But again, many of those relations are driven by the public interest, so I would argue that transparency in that sense is a very important principle — but again, so is public interest. What I am going to argue in more detail later on in going through each of the elements is that public interest is what should guide us. I want to also in these opening comments make a comment on who adjudicates. This is a point that Mr Barber has made on a number of occasions.

Mr Ondarchie — I'll get a doona and a pillow, and I'll come back.

Mr MULINO — Oh, no, a doona won't be necessary; this will be very enlivening. There'll be nothing somnambulistic about it.

A point that Mr Barber has raised in previous debates on these issues on a number of occasions is who adjudicates, and I think it is actually a really important point and a subtle point. In fact what I am going to argue is that there is no obvious, simple or easy answer to that point, and that is in fact inherent in the nature of a system of balances. I think that is an important point that he has raised, but the whole point is that when you have a system of balances there is going to be no simple answer to that.

One mechanism for answering these questions, for adjudicating disputes, is going to be the constitution and legislation, and then of course we come down to the courts. The courts have a role in interpreting constitutions, but of course we also have a slight tension in that we are in a system where there is this notion of parliamentary supremacy. Clearly the courts have to adjudicate some disputes between parliaments and the executive, but it is also important to note principles like the public interest and the fact that it is not a simple matter when courts come in to adjudicate disagreements such as this.

There is also, one might say, a grey area here where one of the areas in which some of the disputes that one sees — and this is not new to this government; this has been here since governments first existed — are resolved is the court of public opinion. That is a very important way in which these disputes are discussed. We are more than happy to stand on our record. I am going to go through in some detail the documents that we have in fact already disclosed on a number of these issues and the fact that this stacks up very well compared to previous governments. I can raise that issue of comparison to make the political point that those raising this motion are in fact being a little bit disingenuous when they themselves only 15 months ago were sitting on these benches and disclosing far less than we did. But it is actually a much broader point which is that, when you put our disclosure record in that broader context of the way that governments have acted in the public interest or tried to act in the public interest, our record stacks up very well.

Governments are held to account every four years in our system, and one of the dimensions along which they are assessed is the degree to which they were transparent, the degree to which they took the public along with them on important issues and the degree to which they allowed themselves to be held to account. I raise that because we are more than happy to put on the public record the degree to which we are allowing ourselves to be judged in the public sphere. That is actually a very important realm in which this debate occurs.

It is important to make all of those opening comments because we cannot look at this set of issues — this is actually an agglomeration of a series of documents motions over the last few months — in isolation. We cannot look at it without acknowledging that this is a request of one arm of government against another. As a number of speakers on this side have said during the course of each of those debates, neither the claims that are made by the legislature for documents nor the responses to those can be viewed in absolute terms.

That is not the way governments do work, have worked or should work, so it is very important to look at it in that broader context. I think that is an important opening set of remarks.

The second issue that I will touch on, after having worked through the documents that had in fact been disclosed in relation to each of these motions, is the proportionality. As I will talk about when I move onto that issue, this is an utterly, grossly disproportionate response to what is, on the part of the motion, argued to be insufficient disclosure. Now, I will argue that there has been a great deal of disclosure, but even if one were to accept the fact that disclosure was not up to some standard that one might think was appropriate — even if that were the case, which I would argue it is not — the notion that it is appropriate for this Council to suspend the Leader of the Government for six months is utterly ludicrous, out of proportion to anything this chamber has done in the past and out of proportion to the public interest.

The irony here is that what we are trying to do is find the right balance in terms of transparency and the good workings of government, and this motion is a ridiculous sledgehammer — which is clearly not in the public interest — trying to take the Leader of the Government out of the chamber and out of the important workings of this part of the legislature for such a long period of time. I will get onto that in more detail —

Mr Barber — It's up to him, isn't it?

Mr MULINO — No, it's not up to him at all, because what I am going to argue is that the disclosure has been to a reasonable level. To say that because some who might vote for this motion believe it is not reasonable — and that is a matter of debate that we are thrashing out — and that because there is a disagreement as to where that line is in terms of what is appropriate and what is inappropriate that the response is a six-month suspension, when in the past the suspension for this kind of disagreement in the Council has been for the remainder of the sitting day, is quite a remarkable and exponential increase in severity.

I want to set some context here in terms of the first element, which is the disclosure element. The Andrews government has responded to 11 of the 13 orders for documents made so far by the Legislative Council. The government has disclosed 219 documents in full or in part and withheld 45 documents.

That is a very important overall piece of context. I will work through each of the individual motions, because it is important to look at the specific circumstances of

each individual documents motion. But that is a very, very high proportion — 219 documents provided in full or in part and 45 documents withheld. We are talking something in the order of 75 per cent to 80 per cent of documents provided in full or in part.

To go into some of the specifics as to where the government has made its decisions as to whether documents should be provided it is important to look at the concept of executive privilege. The Legislative Council does have a power to request that the government of the day produce specified documents held by government agencies and departments. The Parliament's power to order the production of documents, however, is not unlimited — —

Mr Barber interjected.

Mr MULINO — I will get onto that. It is an accepted principle that the government may withhold disclosing documents in response to an order for documents when disclosure would be contrary to the public interest. So if you did not have a public interest test, if you did not have any test, then there would basically be completely unlimited disclosure of documents. The interjections that are currently being provided to me suggest that there should not be a test. Presumably then it is no holds barred. Any document in part, even a document that is only partially produced and not even a complete document, any document containing private information, any document containing commercial-in-confidence — —

Mr Barber — Who is the umpire? Who decides the test?

Mr MULINO — Mr Barber is saying, 'Who is the umpire?'. He is saying, 'Who decides the test?'. What he is implicitly saying is that if there is no test and the Council is the umpire, then absolutely anything the Council requests should be disclosed. This is the no-holds-barred approach, which is clearly not what is the practice, not what has been the practice of previous governments and not what should be the practice.

The government has adopted a principled approach to claiming executive privilege in relation to documents that have been subject to orders from this Council in motions passed over the course of this term. These principles were set out in the Attorney-General's letter to the Clerk of the Council on 14 April 2015, and I just want to spell those out. Those principles are to ensure that documents are protected if their release would 'reveal, directly or indirectly, the deliberative processes of cabinet'. I would find it hard to imagine that that would be controversial in this chamber — that

cabinet-in-confidence documents should be revealed. I would be very surprised if speakers that follow me find that to be an objectionable principle.

The letter continues to detail how documents are protected if their release would:

reveal high-level confidential deliberative processes of the executive government, or otherwise ... jeopardise the necessary relationship of ... confidence between a minister and public officials ...

Again, there are clear public interest tests. The letter also says documents are protected if their release would:

reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions ...

So here we are looking at information that is provided to the executive government on a certain basis. Again, I go back to my experience. It is not as vast as some in this chamber, but I have now sat on a couple of Legislative Council committee inquiries. Clearly one of the most valuable tools they can use to obtain information is through submissions and, in a number of instances on inquiries I have sat on, submissions have been made on a confidential basis. That is very often at the request of the person or the organisation submitting it. That can be because information is highly personal. You can imagine some of the committee inquiries currently underway in which that might be the case. That is a good example of where the legislature itself applies the same kind of principle. Many committee inquiries involve submissions being kept from the public.

Mr Barber interjected.

Mr MULINO — Mr Barber says that is the legislature imposing that on itself. Sure, but in the case of the executive receiving information on that same basis the executive is using the same principle — —

Mr Barber interjected.

Mr MULINO — No, the executive is applying the same principle in saying, 'If a person or an organisation provides information to it through a process and has asked for that not to be disclosed to other entities, then so be it'. I wonder: is Mr Barber suggesting that every single confidential submission received by a Council committee should be available to any public servant in a department who demands it? I would say no.

Mr Barber interjected.

Mr MULINO — Mr Barber is saying that the committee decides, but here the executive is deciding on information it has. He is contradicting himself in such an obvious way, because what he is saying is that when information that has been submitted to it is held by a Council committee on a confidential basis it is the Council that decides whether it keeps it, and when the executive receives information on a confidential basis he is saying that it is the Council that decides.

Mr Barber interjected.

Mr MULINO — No, that is not the way that principle would exist. What is being suggested would entirely weaken the provision of information on a confidential basis to the executive, so it is a very, very slippery slope that Mr Barber is going down. Again, I think what he wants essentially is a no-holds-barred approach, which would not be in the public interest.

Further information set out in the Attorney-General's letter to the Clerk was in relation to where information would 'reveal confidential legal advice to the executive government'. Finally, there was a provision which specified that information would also not be provided where it would:

otherwise jeopardise the public interest on an established basis, in particular where disclosure would:

prejudice national security or public safety;

prejudice law enforcement investigations;

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

prejudice intergovernmental and diplomatic relations; or

prejudice legal proceedings.

What I have set out is from the Attorney-General's letter, and that is on the public record. I just wanted to explain those elements of executive privilege as set out by the government. Those elements of executive privilege are all very well understood, well-established principles. The government's approach is entirely consistent with the Westminster parliamentary system, is based on a considered analysis of law and, at its heart, balances the different arms of government and issues like transparency with the public interest. The public interest is paramount.

Executive privilege in part exists to protect the cabinet system, but as set out in those elements in the Attorney-General's letter, it also has other goals, such as the proper functioning of the public service. Executive privilege is certainly not unlimited, and I think it is very worthwhile that the government has

clarified its view on the limits in that letter from the Attorney-General. I have just spelt out those limits again and explained in a bit more detail my understanding of those heads that the Attorney-General clearly set out in the letter. It is important that that executive privilege head is explained in some detail because that is a well-understood line that governments have used in this state for a very long period of time.

I just want to make a couple of points about the particular application of executive privilege in this jurisdiction because a couple of points have been raised in this debate and in other documents motions in relation to how it should apply and how the application of that principle is used in other jurisdictions. Under the Constitution Act 1975 the powers of the Legislative Council to call for the production of documents are determined by reference to those powers held by the United Kingdom House of Commons in 1855, subject to any inconsistent act.

I think it is worth spelling out explicitly that in the UK in 1855 the House of Commons power to call for the production of documents was subject to very well established exceptions which included Crown privilege, which is now known as executive privilege. As a republican I quite like the fact that it is known as executive privilege rather than Crown privilege, but that is really not the point, and I am sure there will be other times when we can discuss that broad concept.

Mr Rich-Phillips interjected.

Mr MULINO — No, I am a republican, but I would put very strong limitations on an Australian head of state and also at the state level.

In order to remain as brief as possible, I will not go into those unrelated issues. I will stick very much to the topic because I certainly would not want to go longer than was absolutely necessary on this topic, although it is important enough that I think it is worth stepping through in detail.

Mr Jennings interjected.

Mr MULINO — In terms of proportionality, yes.

Ms Shing — There is nothing tedious about your repetition, Mr Mulino.

Mr MULINO — No, there is no repetition yet. If there is repetition at any point, then we can discuss whether it is tedious. However, I would argue that even if I get to the point of repetition, I would add enough spice so that it would not be tedious, but let us wait until we get to that point. I could say that I would

certainly be willing to disproportionately reduce my speaking points if the motion had said ‘the remainder of the sitting day’, for example, but that is a hypothetical and we do not discuss hypotheticals in this chamber.

If we look at the United Kingdom’s application of executive privilege to the House of Commons in 1855, we see that the House of Commons had the power to call for the production of documents and that it was subject to limited exceptions, including Crown privilege, as I just said, and if the government asserted that documents were the subject of executive privilege, that was sufficient reason. I think it is very important to clarify how executive privilege was applied in 1855. In that jurisdiction, as here, executive privilege applied as a limitation on the legislature’s call for power. That is a really important context.

Some have argued that there should be a narrower interpretation in this jurisdiction. One possible narrower interpretation would be the way that that particular privilege applies, for example, in New South Wales, where one might argue that it applies in a narrower way. However, I would argue that that is not a sensible application of the principle and that there are good reasons to argue that the principle applies in a different way in New South Wales. The principal reasons are that in the case of the Victorian Parliament the principles are determined by historical transfer from the UK House of Commons in 1855, whereas in the case of the New South Wales Parliament they are not determined by that historical transfer but rather by reference to what is reasonably necessary at any time in the proper exercise of the functions of the Legislative Council. So that is a different test.

I think it is always important to look to other relevant jurisdictions for precedent in matters such as these. These can often be very complicated issues, and precedent can help to determine the application of principles like executive privilege to particular factual situations. We need to be very clear that New South Wales is in a very different situation to what we find ourselves in in Victoria. For that reason I think the better test is the way that executive privilege was applied in the British parliamentary system in 1855.

It is relevant to touch on another important piece of legislation in the Victorian context, which is the Freedom of Information Act 1982, which contains provisions for the protection of certain limited categories of documents. These same provisions, we believe, should be applied consistently to documents that are sought by the Legislative Council. What I will explain very briefly is the way those provisions are set out in the FOI act. The provisions in the FOI act are,

firstly, that a document should not be disclosed where it would reveal directly or indirectly the deliberative processes of cabinet, and secondly, where they reveal high-level confidential deliberative processes of the executive government or would otherwise jeopardise the necessary relationship of confidence between a minister and the public service. We see here a direct analogy. And so on they go. We believe that that consistency is very important.

In determining our principled and clearly set out approach to the application of executive privilege, we have set out very clearly the heads under which documents will either be disclosed, disclosed in part or not disclosed. Since the beginning of the 58th Parliament the Legislative Council has made 13 orders for the production of documents. As I said earlier on when I was making some broader contextual statements, the Andrews government has responded to 11 of those requests. Of those 11 requests, 264 documents were identified as relevant, 164 documents were released in full — that is well over half — 55 documents were released in part, often with just minor redactions, and 45 documents have been withheld in full. I will not go through all 45 documents, but I am going to explain why that was necessary in a couple of situations.

The only documents that have been withheld in full relate to the West Gate distributor, a project that is still under active procurement. Cabinet documents and commercially sensitive materials relating to that project were withheld in full. Thirteen documents were released in relation to that project in full, but a number of documents in relation to the West Gate distributor were withheld.

In regard to the Australian Formula One Grand Prix, the contracts are commercial documents which no Victorian government has ever released. This is why we go back to this issue of consistency and whether it is a slightly disingenuous motion, at least from the opposition. The opposition released nothing in relation to the Australian Formula One Grand Prix. I understand that on this issue at least Mr Barber is consistent and would have been pushing for the release of those documents in previous Parliaments, but here is one example of where the opposition has quite some gall to suggest suspending a leader for six months when it is exactly the same application of principles that it used when it was in government, and not just in one term of Parliament. That is something I think is worth drawing out.

In relation to the Cranbourne-Pakenham rail corridor project, just one document was withheld in full and

three documents were released in full. In relation to the Peter MacCallum Cancer Centre, 12 documents were withheld which related to cabinet declarations.

I am going to run through the production of documents motion in a moment, but I wanted to set that broader context. There have been some documents withheld. They are very much the minority. We are talking about approximately just under a quarter of the documents that were asked for. It is a very small proportion of documents, and in each of the cases where documents were withheld there were very good reasons. When we look at the transactions they relate to, it is very clear where the public interest will lie. There is also the South Yarra railway station matter where two documents were withheld. Again that was because they contained cabinet-in-confidence material.

I am going to go on to some of the specific parts of the motion now, but I just wanted to make a couple of observations of the 57th Parliament. This is not some petty political pointscoring; it is to make the point about certain practices that multiple governments have observed and have seen as being in the public interest. In the 57th Parliament the coalition provided documents to just three of Labor's orders for documents in the Legislative Council — just three! No documents at all were provided for the following Labor motions for production of documents. There was an order for documents in relation to ambulance response times; no response was provided. There was an order for documents in relation to the Patrick stevedores relocation from Webb Dock East; no documents were provided. There were no documents provided about the east-west link business case. I cannot believe they were not willing to release the 0.45 benefit-to-cost ratio. That did not come out till afterwards, but no documents were provided.

I want to acknowledge at this juncture that Mr Barber at least has been consistent the whole way through, and he has wanted a much more holus-bolus, no-holds-barred approach. He wants it to be that anything that is asked for comes out. I do not agree with where he lands. I do not agree with where he draws the line. But when it comes to the opposition let us look at how it performed in the 57th Parliament. Let us look at how Liberal governments performed in previous Parliaments. Those opposite are not exactly applying a consistent test here to how they behaved in areas of critical importance to public interest and public safety — for example, ambulance response times and issues like the port.

Again, it is very ironic on the port. I would hope that Mr Barber here would at least make some concession that the select committee inquiry into the port did not

get every document that it asked for, but it had unprecedented access to a lot of very commercially sensitive documentation. The point I am trying to make is that the executive was very cooperative and provided information that was very sensitive — and more than had been provided in other transactions. That is the point I am making.

I think it is very ironic that those opposite are pushing this motion when there is a pot-kettle aspect to this issue that is quite pronounced. One has to say that it is really quite striking. You look at some of the issues on which they did not provide any documents to the opposition or to the public — any documents at all — on ambulance response times, on an important aspect of the port's operation and on the east-west link business case. That is telling.

I will be very interested to hear what practices those opposite think should apply to good government, to executive privilege and to cabinet in confidence. I would love to hear them spell out in a little more detail how they think it should apply but also explain to the government how those principles applied in relation to the ambulance response times motion. I just want to see them reconcile it a little bit. How did they apply to the Patrick stevedores relocation? How did those principles they are trying to spell out now apply to the east-west link business case? It is not just about the provision of some documents and where the line is, but in relation to those motions moved by the then opposition not a single document was provided.

I really would like those opposite to spell out in some detail what test it is they would like to see applied and then go back to those transactions and explain clearly how it was that not a single document satisfied the test that they believed should be applied. Presumably if they are so upset with the level of disclosure from this documents motion — over 75 per cent of documents asked for being disclosed in full or part — they want much more. I would like to know how the opposition can reconcile that with what they believe should be applied to this government.

Before getting onto the specific documents motions, I just want to talk about a couple of reforms to Parliament, because we are talking about this in a much broader context. The Andrews government has put in place a number of reforms in relation to the transparency of the Parliament: establishing a non-government majority on the Public Accounts and Estimates Committee; providing additional resources to support the crossbench and Independent MPs; and ending the regime of FOI secrecy that was run arguably from within private offices.

I would also add that in terms of government transparency I believe the Parliamentary Budget Office will also be a very important reform not just for crossbenchers — but particularly for them — but also for oppositions. I think that will be a very important reform. I suspect that will be supported by parties right across this chamber. I think it will demonstrate that all in this chamber think that it is a very worthwhile reform and a very important reform to the way the Parliament works.

Let me now just work through the specific motions and make a couple of comments on each of the transactions. The first motion was on 11 February 2015 in respect of port of Melbourne documents. Quite a number of those in the chamber at the moment have a lot of familiarity with that particular transaction and the way in which the Legislative Council ultimately interacted with that. That resolution was:

That in accordance with standing order 11.01 there be tabled in the Council by 12 noon on Monday, 16 March 2015, a copy of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014.

The government responded on 23 June 2015 and in its response provided a copy of the scoping study prepared by the previous coalition government. Only limited information in this document was withheld from release, specifically financial and commercial content as well as material obtained in confidence.

I think it is worth explaining in terms of the context of this motion that the request that was originally made here sought a document of the previous government. That was an initial cause for some confusion and discussion with members of the opposition who were in fact in the previous government. This was an example of a disclosure that was very fulsomely made. I think it was a very worthwhile disclosure and added to the select committee and broader processes for considering the lease of the port. That was a resolution that was essentially complied with.

I do want to go back to the comment I made earlier about the select committee process, because of course that supplemented the disclosure of that particular scoping study report, and I would argue what we had in the select committee process was an unprecedented level of disclosure. I have been involved in a few transactions over the years as a public servant — I have been involved from the opposition side; I have been involved from the government side now — and what I saw in that process was a high level of disclosure in both a public and in-confidence manner with the select committee. I believe it greatly added to the process. The government's submission was very detailed, right from

the start, and that was very useful because there were some very technical issues in that transaction and some of those technical issues remained issues on which there was no agreement right until the end. That is fine, that is the nature of some of these deliberative processes, but there was a very high level of disclosure in relation to those.

The original submission from the government — I am not going to get the exact number of pages right — is in the order of 70 pages and contains a great deal of detail explaining issues like the post-lease regulatory regime. It devoted a great deal of coverage to economic regulation and it devoted a great deal of coverage to the port growth regime, which of course then became known as the compensation clause; so a great deal of detail was provided in public. But then subsequently a number of commercial documents that were very sensitive and sometimes not in final form were presented to the committee. This was unprecedented.

Mr Barber says the committee had the right to call for them, but I would make the point that the committee has made calls for many such documents in the past but never had such access. I think it is ironic that this government — which has actually pushed the boundaries of cooperation between the executive and the select committee — has pushed the boundaries and has pushed the boundaries in a constructive way. Just about everybody who spoke on the outcome of that select committee was very complimentary of it, including me, including Mr Barber, including Mr Rich-Phillips; everybody spoke about that select committee process in a very complimentary way.

I think a very important part of that was the high level of cooperation between the executive and the committee members and the committee secretariat, some of which occurred in confidence because of the nature of those discussions. Some particular figures which were highly sensitive were provided to the committee on an in-confidence basis, and I am pleased to say that they were not disclosed. I will give the committee, the secretariat and the whole process credit for that. So that is a good thing and I hope that is the platform for more cooperation in the future, but it is ironic that in a Parliament where we have seen a major transaction — and many people who spoke on that legislation said it is the most important transaction of this Parliament, and some people went so far as to say it is the most important transaction some of us will see in our careers — we have seen this government, this executive, push the boundaries and at the same time now we are faced with this motion. It just seems utterly ludicrous for that to happen, for that to be the response — an absolute sledgehammer in response —

to what can only be described as real progress and a very positive step in a very positive environment.

In addition to drawing out the government's very specific response to the motion that was passed by the Council on 11 February 2015, I think it is very important to look at what happened over the course of the rest of the year, and again it really just highlights to me how, in particular for those opposite, it is very hard to sustain this motion when this government disclosed far more to the select committee than has been disclosed to committees of the Council or the Parliament more generally in relation to previous transactions and, I will say, in some of my experience of transactions at the federal level. It was a very high degree of disclosure. As I said, it was positive, it helped the committee in its deliberations and it was in the public interest in that it led to a better outcome, but the notion that it should be the trigger or part of the trigger for this utterly disproportionate response beggars belief.

Next we had a motion in relation to the West Gate distributor documents. It was a resolution made on 25 February 2015. The resolution sought a copy of the following documents relating to the West Gate distributor:

- (1) the business case;
- (2) interim or final traffic and traffic management studies, reports or briefings;
- (3) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;
- (4) Aboriginal cultural heritage studies, reports or briefings;
- (5) advice on compliance with the Hobsons Bay planning scheme and Maribymong planning scheme and proposed consultation on required planning approvals;
- (6) departmental advice and briefing documents; and
- (7) evidence of consultation on the above.

This is an example, and it is not the only one, of a disclosure motion that is an absolute fishing expedition. If we want to get into a broader discussion about disclosure and where you draw the line between which documents are made public and which documents are not, if this is seriously about making government work better, if it is seriously in the public interest, then this kind of motion seems to have much more of a political tinge to it. It seems to be much more about scraping together every single possible document or part document or attempt at any kind of consultation and then looking for anything that can be used for political purposes.

Why do I say that? The resolution sought all documents, 'including, but not limited to', so it was basically trying to find absolutely everything in those seven categories — absolutely everything; all documents. And also, including the phrase 'including, but not limited to' was something that was a feature of a number of motions that were passed in relation to documents disclosure. In limiting the government's response to only the seven categories of documents specified in the resolution, 38 documents were identified. If the government had looked at that motion literally in the way that it was worded — and this was something that was raised by a number of government speakers on this motion and other motions, the breadth of the wording, the intentionally extremely broad wording — and if the government had identified documents according to the very broad wording used in that motion, 23 000 documents would need to have been assessed to respond to that motion.

I think the public is interested in transparency, yes, but the public is also interested in not having public servants waste their time on fishing expeditions. Where is the public value in public servants having to work through 23 000 documents, work out which ones or which parts of documents relate to a motion such as this and then figure out where executive privilege might lie and where privacy considerations might apply? Of course privacy considerations could be very much alive in a context where the motion relates to any degree of public consultation, so we are already in an area where privacy and requests for confidentiality would be very much alive.

I think members of the public would be outraged, frankly, if we had — not just in relation to this motion but in relation to a whole series of motions and any motion that the Council might choose to agree to — public servants trawling through literally tens of thousands of documents. We are talking about taking them away from their more important core functions, such as interacting with the public and designing policy.

Of course transparency is important, so, yes, let us make some targeted requests for documents and let us then have the executive disclose documents based upon agreed principles of disclosure, privilege, cabinet in confidence and executive privilege. This notion that because you have the power to request documents it is then necessarily appropriate to use that power willy-nilly, without any limits, I totally disagree with. I find it completely inappropriate that we should waste the time of people in a department working through such a massive number of documents. As I said, it is

not just a matter of identifying documents, but it is a matter of sorting through all different — —

Mr Barber interjected.

Mr MULINO — Mr Barber says they are all paper pushers because there are lots of documents, but this is such a ridiculous notion because what many of these instances might involve are multiple drafts of documents. They might involve a whole series of documents provided from the public, because it was a very — —

Mr Barber interjected.

Mr MULINO — No, but there are many other heads of relevance. As I have said, where documents are provided from private individuals or non-public organisations, there will often be extremely sensitive information. There will be many of those documents, where a motion refers to consultation, where that might be the case. That Mr Barber says there are many thousands of documents in relation to a major project and therefore we have a bunch of paper pushers is just utterly ridiculous and quite disrespectful of the work of the public sector. My broader point here is that it is not sensible to have public servants, who have many skills and many specific obligations and responsibilities, spending hundreds or thousands of person hours sifting through documents that relate to such a ridiculous fishing expedition. That is not sensible at all.

Of the 38 relevant documents identified by the government on what I would argue is a reasonable reading of the motion — these are the core documents that relate to the issues that were raised — 13 were released in full and 1 was released in part. What was redacted in that? Personal information — information related to an individual's circumstances. So there was no need for the Legislative Council to see that. This is exactly the kind of issue that I referred to earlier. Once you start trawling for information that relates to consultation and the way in which the executive interacts with civil society, that is often going to be the case. Twenty-four were withheld in full due to cabinet in confidence.

Mr Barber has said in a couple of instances, 'Where's the line? Who's deciding? It's all so murky. You guys are claiming privilege on everything'. Well, 13 were released in full; 1 was released essentially in full, because only a small amount of information related to an individual's private circumstances was redacted; and then 24 were not released because of cabinet in confidence. I would have thought that everybody in this chamber accepts the principle of cabinet in confidence.

This is a good example of a situation where a motion was drafted in a way that was ridiculously broad and that I think shows in a number of instances this has not really been about transparency in the public interest but has been about other kinds of political goals. The disclosure that was made in relation to this certainly satisfied the public interest test.

Next was a resolution on 25 February 2015 in relation to the Australian Formula One Grand Prix documents. That resolution was of a motion that sought the contract, in full, signed by the Napthine government to host the formula one (F1) grand prix in Melbourne from 2016 to 2020. On 16 September the government's response was that six agreements had been identified — so a few less than 23 000, fortunately; this was slightly more targeted than the previous motion — but all were withheld. I should stress that these are documents that were entered into by the previous government. They were withheld as they contain commercially sensitive information. If disclosed, this information would materially damage the state's financial or commercial interests.

It is easy to see how that might be the case. There are of course negotiations with private entities in relation to events that are very footloose and very much in demand from multiple locations. We know in relation to the F1 that it is very much in demand by other Australian cities. In addition to that, it is in demand by other cities in our time zone. We know that in such commercial negotiations — —

Mr Finn interjected.

Mr MULINO — I will still be here. If we put every single aspect of our negotiations on the public record, that would be significantly damaging to the Victorian taxpayer. Some in this Council would say, 'What is the loss? Let's get rid of the formula one grand prix'. That might be part of why some are so keen on this motion. I think some view it through that prism. That is fine if you have that view — I do not have that view — but the more general principle is that if we as a government are going to engage in relationships and agreements, if we are going to engage in dealings with the private sector, then there has to be some degree of commercial-in-confidence protection.

Some in this chamber might say, 'We don't want to engage in any dealings with the private sector. We don't want any PPPs. We don't want any outsourcing of any kind of construction'. Some people in this chamber might say, 'We don't care about commercial in confidence. We want every single document that relates to any interaction with the private sector

disclosed in full on signing or in fact while in draft mode. We want every document while it is being negotiated.' Some might say that. But you have got to have a sensible delineation if you have interaction with the private sector.

Some might say that we should just release signed documents, that as soon as the document is signed it has got to be released in full. If that is what members of the opposition are claiming, I would like them to explain their behaviour during their last term in government. Why is it that they did not release in full every single document they signed with the private sector if they believe the line that as soon as something is signed it is to be released in full?

This motion is asking for the contract to host the formula one grand prix to be released in full, as signed by the Napthine government. The opposition says it wants the full document with absolutely every number in it released. I note that it did not release it when it was in government. Is it now saying that its principle is that every single commercial agreement is released in full at the moment of signing? Is that the test? Again, I would be very interested to hear from opposition speakers about what it is they think the commercial-in-confidence test is. If they think there is any kind of commercial-in-confidence protection, where do they see the delineation? And if a private sector party in negotiations says to us that as one of the terms of the agreement it would like some elements of the contract not to be disclosed, is the opposition now arguing that the government should never accede to such requests and that the government should always have as its bargaining position that every document is disclosed in full upon signing? I would be very interested to hear from those opposite if that is their position, because that is certainly what they seem to now be pushing for.

Clearly in this case if we released all of those documents in full right now, it would imperil Victoria's capacity to retain that event. Some at least in the opposition have made public statements that they want to keep the event. I do not know what their current official policy is and I do not know what their policy is on an individual basis, but I am sure that if I go through *Hansard* and through public statements, they will show that at least some of them are keen to keep that event. Certainly when they were in government they were keen to keep the event. When they were in government they signed an agreement to keep the grand prix from 2016 to 2020.

Again it absolutely beggars belief to imagine someone from the government sitting across the table from a

peak body and saying, 'I know you have had lots of interest from other cities around the world, but by the way, unlike any other city in the world, unlike any other country in the world, unlike any other negotiating party in the world, the minute this document is signed every single element of it is on the public record.' I think that would be a fascinating negotiation ploy. I would really be interested in the outcome. In fact I would not be that interested. I can probably tell you immediately what would happen. It would not strengthen our bargaining hand at all.

Some members of the Council may not be too keen on the formula one grand prix, but it is not just about that event. It is actually about our major events calendar, particularly major events that have a choice of venue and the notion that there is, in effect, almost no commercial-in-confidence protection for deals and arrangements that are made. Surely this is about balance. It is about transparency, but it is also about the public interest. It is the broad concept that if we are dealing with the private sector, there are elements of some agreements that will not be disclosed immediately. That has to be part of the arrangements in some context otherwise it would not be possible to make any arrangements.

I find it interesting that the opposition is suggesting that we suspend the Leader of the Government for six months for setting a standard on disclosure on this transaction when it is exactly the same standard the opposition applied in relation to that transaction. That is just outrageous, frankly. Mr Ondarchie spoke earlier about broad principles. He said it is about something much broader than the length of the suspension; it is about something much bigger than this or that document. Well, if it is really about higher principles, then how about some of the speakers on the other side explain that to us, particularly if it was something that was okay when they were in government. This goes for many previous governments. This is not about political pointscoring between this government and the last one, because what I am talking about are longstanding principles. No government has disclosed the full formula one agreement contracts, no government of either political persuasion.

I would really like future speakers from the opposition side to explain the following to me. Firstly, why it is that they did not disclose anything? Secondly, specifically what is the disclosure rule they think should apply and how is it consistent with their past behaviour? Thirdly, particularly in relation to this kind of major event, do they have any aspiration for major events to stay in Victoria where they are footloose, and if so, how does the new disclosure concept, which has

not been clearly set out but is implicit in this incredibly broad resolution, fly in the real world? Clearly it does not, and we would stand out in such an obvious way in the international sphere if we were to fully comply with the motion that asks for every single agreement to be put on the public record just because it has been signed.

I agree with transparency, so let the government make the case for the benefit to the Victorian people. Let the government make the case for the benefits of these projects. In 2014 major events generated around \$1.8 billion for the Victorian economy and provided over 2500 equivalent full-time jobs, so I am all for the government making the case for the major events schedule and for each major event. I am all for that. But that kind of transparency, that kind of discussion with the public, can be had without wrecking the whole process by disclosing absolutely every document.

As I said, I would be very interested in those opposite not speaking for 5 minutes on this. I would be very interested in those opposite speaking for more than 5 minutes, but I would like a bit of detail from those opposite. Do they want to keep the F1? Do they want to keep other major events? How do they believe that putting every single document on the public record would allow that to happen?

I want, in the words of a previous prime minister, a bit of specificity here, and I think that has been sadly lacking in this discussion so far. It has been all about, 'The government has not given enough', 'The government is claiming this and that', but here is one of the motions where it is absolutely clear what the impact would be. If those opposite want to suspend the Leader of the Government for six months for government practice that helps us keep a major event, then they also need to get up and clarify their position. Do they want to keep the F1? Do they want to keep major events?

Mrs Peulich — We brought it into the state.

Mr MULINO — Those opposite brought it here, but now they do not want to keep it. They want every single document publicly disclosed when they know what impact that would have on retaining it. Those opposite love to claim they brought it here, but not one speaker opposite during this motion has given us any indication of how they would retain it if there was this kind of disclosure regime — an unprecedented disclosure regime. Those opposite do not talk about the 57th Parliament one bit. There is a very good reason for that.

Mrs Peulich — Why is that?

Mr MULINO — I think Einstein is only unparliamentary if she is sarcastic, so I will take it as not being sarcastic.

When it comes to this particular motion, the reason why it would be damaging is that if we disclosed every single document related to the F1, I think it would be in Sydney on the expiration of our current agreement. I think anybody on the opposite side would claim that they are in touch with the commercial world. They all claim to be the representatives of the economic growth drivers of our economy. It just beggars belief that those opposite believe anything else would happen.

If we were the only jurisdiction in the world to dump every single agreement and every single document on the public record, those opposite believe that we would still have a strong position — I find that impossible to believe. As I said, I would like a lot more specifics from those opposite on this one. They come in here on their high horse about disclosure, but I would like to see them talk about some of the consequences.

Mr Ramsay — On a point of order, Acting President, I wonder if you could ask Mr Mulino to indicate to the chamber if he intends to filibuster until question time. He has invited us to make contributions in response to his contribution, yet he will not allow us to do so. I am more than happy to comply, but Mr Mulino needs to complete his contribution and sit down.

Mr Herbert — On the point of order, Acting President, clearly Mr Ramsay is sitting there and making a political point. There is no basis to it. I have been listening in detail to the contribution of the member, and quite frankly it has been the most cogent, detailed analysis of what has gone on in this farce that we have heard in this chamber. It is detailed to the motion and to the debate, and there is absolutely no substance to Mr Ramsay's point of order.

The ACTING PRESIDENT (Ms Dunn) — Order! There is no point of order. Mr Mulino must be relevant to the motion. I am satisfied at this point in time that Mr Mulino is being relevant to the motion. Mr Mulino, to continue.

Mr MULINO — To make a very brief reference to Mr Ramsay's desire to speak on this, he will get an opportunity, no doubt, and I very much look forward to it. Unless I have a very urgent meeting outside the chamber, I will make sure that I am in here to hear it because it is certainly high on my priority list today to hear what he has to say about the F1.

An honourable member interjected.

Mr MULINO — No, not at all. That was not sarcastic.

I will finish on the F1 just by making that broad point about the public interest. I think most of us in this place want to retain the F1. I think most of us in this place want to retain the major events schedule. In fact this government has a specific policy of expanding the major events schedule, and part of expanding the major events schedule is the reputation of the jurisdiction.

The notion that we start throwing onto the public record commercially sensitive documents is a very inappropriate way to behave in relation to a very important event for the state. I will be as brief as I can on this motion and get to the core points. I have much more that I could say about major events, because I believe they are very important for the economy. As I said, they generate around \$1.8 billion and they generate over 2500 jobs.

I will move on to another motion that was passed on 25 February 2015. It related to the Cranbourne-Pakenham rail corridor project documents. I will just remind the house of that motion. It was a request for a copy of the value-for-money evaluation of the Cranbourne-Pakenham rail corridor project, required under the Department of Treasury and Finance's unsolicited appraisal guidelines for the purposes of assessing whether value for money was being achieved. I am paraphrasing a little here. It also requested all meeting minutes and other documentation relating to any working group established and so on; all minutes and other documentation relating to meetings held by the Treasurer, the Minister for Public Transport and other relevant portfolio ministers; and any reports, data and summaries produced following community consultations.

Again what we have here is an extremely broad request. This was something that became a bit of a pattern for these kinds of motions. The motions would include, I believe, very unhelpful terms, such as anything in this category or related to it. These kinds of motions invariably end up with the public sector and with public servants — who, as I said, have better things to do in terms of dealing with the public, designing policy and all of their other core functions. Of course dealing with documents and of course working through documents motions is important, but it is not something public servants should be doing in relation to fishing expedition motions, where a motion relates to any or all documents — thousands and thousands of documents.

For a previous motion that I talked about, something of the order of 23 000 documents would have been caught

by the incredibly broad wording. This is another one of those motions where it is any or all minutes or other documentation relating to any meetings held. It is really inappropriate, and again this goes back to the fundamental point: are these motions really about disclosure in the public interest or are they about fishing expeditions? Are they about using disclosure motions as an inappropriate weapon? Those moving these motions are not about getting better government but are really about using these motions as a sledgehammer. They know that when the motions are extremely broad, they actually end up causing a lot of waste.

On 14 April 2015 the government responded to the request, releasing three documents in full and withholding one document. The documents that were released in full, again with only private information relating to individuals redacted, were the Cranbourne-Pakenham rail corridor project community survey and submissions overview; the Cranbourne-Pakenham rail corridor project communications and stakeholder engagement; and community consultation material. The document withheld was the value-for-money evaluation, and executive privilege was claimed over that document on the basis that disclosure would reveal deliberative processes of the cabinet. What we found was a very high level of disclosure of the four documents, which clearly fell within the scope of the motion. Three out of four, or 75 per cent, of the documents were released; one was cabinet in confidence.

Mr Ondarchie — Did anyone help you with the maths?

Mr MULINO — No, I double-checked it earlier on the back of an envelope. I think it is right. If it is not, I will correct that calculation later for the Parliament.

Again, interestingly, that broadly has been the proportion across the full suite of motions with just over 75 per cent of documents being disclosed. In the case of this motion, the document that was not released was within cabinet in confidence. This strikes a balance between a high level of disclosure and a tightly defined executive privilege based upon clearly defined heads.

The next resolution that I would like to touch on was passed on 10 June 2015. It relates to the Advanced Lignite Demonstration Program, and there was a call made for any agreements in relation to the Advanced Lignite Demonstration Program between the state of Victoria and Coal Energy Australia, Ignite Energy Resources and Shanghai Electric Australia Power & Energy Development Pty Limited. The government responded to that resolution on

11 September 2015, and of the three documents that were identified as relevant, all three were released in part. The parts that were not released were the commercial-in-confidence component and the parts that contained personal information.

As with the F1 documentation, these were documents of the previous government. They were agreements negotiated and signed by the previous government, and in relation to the commercial-in-confidence components, there would have been a very clear understanding that they would not have been disclosed by the executive. What we find is a situation analogous to that of the formula one agreements. The previous government entered into these agreements with three non-government entities, and they were undertaken on a certain basis. The opposition did not disclose these documents in the 57th Parliament. One has to ask the question: are opposition members now saying that commercial in confidence is to apply to disclosure motions in such a way that any agreement with any private sector party in relation to programs like this, in relation to demonstration programs, for example, is going to be fully on the public record no matter what is in the document, no matter what agreements have been made beforehand?

Now, these were agreements which contain commercially sensitive material, and as I said they were entered into by the previous government, so what we are doing — what our government has done — in setting certain limits in relation to the disclosure of these agreements is actually giving effect to the agreement that the previous government entered into. The opposition at least should be happy with that, in that it is their agreement we are respecting. The opposition entered into contracts which contained commercial-in-confidence material, and for this government to have released that in full would severely damage the capacity of all future Victorian governments to enter into such agreements.

I just think it is worth stressing that this government made decisions in relation to those documents knowing it had no sense of ownership over those contracts. They were entered into between the previous government and private sector entities. We — and I say ‘we’ as in the government — used redactions sparingly —

Mrs Peulich — The royal ‘we’, is it?

Mr MULINO — No, the collegiate ‘we’. We used reductions sparingly. The release of the information was made in the broadest possible terms in such a way that we could comply with commercial in confidence. Again I would like those opposite who speak after

me — and I have had at least one volunteer — to explain to me what test it is they apply. What test is it that they want to be applied when it comes to commercial — —

Honourable members interjecting.

Mr MULINO — I have much more to say on another matter, so it will have to be done sequentially.

Honourable members interjecting.

Mr MULINO — No, I think this is such an important motion, because of the length of the suspension and the importance of the issue. If those opposite are not being completely disingenuous, if this is not a stunt — and I think it is — they have to explain what test they are using and how that would apply to documents relating to agreements they entered into and which they did not release.

Honourable members interjecting.

Mr MULINO — The volume always goes up in response to the level of discomfort. It is their way of coping with not liking what they are hearing. That is fine. I do not take anything personal from it. I think it is just blather, to be frank, but I will not provide any more commentary, because I want to stay precisely on the point.

Again I believe that as with major projects these kinds of demonstration projects are extremely important. It is extremely important that the government be able to enter into arrangements with the private sector on research and on pilot projects. The last government entered into some, and we are entering into more. In principle they are important opportunities for the government. The point I am making is that if private sector entities — and they could be private sector, they could be non-government, they could be university — feel that there are absolutely no limits on disclosure on any agreement they enter into, it is going to severely limit the capacity of the Victorian government to enter into productive discussions. That was the application of the test there, and again it goes back to the ultimate test, which is public interest.

The next resolution made was in relation to the Peter Mac Private hospital documents. This resolution was made on 5 August 2015. The resolution sought a copy of all documents in relation to the establishment of the Peter Mac Private hospital on the site of the Victorian Comprehensive Cancer Centre, the VCCC, including, but not limited to — that is, all documents — the business case, presentations and/or documents prepared for the Peter MacCallum Cancer Centre board or

subcommittees and a copy of the agreement. I am paraphrasing here. Element 4 was the state government contract with the plenary group in full. Element 5 was information, not already covered by elements 1 to 4, provided to the Department of Health and Human Services by the Peter MacCallum Cancer Centre in relation to the business case. Element 6 was documents provided to the Department of Health and Human Services from the VCCC proposing future use of the 13th floor.

Again it is important to go back to the wording of the motion, which is completely as broad as could possibly be: 'a copy of all documents'. Let us look at the — —

Mr Ramsay interjected.

Mr MULINO — I reject the term 'filibustering'; I just wanted to put that on the record.

I want to go to the very first part of that motion, and I want to take out four words from it. It called for the release of documents in relation to the establishment of the Peter Mac Private hospital including 'but not limited to' — this again highlights it. This is another of these motions in which those opposite are seeking absolutely everything. With these motions that capture tens of thousands of documents I would love those opposite to explain to the Victorian taxpayer that they want armies of public servants, in a world where there are scarce resources, to be spending their days on document frolics undertaken by those opposite, sifting through documents, trying to work out where there is cabinet in confidence, trying to work out where there is private information. Of course many of these subcategories contain private information. It is another of these incredibly broad motions and really inappropriate. One motion I touched on earlier, as I have explained, captured at least 23 000 documents.

Now, when it comes to this motion, we again have no limit. The wording is 'but not limited to'. I just want to stress that those kinds of motions call into question in a very serious way what it is those opposite are trying to do. I believe there is not a genuine discussion here about that balance between disclosure and the broader public interest. That is not what this is about.

On 24 November 2015 the government responded to the request, identifying 43 documents as relevant.

I welcome the President and am glad to see that he is able to enter the chamber. For the benefit of Hansard, the President has made a big effort to be here. I think it is — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Mulino without assistance!

Mr MULINO — The point that I was making was that when you look at the six elements of that motion and the fact that it was preceded by a completely unlimited opening paragraph, it would have been a very inappropriate use of scarce public servants' time to sift through such a document frolic. On 24 November the government responded to the request, identifying 43 documents as relevant. Of those 43, there were 21 released in full and 10 in part. That is 31 out of the 43 that were released in full or in part. That is approximately — a bit under — 75 per cent. Again, that is broadly in line with the proportion of documents that was disclosed across all of these motions. About three-quarters of documents were disclosed in full or in part. It is a very high proportion. Of the 12 documents — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Mulino is making a speech in a debate; he is not just filling in time until question time. Therefore we do not need all of the conversation around the room anticipating question time or the interjections. Mr Mulino, without assistance.

Mr MULINO — Of the 43 documents that were determined to be relevant to the request, 31 were released in full or in part — just under three-quarters — and 12 were withheld in full. They were withheld because they contained cabinet-in-confidence material or commercial-in-confidence material. Again — and I have talked about this in relation to some of the other resolutions — these are clearly understood heads of executive privilege. Cabinet in confidence is well understood. It has been used by governments for a long, long period of time in the Westminster system, and without commercial in confidence being protected we would not have effective cooperation between the public and private sectors.

In terms of a little bit of background in relation to that particular project, the government is currently undertaking a robust process to determine what is going to be on the 13th floor of that building. That is a process that is going to be very robust and where the public will be consulted. A market sounding process has demonstrated significant interest from both public and private sector players. It is important that that process play out, and if we want to have a discussion about that process, let us do it. Let us have a genuine discussion about transparency around that project, but let us not have a disingenuous debate where the opposition has faux outrage when cabinet-in-confidence documents

are not disclosed when those opposite never disclosed cabinet-in-confidence documents in relation to projects. As I said, it is not political point-scoring to say that those opposite should hold themselves to the standard they applied. The broader point is that these are longstanding principles. The previous government held itself to them. Other governments of all political persuasions have held themselves to them.

If we are going to have such a huge penalty, afterwards in my contribution I want to talk about disproportionality, because that is a very important component of this discussion. But before getting onto disproportionality I will finish my discussion of the actual documents around each motion. If those opposite want to have a serious discussion about Peter Mac and transparency around particular projects, let us have it, but do not come in here on a moral high horse and say every single cabinet-in-confidence document has to be disclosed, otherwise — —

The PRESIDENT — Order! Mr Mulino will have the call when we resume this debate.

Business interrupted pursuant to sessional orders.

The PRESIDENT — Order! Can I first of all indicate to the house that I do not intend to stand to intervene in any altercations. I would expect that the house will recognise that I have some difficulty in standing today due to an injury that I got at the weekend — when I was stone sober, I might add! The result is that I will require the house to recognise any instructions that I give whilst I am seated.

MEMBERS PARLIAMENTARY SERVICE

The PRESIDENT — Before I call questions without notice, I take this opportunity to congratulate Mr David Davis and Mr Hong Lim and Mr Martin Dixon in the Legislative Assembly for achieving 20 years of service to the Parliament. The anniversary of their election is coming up this weekend.

COMMONWEALTH DAY

The PRESIDENT — I also note that Commonwealth Day was celebrated on 14 March. Commonwealth Day involves 53 countries around the world which are all part of Britain's expansive empire. It is, obviously, 53 countries on six inhabited continents around the world with a population of more than 2.1 billion people — and multifaith countries as well. Certainly given the events we saw last night on TV in Belgium and events at other times, the relevance of an organisation like the commonwealth, I think, becomes

more significant in terms of providing a platform for dialogue, for understanding and for the promotion of opportunities for countries to work together for the betterment of their peoples. Commonwealth Day this year, which had the theme of an inclusive commonwealth, was actually celebrated on 14 March during a non-sitting week.

QUESTIONS WITHOUT NOTICE

Student disability services

Dr CARLING-JENKINS (Western Metropolitan) — My question is to the Minister for Training and Skills, Minister Herbert, representing the Minister for Education. I refer the minister to a report published in the *Australian* of 12 March headed 'One in five students has a disability — confidential data'. Within that article it exposes the surge in the number of children needing extra help in class. It talks about a national audit that was conducted. The disability discrimination commissioner said in response to this report that teachers need professional backup when needed, not just once a month. It also refers to as a system in crisis that will not be averted by the national disability insurance scheme, which many children will be ineligible for. I ask very simply: what is the minister planning to do in response to this crisis as revealed by this national audit?

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question and for her ongoing interest in and passion for addressing the educational needs of students with disabilities. Can I just begin on the data that she referred to. It was a nationally consistent collection of data on school students with a disability. That was undertaken last year to find out how many students with disabilities attend Australian schools. I understand that this is a confidential report prepared by the education council and it is due to be presented to the council in June, and as such I cannot comment on the specifics within that data.

However, from the Victorian government's point of view we definitely recognise the need and are committed to supporting students with disabilities and their families. The member would be aware that the government's special needs plan for Victorian schools is part of an election commitment to build inclusive schooling through nine initiatives which strengthen support for children and young people with disability within Victorian schools. They include a new \$10 million Inclusive Schools Fund, which will provide existing Victorian government schools with funds for innovative programs and projects which promote

inclusion in school environments and support the education and social needs of children with disability.

All new schools that are undertaking planning will be required to provide facilities to accommodate the diverse needs of students, and we have undertaken sensitive investigation into or are in the process of investigating the possibility of setting up an independent office to resolve school complaints, which is important for parents, students and teachers. I guess what I can say is that as part of this special needs plan a comprehensive review has been undertaken by the education department into the program for students with disabilities to determine how we can best support students in the future. A report has been done, and the report is currently being reviewed by government.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his answer and for putting that on the record. I note in his answer that he talked about the process of setting up an office to investigate complaints, and I think that is extremely important. I just wonder what the time frame for setting that up will be.

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her supplementary. I do not have that detail at present, but I am more than happy to report back on where that process is up to and whatever time lines may be appropriate.

Firearms licences

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Training and Skills, Mr Herbert, representing the Minister for Police in the other place. I have previously made mention that I believe that being vetted by the relevant authority and, once passing that vetting, licensing should be a major part of effective firearms control in this state. Like anything the government does, it costs money, and the cost of a shooters licence affects different people to different degrees. People on fixed incomes will tend to feel the financial pain more than others. There are a large range of government mandated licences that provide some level of concession from the government for being on benefits or being retired, yet shooters licences in this state do not, whereas they do in other states. My substantive question is: how many shooters licences were issued in the last year?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Bourman for his question and his

obvious ongoing interest in these matters. There is a social justice element to this question. But on the specifics I do actually have the answer and I can provide those specifics. In 2015 there were in total 51 389 firearm licences issued, with 8796 issued to persons over the age of 65 — and I recognise that is not quite retirement age. Can I say that regardless of age all new firearm licence applicants, whether they are 18 years or over or they are 65, must meet the same requirements, which include a genuine reason for firearm licence category, 100 points of identification, fingerprint checks and references from acceptable referees in order for the chief commissioner to be satisfied that a firearm licence applicant can possess, carry or use a firearm without being a danger to public safety or peace. I think that is roughly the answer the member wanted.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his answer. In his substantive answer he has actually answered my supplementary question.

The PRESIDENT — Order! I am just wondering if that offends our standing orders on anticipation!

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. In April 2015 the Minister for Environment, Climate Change and Water in the other place confirmed logging coupe Rusty in Toolangi would be regenerated by mechanical disturbance. In response to a question on notice in December the minister confirmed that the coupe would be divided into sections to enable burning and mechanical disturbance. Two days ago the minister for environment recommitted to a mechanical disturbance regeneration, yet planned burn operation signage indicates Rusty coupe 297-547-0007 will be burnt. Can the minister confirm what process will be used to regenerate Rusty logging coupe?

Ms PULFORD (Minister for Agriculture) — President, welcome back. I thank the member for her question and for her interest in these matters. What I can inform the house is that VicForests has agreed to not conduct any burning in this particular coupe as part of the regeneration works. I advise the member of that information.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. That being the case, will VicForests remove the signage that actually refers quite

specifically to that coupe number and the fact that it is part of a planned burn operation?

Ms PULFORD (Minister for Agriculture) — I suppose given it has agreed to not proceed with the planned burn then taking the signs down would be a pretty logical step, so I think the answer to that is probably yes.

Plastic bags

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Special Minister of State, Mr Jennings, representing the Minister for Environment, Climate Change and Water. According to Clean Up Australia, Australians use nearly 4 billion plastic bags every year, which equates to about 10 million new bags every day. All of those bags eventually end up either in landfill or littering streams, and a significant number end up in waterways and the ocean, where they cause the destruction of marine life and ecosystems. After looking extensively for publically available statistics, to the best of my knowledge neither Sustainability Victoria nor the Environment Protection Authority appear to collect and publish information about the number of plastic bags Victorians use. Does the Victorian government collect information about the number of plastic bags consumed in this state in particular, and if so, where can this information be found?

Mr JENNINGS (Special Minister of State) — I thank Ms Springle for her question and for her concerns about these matters. This is the second sitting week in a row, I think, that I have been asked questions about plastic bags. It is a demonstration of her commitment to this issue and her urging of the Victorian government to not only be mindful of those environmental consequences but be taking some action on it. Last sitting week she implored the Victorian government to take some action as part of the Council of Australian Governments process to try to provide a national landing place on these matters.

I have taken the opportunity to have conversations with my colleagues about that matter in the intervening period of time. The member does rely on national statistics in relation to this. In terms of the way in which those national statistics are compiled, I was going to make an assumption about the way in which those assessments would be undertaken, on the basis of either industry surveys or consumer surveys or a combination of the two. In terms of which agency undertakes that work and how that information is compiled on a national basis, it may well be that the information can be disaggregated to state consumption.

I will need to take some advice about that, but that is a starting place from where I will then encourage my colleagues to come up with an answer to the member's question, because I do not know off the top of my head what those mechanisms may be. But there must be a mechanism to work out what the consumption is in Victoria, either as a proportion or as part of an industry sector, either by industry or at the retail distribution end. One way or another those statistics are compiled on a national basis and could be disaggregated statewide, but I will not get ahead of that analysis.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — So I am assuming that that is a no, we do not collect Victorian statistics, in which case — —

Mr Jennings — I do not know if that is the case. I do not know.

Ms SPRINGLE — You do not know; okay.

To quote from Sustainability Victoria's *Statewide Waste and Resource Recovery Infrastructure Plan*, published in June last year:

In order to determine solutions to achieve the desired outcomes for Victoria's waste and resource recovery system it is important to understand the types and tonnages of materials that need managing.

In this case, how does the minister expect to achieve desired sustainability outcomes for Victoria if the government does not collect and publish data on the number of plastic bags consumed in this state each year?

Mr JENNINGS (Special Minister of State) — Former ministers should not actually try to live in the past in relation to the way in which these things might have been done at one point in time. I certainly remember the days when Victoria was actually at the leading edge of most environmental regulatory matters, and indeed we did actually provide the basis on which many national analysis momentums were formed. So what our residual capacity is in Victoria I will need to be reminded of. My first answer to the member's question is: I cannot give a definitive yes or no. I will have to take some advice on that and will then subsequently follow that issue.

Monash University Berwick campus

Mr O'DONOHUE (Eastern Victoria) — I direct my question without notice today to the Minister for Training and Skills, and I ask: will the Andrews government commit to retaining the land at Monash

University Berwick campus as a health and education precinct?

Mr HERBERT (Minister for Training and Skills) — I thank Mr O’Donohue for his question. The land in question is of course a very important campus. I think it is about a 20-year-old campus owned by Monash University. The government’s view is very straightforward on this. We would prefer Monash to continue operating out of that campus, but if not, we would expect that Monash has an obligation to that community to find further higher education provision to continue to service that community.

As I have said in the past, I have limited powers — certainly not in terms of funding, course load or the capacity to force Monash to keep delivering at that campus. These are matters for the federal government, but I do have powers in terms of the sale and lease of the facilities and obviously we will look at that. I cannot stop Monash closing its provision there, but I do expect Monash to have an obligation to the community to get another provider.

I have offered to the federal government and to Monash the state government’s full cooperation, and I desire to work with them to get a satisfactory outcome for that community out there in terms of higher education provision. I am endeavouring to speak with the federal minister, although he probably has a range of things on his mind right now with a possible federal election looming, but I have requested to speak directly to him on this and I have asked that the matter be put on the agenda at the next commonwealth-state ministers meeting.

Supplementary question

Mr O’DONOHUE (Eastern Victoria) — The City of Casey has also called on the Andrews government to resist any attempt by Monash University to see the Berwick campus developed, such as selling the land for residential, for large-scale retail or for any other uses that would be inappropriate outside of a health and education precinct. What representation has the minister had from Monash University about what it wants to do with the current Berwick campus if and when it closes in 2018?

Mr HERBERT (Minister for Training and Skills) — I firstly say that I shall do all I can do within the powers and capacity I have to not have it close in 2018. However, I am sure that the former ministers Mr Hall and Mr Wakeling are more than aware of the issues there.

I do not go into broadcasting the discussions I have with vice-chancellors or CEOs on issues that may have a commercial-in-confidence part to them, but it is my understanding that they have been in the process for some time now of looking at what is a very large site and the appropriate use of it. What we are talking about here, in terms of them withdrawing education provision, is the part of their land — the 50-odd acres, I think, of that land — where the university campus is. They have of course a number of leases of peppercorn rent, which I think the member asked a question about the last time we were in Parliament, which I understand it is committed to in terms of the school and in terms of the other facilities there, but I do understand that for some time now they have been looking at a lot of their land at the back, the large parcel of land, in terms of what are the best options for it. But I have not had detailed discussions on that.

Monash University Berwick campus

Mrs PEULICH (South Eastern Metropolitan) — My question is also to the Minister for Training and Skills. On 5 September 2013 the member for Narre Warren South, Ms Graley, said in the other place, and I quote:

... I call on the government —

then being the Napthine government —

to commit to making sure that the Berwick campus remains a Monash campus for the kids in the south-east who want to go to university, get a degree and serve their community.

Ms Graley believed it was also a state responsibility, so I ask: what representation has the minister received from the member for Narre Warren South about the Andrews government walking away from the Monash University Berwick campus, and when did that representation occur?

Mr HERBERT (Minister for Training and Skills) — I thank Mrs Peulich for her question.

Honourable members interjecting.

Mr HERBERT — As my colleagues say, Ms Graley is a fantastic local member and has a passion for education provision in that area and for the Berwick campus. I have had many discussions with her over the years about education provision out there and in regard to the Chisholm campus and education provision out there on, I guess you would say, an informal basis, as we always do. I admire her passion for it. Perhaps the member’s question should be also whether I have had a conversation with Mr Wood — I think he is the local federal member there — who said he met with the

Monash University vice-chancellor last year and discussed the closing of the campus. I have not had a discussion with him, but I would be happy to discuss this with anybody. Like I say, we will work with all relevant groups in a bipartisan, non-party political manner to make sure that we can get education provision continued at that site.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — The member for Narre Warren South was a key member of the Monash University Berwick campus community advisory council until recently, when she resigned unexpectedly. The member would have been fully aware of the bleak future facing the Berwick campus, so I ask: has Ms Graley detailed to you the reason why she suddenly resigned from this advisory council, and was it because she was unable to stop the campus closure under a Labor government or was it simply to protect her political career?

Mr HERBERT (Minister for Training and Skills) — Firstly, can I disagree with the elements of that question. The campus is not closing under a Labor government; in fact it is the Liberal federal government that is responsible for higher education provision in this country. If it does close, as I say, we will work as much as we can. In regard to Ms Graley, I have had no discussions about her not being on the community advisory panel. The member has given me new information, which I always relish getting.

Western Health board

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. An IBAC inquiry into the Labor government's corrupt handling of the ultranet project has raised serious questions about the conduct of former minister Bronwyn Pike. Ms Pike is currently chair of the board of Western Health, overseeing its annual budget of \$650 million and commitments to deliver major projects. Noting the serious allegations that have been made against the former Labor minister regarding alleged misuse of taxpayer funds, will the Andrews government require Ms Pike to stand down from her position as chair of Western Health while the investigation is underway?

Mr JENNINGS (Special Minister of State) — I think there is some fact and some fiction that is actually embedded in this question. It is a fact that former minister Bronwyn Pike did attend the public hearings of IBAC. It is not a fact that allegations were made against her about the misappropriation of funds. That is not a fact. The one fact that we can rely on is that IBAC is

thoroughly independently assessing these matters, undertaking its investigation through public hearings and gathering information that may lead to recommendations that may lead to sanctions being imposed on anybody who appears before it on the basis of the evidence that is gathered through its considerations. I think it would be totally inappropriate for me to comment more about the independent jurisdiction of IBAC in determining the appropriate recourse for these matters, but I refute the suggestion that allegations have been made about misappropriation of funds by the former minister.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for his answer. The IBAC hearings have shown Bronwyn Pike's preparedness to freeze her critics, brush off probity concerns and secretly meet with disgraced officials. This is unacceptable behaviour for a minister and certainly unacceptable behaviour for a government appointee. The Andrews government has set limits at a lot less for standing down ministers and appointees. Why will the government not stand down Ms Pike as the chair of Western Health while this investigation continues?

Mr JENNINGS (Special Minister of State) — Is it not very interesting that in a supplementary question Ms Wooldridge draws attention to different matters in a different context from the way she asserted in her substantive question? In terms of my substantive answer to both the original question and this question, I repeat that IBAC is appropriately examining these matters in public hearings, sharing evidence, testing out what is the fact from the fiction and acting independently to determine what appropriate recourse there may be for whatever those issues that are raised. There is nothing of a determining nature that would indicate that the government should act at this time. The government will act upon recommendations of IBAC or what recourse it may determine.

Australian Careers Network

Mr RAMSAY (Western Victoria) — My question is to the Minister for Training and Skills. Yesterday the Australian Careers Network (ACN) went into administration, with more than 15 000 students left in training limbo and millions of dollars worth of training that may still need to be paid for by students to ACN despite them not receiving training. According to the minister's latest advice, exactly how many Victorian students will be affected by ACN going into administration and what emergency measures have

been put in place by him over the past 24 hours to guarantee their continued training opportunities?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Ramsay for his question and his interest in this. Of course this is a sad and sorry story, and it is one of the reasons why certainly the state government of Victoria and belatedly the federal government — I have to acknowledge it is taking actions — are trying to clean up the sector from the cowboys and a range of operations that were occurring, and this is one of the fallouts in this case of the VET FEE-HELP changes made by the commonwealth late last year. I make no apologies for cleaning up the sector; we need to clean it up. We need to get faith back in the training sector for employers and students and have genuine training with real qualifications that lead to jobs and productivity for industry. I put that on the record.

But in regard to the question, the vast majority of those 15 000 are VET FEE-HELP commonwealth students registered through the Australian Skills Quality Authority, the federal agency, and funded through the commonwealth education department. I do not have the names or even the actual numbers of those students that are in Victoria. We are seeking that information.

However, in regard to the remaining Australian Careers Network company that still holds a Victorian Training Guarantee contract, which is Smart Connection, I understand that there are currently 40 Victorian-funded students with this registered training organisation, and we will contact them — we are in the process of contacting them — and we will try to offer them assistance in getting what training they have had assessed and linking them with another training provider at no additional cost to try to make sure they can finish their qualification. I have also offered the federal government cooperation in terms of working with those other VET FEE-HELP commonwealth-funded students that may be in Victoria using our important TAFE network to try to place those students that want to continue on.

Supplementary question

Mr RAMSAY (Western Victoria) — In the minister's substantive answer he talked about the mix of funding, so my supplementary question is: ACN and its students receive state government funding, so what was the total amount of funding provided to ACN and its associated businesses by the Victorian government in 2015?

Mr HERBERT (Minister for Training and Skills) — That is a good question. Can I say I do not have that readily at hand. There is no secret there; I will get that information. There were a range of companies which did have Victorian government-funded contracts which lost their contracts following our crackdown in the sector last year. They were Heron Assess, where a contract was recently terminated by the department; Cove Training, where there was no 2016 contract; Consider This Training, where I think that contract was terminated last year but is subject to legal action; and the Australian Management Academy, whose contract was terminated on 12 October. Of course we have contacted all of the students and tried to place them.

It is fair to say that what we are finding in a number of these cases — and I do not want to be specific on this, but in other companies that have lost their contracts — is that the percentage of students that want to continue on is low. Obviously there are issues there which we will look into. Incidentally the former minister, Peter Hall, took a job with ACN last year in terms of its quality and compliance committee. I am happy to get that information if I can and provide it.

Mr Ramsay — On a point of order, President, in relation to the minister's response, I understand he is going to provide the information to me in writing in relation to the supplementary question, which is about the state government funding for 2015.

The PRESIDENT — Order! The minister will provide that information to the house. He has actually given that undertaking, and I will formalise that at the end of question time.

Australian Careers Network

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Minister for Training and Skills. I refer to the prospectus lodged by the Australian Careers Network (ACN) with the Australian Stock Exchange in November 2014, which states:

If the Labor opposition in Victoria wins the election and follows through with its proposals, the Australian Careers Network Group will benefit through its relationships with the various TAFEs.

I ask: what undertakings were given to ACN or its associates that would lead ACN to tell the stock exchange it would benefit from a change of government?

Mr HERBERT (Minister for Training and Skills) — I have no idea, but certainly there has been none from me — absolutely none from me.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. Given the apparent relationship between the ACN group and the government, I ask the minister: has he as minister met with ACN or any of its associates and when?

Mr HERBERT (Minister for Training and Skills) — There is no relationship between the ACN network and the government at all. As I just said — if the member was listening to the previous answer — we have closed down most of its companies through audit.

Mr Ondarchie — Have you met them?

Mr HERBERT — I have not met them, no — not to my knowledge.

Mr Ondarchie — Any of them?

Mr HERBERT — No. In terms of meeting with ACN, I would have to check, but I cannot recall a meeting with ACN, no.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 4895–6.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! We also have had some responses to questions from the last two sitting days. Can I indicate that it was my expectation that we would have had several responses that I have not seen at this point. One of them was in regard to Ms Dunn's question on timber industry worker classifications for Ms Pulford.

Ms Pulford — I can follow that up, but I believe that has been provided.

The PRESIDENT — Has Ms Dunn seen that? No. If the minister could follow that up, I thank the minister.

As I understand it, I have some responses outstanding from Mr Jennings in respect of Mr Davis's question on the Longford gas pipeline and its impact on sky rail — the foundations issue.

Mr Jennings — That was done yesterday.

The PRESIDENT — Done? Then why is it on my list?

Mr Davis — But, President, the answer is not responsive to the question.

The PRESIDENT — Nevertheless it has been responded to, so Mr Davis can raise that separately. Sorry, that is a mistake by the secretariat. Has Ms Wooldridge received a response regarding Mernda rail?

Mr Jennings — This was about data entry and internet connections.

The PRESIDENT — Correct; the Mernda rail map.

Mr JENNINGS — That was done yesterday.

The PRESIDENT — Order! I will not pursue any of these. The clerks can double-check those for me.

Ms Wooldridge — On a point of order, President, I ask you to reconsider the Special Minister of State's response to a question that I asked yesterday and to which a written response has been provided today. It was a supplementary question in relation to when the minister first spoke to the Premier about the riots. The Leader of the Government chose to answer the substantive question in relation to when he first found out about the riots and disclosed that he had had discussions with the Premier's office, but when asked the supplementary question, which was very clearly related to the substantive question, he declined to answer. His written response persists by saying he chooses not to respond because he is not directly responsible for it.

Having answered the substantive question, I believe our standing orders require that there also then be a response to the supplementary question, and clearly this is a matter to which the minister is related. I ask you to consider the response from the Leader of the Government and reinstate the supplementary question.

Mr Jennings — On the point of order, President, on the very day that there is a resolution of this house moved by Ms Wooldridge to expel me from the Parliament for six months for not satisfying her expectations, I have provided her with an answer to

actually say that she has asked me to report on conversations that I have with the Premier without at any stage drawing attention to how it was relevant to the subject matter at hand. I have indicated to the member that in fact if she has an expectation that the Premier and I talking about whether we think Eddie McGuire's idea to have a new stadium at the Richmond rail yards is a relevant matter according to her, it is incumbent upon me to report on it.

The precedent that the member is seeking is a ridiculous precedent, and I would request that you, President, consider this matter fulsomely in relation to the expectation that would be set by this member, who has a resolution on the books to expel me for six months, in saying that any conversation that I have with any member of the government I now have to report to the house. It is a ridiculous benchmark that no minister in any jurisdiction would be able to satisfy.

The PRESIDENT — Order! I have given some consideration to this matter, and I have looked at *Hansard* from yesterday. I have also discussed it with the clerks in terms of precedent and considered issues from the past. One of the interesting things about this Parliament is that Mr Jennings's position as the Special Minister of State has a fairly broad ambit, and Mr Jennings has endeavoured to assist the house with answers on a much wider range of issues than would have been the case of any minister on any previous occasion in this house. I guess there are issues as to exactly what his responsibilities and jurisdiction are in terms of that minister of state responsibility.

There are certainly issues as regards the expectations of the house of the minister to be able to satisfy answers to questions on a wide range of subjects, many of which he could not possibly be across in detail because they are matters that are under the jurisdiction of other ministers who are clearly across, or should be across, those matters. The minister on many occasions has actually undertaken to provide written responses on matters where he is not able to provide detail to the house, but as I said, on many occasions he has tried to provide the house with some satisfaction in terms of the questions that have been asked.

In relation to the question asked yesterday, I am somewhat bemused by it, to tell members the truth. The substantive question asked of the minister was about when he became aware of the events on Saturday night — a very unfortunate incident that, I might add, coincided unfortunately with the Premier's multicultural dinner, which celebrated much of what we celebrate in this state. The minister's response was that he had actually become aware of it from media reports,

as most of us had. In the course of the day, yes, he had spoken to the Premier's office and that had been discussed, but to what extent it was discussed was not provided in the answer.

The question was: when was the minister first told that the riot took place? The fact is that the minister was not told; the minister learnt of it from the media. The question was a general question as to the minister's understanding of the event rather than a matter of his responsibility. Indeed as the minister said in the answer to the supplementary question, he is not responsible for any matters related directly to the incident that occurred. It was a matter for the Minister for Police, and in fact the questions might well have been better addressed to the minister responsible rather than expecting the Special Minister of State to have a detailed knowledge of the events of that night and police command's response to them.

The minister did respond to the question in that his response was essentially that he had learned of it from the media but that, yes, he had spoken about or discussed that matter — I do not know at what length — with the Premier's office. The subsequent question then asked was, and this is the one that Ms Wooldridge seeks to have reinstated, about a discussion that he may or may not have had with the Premier about the matter. At this point the minister indicated that he did not believe that that question was relevant to his responsibilities as Special Minister of State and that he clearly did not have a direct responsibility for the actions of Victoria Police or public safety in respect of the events of that night. Therefore he did not comment or directly respond as to whether or not he had talked with the Premier, as distinct from the Premier's office, about this matter.

I am a little perplexed about the question because I note from *Hansard* that the opposition then did not proceed with any further line of questioning on this matter, and therefore I do not entirely even understand what relevance the minister talking to the Premier might have had, albeit that the opposition might well have had a different line of questioning had there been a response to that answer. I am in the dark as to whether that is a matter, and I guess it is not really relevant to the ruling as such, but it certainly does give me some interest.

In respect of whether or not the question should be reinstated, I am guided by the fact that there was no follow-up inquiry on that matter and I am not sure that the relevance of a conversation with the Premier about a matter that was public knowledge, by itself, was of much use to the house. I therefore would suggest that I will not reinstate the supplementary question, and I

think that it is correct that the first question and the second question, to me, did not establish a responsibility of the minister to answer either the substantive question or the supplementary question other than by the way that he is Special Minister of State and has generally tried to be helpful to the house on a range of matters in the past.

Mr Davis — On a further but related point of order, President, the standing orders are actually quite clear in that they require ministers to answer questions about matters for which they have direct responsibility, but they also require ministers to answer questions on matters with which they are connected.

Mr Jennings interjected.

Mr Davis — I do not have the benefit of that, but I do want to make a very clear point here. Ministers, as part of a collegiate system, do discuss a range of different points, and on a number of these occasions ministers are involved in decision-making across portfolios whereby advice is sought and discussions are had.

The question of whether cabinet matters may apply here is a separate question. But a question as to whether a minister has had a conversation with another minister is directly and clearly a matter with which the minister is connected necessarily, and in that sense it seems to me that it is perfectly legitimate to ask questions about matters with which ministers are connected, including phone or other conversations that they may have with government officials or ministers. It is very simple for a minister to say, ‘I did not have such a conversation’, and thereby they would not be connected with the matter in any way whatsoever. But if they did have a conversation on that matter, it is a matter for the house and the community to ask those questions. It may be that a minister on some occasions wishes to invoke cabinet principles, and they would be quite entitled to seek to do that. But the fact is that if there is such a conversation, it is squarely within the standing orders of the chamber to ask a question about a matter with which a minister is connected.

The PRESIDENT — Order! From my point of view, it has not been established that the minister has a connection. Not only is he just not responsible but there is no substantiated position that suggests that the minister has a connection with this matter. I would perhaps be more satisfied if the supplementary question had gone on to raise some question as to why a conversation with the Premier might have been important or some sort of substance to why he might have talked to the Premier. But in the absence of that, it

is just a question that asks, ‘Did you talk to the Premier about this matter?’. He had already established that he had spoken to the Premier’s department but had not said he had spoken to the Premier. The supplementary question had already taken a further step to what the minister had said. As I said, it had not established that connection to my satisfaction, on the point of order Mr Davis raises.

Ms Wooldridge — On that point of order, President, to give you some further material to consider, I think that the minister’s answer that on a Sunday afternoon he had spoken with the Premier’s office in relation to this matter actually establishes — —

Mr Jennings — Stop making it up. The word ‘afternoon’ was never mentioned.

Ms Wooldridge — Well, on Sunday. That the minister spoke to the Premier’s office in relation to this matter establishes the connection in and of itself. The minister himself established the connection in that on this specific issue he was specifically talking to the Premier’s office on the matter, which would be outside the course of normal processes. So I put to you, President, that the minister himself established the connection and that he was engaged enough in this issue that he had had that conversation on a Sunday. Hence the relevance of the supplementary question.

The PRESIDENT — Order! I thank Ms Wooldridge for her further advice, but it does not persuade me. The fact is, coming back to Mr Davis’s point of order, which was a fair point of order, I do not believe it has established a connection with the minister. The fact that the minister might have discussed this matter among a range of matters with the Premier’s department on that day does not necessarily establish a connection for him so that he is required to respond to this matter. As I said, to me the supplementary question was not put in such a way that it really sought information from the minister that tied him to this issue. From my point of view the supplementary question missed the mark, and from that point of view I am not prepared to reinstate it.

Mr Drum — Thank you, President, for that ruling. On a point of order, quite simply, my understanding has always been that once a minister starts answering a particular question on any respective issue the minister is up for that discussion.

Mr Jennings interjected.

The PRESIDENT — Order! The six months could be very early.

Mr Drum — There is no doubt that the supplementary question that was asked was in fact connected to the substantive question. Therefore the minister is up for the conversation. To me this sounds like we are setting a different precedent where a minister is up for the answer but suddenly, when he gets a question that he does not want to answer within that subject matter, he then can claim, ‘It’s not my portfolio and I therefore want to sit down. I don’t want to be on the record on this anymore’. But he is already into it, so that is my issue and to me that seems a stretch.

The PRESIDENT — Order! In other circumstances in terms of responses to questions Mr Drum may well be right. But on this one the minister responded just as Mr and Mrs Eltham or Mr and Mrs Warrnambool might have responded by saying that he had read about it in the media, just as I did. The minister took no responsibility; the minister showed no direct link with it. Indeed this is a matter essentially for police command, and therefore the minister’s response was, ‘I heard it from the media, just as’, he might have said, ‘you did, President’. The fact is he did not take that question and respond to that question in a way where he led the house to the belief that he had any responsibility for this matter. So it is different. In other circumstances I think Mr Drum’s premise is quite correct, but not on this one because of the answer given.

In terms of today’s questions, Mr Jennings has indicated that he will provide information on the statistics. This is in regard to Ms Springle’s substantive and supplementary questions about plastic bags. The minister has undertaken to follow up and find out what records are kept or what statistics are available in regard to those two points. That is a two-day question.

In respect of Mr Ramsay’s question on the information on state government involvement in these training companies, for the supplementary question the minister has undertaken to follow up some information in that regard. That is a one-day one.

Can I indicate that I have had some discussions in respect of the two-day proposition. Can I clarify and say that where I suggest two days, it does not need to wait two days. For instance, if it comes up on a Thursday, it does not need to wait until the following sitting Wednesday to be responded to; it should be responded to on the following Tuesday. Albeit that it is two days, the fact is that there is a period of at least a week and sometimes more to provide that answer. So for the assistance of the house, particularly when a question is asked on a Thursday, that answer should be

available as soon as practicable. I think that that is a fair proposition.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Roads and Road Safety, who is also the Minister for Ports. I have raised this issue a number of times. It is in relation to health and safety concerns with trucks using Beach Road and Beaconsfield Parade. I have a letter from the minister to a constituent of mine who wrote to the minister asking about the cameras on Beaconsfield Parade. The answer to my constituent refers to the consideration of existing curfews and the impacts to other communities as a result of traffic patterns with the cameras in place. My question is: has the data been shared with the stakeholders, including the freight industry, and what are the results of those findings? The letter points out that the cameras were collecting that data and that there had been numerous contacts with various stakeholders, including the freight industry and others. So my constituent and I would like to know where that data is and the results of those findings.

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is to the Minister for Industry, Lily D’Ambrosio, and it relates to industries in the western suburbs. Car manufacturer Toyota’s decision to stop making cars in Australia by the end of 2017 will undoubtedly impact thousands of jobs. This, coupled with Ford and Holden’s decision to also cease manufacturing in Australia, will hit industry hard in addition to significantly impacting job security. Being a traditional site of heavy manufacturing and a hub for industry for much of Victoria’s history, something must be done to alleviate the concern of workers in relation to their job security and future employment in my electorate of Western Metropolitan Region. Can the minister update me on the plans being made and the work the Andrews Labor government is doing to help develop industry in the western suburbs, and indicate how that will help to provide Victorian families with real jobs and real opportunities?

Northern Victoria Region

Mr YOUNG (Northern Victoria) — My constituency question today is for the Minister for Agriculture. The weekend just past has seen many phone calls, texts and emails sent my way about the successes and failures of the duck season opening

weekend. Successes included full bags and great time spent with friends and family. Failures included bogged protesters and federal MPs and the extremely late and disappointing closure of Lake Elizabeth. From the ministers statement this morning we are now aware that this state game reserve was closed with the short lead-up time of only three days from the government first being notified about potential populations of a protected species. This timing was so quick that it caught many hunters by surprise, as they were already set up at the site and were forced to leave. My question is: when wetlands are deemed to have no presence of the species for which they are closed, will the minister reopen these wetlands in the same time frame?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is to the Minister for Training and Skills and the question I want to raise with the minister relates to Glenormiston College at Noorat. My understanding is that the government has had 100-day expressions of interest out for that particular campus which I am very fond of. It used to provide historically very important agricultural education delivery to the south-west. I know that the government has been seeking buyers or potential lessees for that particular campus and given the 100 days is now over, my question to the minister is: what is to become of the expressions of interest; is there interest; what parties are interested and will there be a potential sale of that campus?

The PRESIDENT — Order! Multi-part questions are not exactly allowed but — —

Eastern Victoria Region

Ms SHING (Eastern Victoria) — The question I have today is for the attention of the Minister for Public Transport in the other place, Ms Allan. I refer to the recent restoration of services on the Gippsland line, which has had the double whammy of wheel wear and boom gate issues which have limited the capacity of VLocity trains to run on that line for some time now. Despite the inclusion of extra services on and from 16 March, commuters have sustained significant inconvenience and delay. I ask the minister to provide information in relation to how the improvement of services and the restoration of services to more than 95 per cent from the beginning of this week will be maintained as well as ensuring that passengers receive the adequate information they need in order to plan their journeys effectively. In addition to that, I ask the minister to advise how the Regional Network Development Plan will contribute to the improvement of services on this line as far as frequency of services,

intermodal connectivity and additional passenger amenity are concerned.

The PRESIDENT — Order! Again, multi-part questions are not acceptable. It has to be one question. I understand that the last two are around a central point, but, again, constituency questions have to be sharp and there needs to be one position put.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is to the Minister for Regional Development and relates to the Ballarat station precinct. I reference a letter to the editor from Ms Sharon Knight, the member for Wendouree in the Legislative Assembly, that was published in the Ballarat *Courier* last Saturday. This letter publicly admonishes a local resident, Mr Ron Egeberg, and espouses the virtues of the development at the Ballarat station precinct, specifically referencing a ‘convention centre’ on the site, while also pointing readers to a Google search for the ‘Ballarat station precinct master plan’, which I actually did. While I was looking at the master plan I decided to search the term ‘convention’, and guess how many time the word ‘convention’ came up in the master plan? Zero — not once. My question to the minister is: will there actually be a convention centre at the station precinct, or has the member for Wendouree misled the public?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) — My constituency question is for the Minister for Education. The population of the new housing estates in the Keysborough South area is estimated to reach 13 000 by 2019. This will include 1500 primary school-aged children and 1200 secondary school-aged children. That does not include the unmet demand in nearby suburbs, including those in the City of Kingston, where there is no government secondary school option, or none close by. All children deserve access to high-quality public education. Many communities around Victoria are in need of new schools or school upgrades, and it is important that these decisions are made in an open and transparent manner and are based on need. Is the government planning for a primary to year 12 school to be built in this area, rather than just a primary school, ensuring that we solve the education shortfall in this area from the outset?

South Eastern Metropolitan Region

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Industry in the other

place. It concerns the exit of the auto industry scheduled for 2016 and 2017. I have spoken about the importance of the auto industry for the state of Victoria and indeed for Australia for many, many years in this place so I will not talk in this particular question about the importance of the industry and the deleterious impact that its exit will have on Victorian and Australian jobs. My question is: can the minister give us an update on what the government has been doing to minimise the impact of the loss of this very important industry for Victorian jobs?

The ACTING PRESIDENT (Mr Ramsay) — Order! Just before I call Mr Purcell, I must say I think there were six conversations going on in this chamber during Mr Somyurek's contribution. I found it hard to hear, so I am quite sure Hansard was having similar difficulties. It is nearly lunchtime. If members wish to have a conversation with each other and are not contributing, perhaps they can do it outside the chamber.

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is addressed to the Treasurer. The people of Portland are very concerned about the future of their town. The current power subsidy arrangement with Alcoa is coming to an end. If the plant closes, the town will lose 700 direct jobs at the smelter and many more from supporting industries and businesses. Fears spread throughout the community when the Treasurer publicly stated, and I quote, that:

the subsidy as it was structured in the past has well and truly run its course.

Alcoa has assured locals that it is doing all it can to make the Portland plant viable, but it faces massive increases in costs. I therefore ask: considering the Treasurer's statement, what will he do to support Portland industry, including Alcoa and new industries including renewables and agricultural processing?

Mr Finn — I am loath to do this to Mr Somyurek, but I think you will find if you review the *Hansard* report of his constituency question that in fact it was not a constituency question, as neither his constituency nor any part of his constituency was actually mentioned in it. So I think the President may find that Mr Somyurek will need to reword that substantially for it to meet the requirements.

The ACTING PRESIDENT (Mr Ramsay) — Order! I will ask the President to review the *Hansard*. As I said at the end of Mr Somyurek's contribution, I could barely hear what he was saying, so it was difficult

to actually understand if in fact there was a question pertinent to his constituency or not, but I take that advice and I will ask the President to review the *Hansard* in that respect.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Local Government in the other place, and it relates to local government charges. In particular it relates to those of Bayside City Council, which I note had a 3.8 per cent rise in rates over the last financial year. Last weekend it was drawn to my attention by a small business owner at the shops in Sandringham that surround the train station that Bayside council has in recent weeks been checking all manner of compliance with regulations for traders within the shops with a view to imposing fines for non-compliance. He drew my attention in particular to the cost of outside tables and chairs. There is not a flat rate per table, as there is with all other councils, but it rises according to the number of tables. So it is \$300 for your first outside table, and over a certain number it rises to a maximum of \$800 per year. It was put to me that it is unusual in terms of councils and that it is another example of charges rising as a consequence of rate capping. Could the minister confirm that?

Sitting suspended 1.05 p.m. until 2.05 p.m.

PRODUCTION OF DOCUMENTS

Debate resumed.

Mr MULINO (Eastern Victoria) — It has been a contribution that has run through each of the resolutions that were made over the course of the past year and a half that are explicitly referred to in the motion that we are debating today. The reason why it is so important to go through each of these resolutions in turn is the consequences of this motion, which I will get onto in a moment once I have finished going through them.

Before question time I had started addressing the final resolution, which I will finish on in a moment, but then I will talk about the proportionality issue, which is relevant. It is very relevant, because what we are being asked to consider here is frankly a ludicrous act that I believe would put this Parliament in an invidious position. I think it would put this Parliament in a position where it was lowered in the esteem of the public; I think that is a very worrying possibility.

Before I get onto that proportionality issue, I just want to finish with the Peter Mac Private hospital documents. This was the final resolution of the set of resolutions

referred to in the motion to suspend the Leader of the Government. As I mentioned, the resolution itself was made on 5 August. It was very broad. It relates to documents regarding the establishment of the Peter Mac Private hospital on the site of the Victorian Comprehensive Cancer Centre. I will not go through the motion again. I have paraphrased it briefly. It has six subparts. Before outlining those six subparts, the motion states that it wants documents ‘including, but not limited to’ all of these documents, so that could be hundreds or thousands of documents potentially. Again this calls into question what it is that is being sought and what it is that is trying to be achieved through a resolution such as this. Is it genuinely about a targeted attempt to look at documents that shed light on the transaction and the project, or is it a complete fishing expedition which could cause disproportionate and totally unnecessary waste on the part of the government and our public servants?

Forty-three documents were considered to be relevant to the request. Twenty-one, approximately half, were released in full, and 10 were released in part. So basically, along with many of the other resolutions, approximately 75 per cent were released in part or full, and many of the documents that were released in part had only minor redactions. Twelve documents were withheld in full, and that was on the basis of their being commercial in confidence or cabinet in confidence. I will not go through all of the details of that project, but I am more than willing to concede that there were elements of that project that were quite apart from the documents motion and that were the subject of debate in this place and I suspect in the other place.

Mr Davis interjected.

Mr MULINO — I do not doubt that they were. I am just saying that my only doubt was the imperfection of my memory, which on occasion has failed, but I am pretty confident on this occasion that there was a debate on the merits of this issue.

That debate is an important one, and to the extent that disclosure of documents aids that substantive debate, I personally fully support disclosure to that end. We had a very fulsome and detailed debate on the merits of, for example, what happened on the 13th floor, but the debate was more broad than that. As I said, the government is working through a range of processes. I think that the best approach is to have in this house a discussion of which documents are going to aid that substantive debate. Let us work through the documents: 75 per cent were disclosed and some cabinet-in-confidence documents were not. That is the basis on which we can have a very substantive debate

on this issue. That is the best approach with this project, I would argue.

Before getting onto proportionality, I want to very briefly summarise where we have gotten to on this issue of disclosure, which Mr Ondarchie said is key to this motion. As I have said from the start, I just want to reiterate that public interest has governed the government’s decisions to date as to whether documents should be disclosed or not. This test is one that has been articulated very clearly in the letter from the Attorney-General, and I have laid it out myself. I have reiterated what he has said, and I have tried to expound in a little bit more detail on what some of those components — —

Mr Ondarchie — On a point of order, Deputy President, I draw your attention to standing order 12.16, which talks about tedious repetition. You have had the absolute joy in the last 1 hour and 40 minutes of not being here to listen to Mr Mulino. I ask you to remind him about tedious repetition and to get on with it.

Ms Shing — Further to the point of order, Deputy President, I note that a definition of ‘tedious’ includes:

... boring, monotonous, dull, deadly dull, uninteresting, unexciting, unvaried, unvarying, lacking variety, mind-numbing, mindless, soul-destroying, soulless, humdrum, dreary, ho-hum, mundane, wearisome, wearying, tiresome, soporific, dry, as dry as dust, arid, lifeless, colourless, monochrome, uninspired, uninspiring, flat, plodding, slow, banal, vapid, insipid, bland, lacklustre, prosaic, run-of-the-mill, pedestrian, jejune, leaden, heavy ...

I note that in this regard I am in fact getting an awful lot from Mr Mulino’s contribution, which has in no way, shape or form amounted to any of the adjectives I have just read out.

The DEPUTY PRESIDENT — Order! I am not sure whether to thank Ms Shing or not for her contribution. Regardless, I say to Mr Ondarchie that that is not a point of order. Mr Mulino has not at all strayed in terms of tedious repetition. I have been here, and if Mr Ondarchie had been here he would have noticed that I was in here before question time, so I am quite alert to the fact that Mr Mulino has not engaged in tedious repetition. Mr Mulino, to continue.

Mr MULINO — Thank you, Deputy President, and I must say that if you had rejected Ms Shing’s point of order based on that long list of negative adjectives, it would truly have been a morale-sapping blow. Thank you for not ascribing that long list of adjectives to my speech.

Before I get onto the issue of proportionality, which is very important in this discussion, I want to get to this issue of public interest, because the point I am trying to make — —

Mr Ondarchie interjected.

Mr MULINO — I just want to make this key point. There are some well-established heads that we all agree on: cabinet in confidence, commercial in confidence and privacy. The point I want to make in finishing this part of my speech, and a very brief summary of these subparts is more than allowed in a contribution — —

Mr Ondarchie interjected.

Mr MULINO — This brief summary is what I am in the middle of. I want to reiterate this point, because Mr Barber has made the point in other contributions in other debates: who decides? And others have interjected that to me. I guess my point is this: we all agree that these categories exist — —

An honourable member interjected.

Mr MULINO — I would have thought that Mr Barber would agree on at least some of the categories. What I want to reiterate in closing this part of the speech is that — —

Mr Ondarchie interjected.

Mr MULINO — No, you are allowed to reiterate. It is only tedium if it is extreme reiteration. That is not true.

It cannot be just a motion that absolutely decides holus-bolus whether a disclosure is appropriate or not, because otherwise there is no balance in the balance of powers. There is no balance if one part of one of the three arms of government can pass a motion and there is no feedback from the other parts of government. That is not balance of power. That is completely untrammelled power in one part of one of the three arms. That is not the way balance of power works. The point I make is that we all agree on the public interest. We all agree — —

Mr Barber — You are talking about the separation of powers.

Mr MULINO — Separation of powers, sorry. Mr Barber is correct. And I am saying there has to be balance. What I argue is that public interest is based upon a number of principles but that it cannot be the motion of one of the chambers on its own to hold,

without any kind of review or feedback from other parts of government.

The final point I will make on this — and this is one I have not made before — —

Mr Ondarchie interjected.

Mr MULINO — Well, it is a point with some subcomponents. It is that if we are genuine in this discussion, if we are genuinely discussing public interest and disclosure and those balances, then this debate needs to be about more than us throwing stones across the chamber — ‘disclosure is important’, ‘public interest is important’, just throwing principles across — or saying what is inappropriate for the Attorney-General.

What I would argue is that if we want to get into a genuine discussion in this chamber about the public interest and about disclosure, then let us talk about some systematic criteria, as the Attorney-General has laid out in his letter. Let us talk about where people in this place think that is wrong and where they think those heads of exclusion are not right. Let us talk about where they think we are not inheriting conventions and processes from the British system. Let us talk about it in a systematic way and let us talk about it in a practical way. I believe that is very important. If we are to debate an important issue such as this, let us talk about it in a practical way, because that is what the people of Victoria expect from us if we are going to adopt disclosure practices that mean that we lose major events and that we have a cabinet process that does not work well. It has to be practical.

The point I am making is a new one in that I believe this is an important debate but that we are not debating it in a sensible way on the basis of this motion. We need to have a discussion that is in good faith, that is well grounded in systematic principles, that is practical and that asks the question: what is the impact on government going to be in this state? Because that is what actually matters for Victorians. It is the practical, public interest that I believe is critical. In too many of these debates it is possible for all sides to throw vague principles at each other. I will admit I am throwing principles across, as are all other speakers on this motion, so there is a place for us to try to clarify principles, but we also need to ask some hard questions about what the practical implications are going to be. If we lose major events or if we cannot enter into commercial contracts anymore, that warrants us asking some very serious questions about whether longstanding practices should be thrown out.

Now, that first part of my contribution was about the importance of an appropriate disclosure regime and the importance of transparency, and I have tried to lay out some principles. I have argued that the government has behaved in a very reasonable way. As I have said in relation to a number of the resolutions, I believe this government is actually pushing the envelope of disclosure. I do not concede for a moment that the government has done anything wrong, but let me for a moment pose the hypothetical: what if the government had in fact erred a little bit on the side of not disclosing enough? That raises the question: is this proportionate?

What are people in the community going to say when they look at a resolution saying, 'The government erred a bit on the side of not disclosing, so let's chuck out the Leader of the Government for six months'? To be honest I am extremely confident that I know what people in the community would say to that, and it would not be positive. Basically they would say to the Parliament and to this chamber, 'Yes, push for transparency; yes, you have got a very important role in review, but do not stop government from functioning'. People in Australia, people in Victoria in particular — I say 'Australia' because of a lot of polls around the behaviour of some of the more intransigent members of the Senate — want government to get on with it. They want government to map out a vision for this state and to undertake what is necessary to get there.

I think if we undertake a course of action that is so disproportionate to an alleged wrong, the people of Victoria will rightly shake their heads. When it comes to proportionality, let me for a moment look at a couple of recent suspensions from the Victorian Parliament. When I say 'recent', I mean going back over quite a span — over a span of 20 years. There have actually not been many instances of people being suspended; it is a pretty rare occurrence.

Let us look at the Legislative Assembly, firstly. We can point to examples of people being suspended for gross insubordination, disobedience and disregard for the Speaker. I should stress at the beginning I am not suggesting for a moment that I believe people have done these things; what I am saying is that these were the allegations. I am simply establishing an issue of proportionality, because what I am suggesting is the people that imposed the suspensions were doing it on the basis of their beliefs that something had occurred. I am saying that if in fact it were true, this gives us a sense of what is a proportionate response to an alleged piece of misbehaviour. For gross insubordination, disobedience and disregard for the Speaker, it is one sitting week. Refusal to leave the chamber and accusing the Speaker of bias is three sitting days. Gross

insubordination, disobedience and disregard for the Speaker is six sitting days.

Mr Ondarchie — Come on, what is the relevance of this to the motion?

Mr MULINO — The relevance is that these are forms of behaviour that, if one were to believe they occurred, are damaging to the institution and damaging to the public standing of a senior office-holder, and that was the level of punishment that the Legislative Assembly thought appropriate.

Then we go to Geoff Shaw, a former member of the Legislative Assembly. Again I want to stress that I pass no judgement on whether he did or did not do any of the actions referred to. That is not the point.

Mr Ondarchie — Come back to the motion.

Mr MULINO — This is very relevant to proportionality. The point I am making is: I make no statement about whether he did or did not do any particular thing, but what I am saying is the allegation was a serious one in relation to impropriety, and he received a suspension of 11 days. The *Age* said that was the longest suspension in a century.

Mr Ondarchie — On a point of order, Deputy President, clearly I am listening, and I would ask you on relevance to bring the member back to the motion. I am not sure what Geoff Shaw's 11-day suspension or the Legislative Assembly have to do with this motion. I ask you to bring the member back to the motion.

The DEPUTY PRESIDENT — Order! There is no point of order; in fact I believe that the member is speaking directly to the motion with respect to the proportionality that is being suggested in the motion in terms of the penalty and the alleged misdemeanour. There is certainly no point of order.

Mr MULINO — Thank you, Deputy President. The point I am making is not about what Geoff Shaw did or did not do. I have no knowledge of that. I was not in Parliament at the time. I did not follow it particularly closely in terms of the details of it. What I am saying is that those who imposed the penalty believed that he had been involved in something very serious, and he received 11 days.

The point I am making in relation to proportionality is: does anybody seriously think it is appropriate to ramp up the penalty by this order of magnitude for something that, I believe, is a far less serious matter on debates about whether this or that document at the margin fits into a disclosure? I can assure the house, and I am very

confident, that members of the public would see it in a totally different realm. They would see matters of financial impropriety in a far more serious light. They would see that as a far worse act against the Parliament and against institutions than the daily to and fro across the chamber about whether documents are in or out. Let us be frank here; let us be very frank. Those opposite, who are supporting this motion, themselves were doing exactly as, if not worse than, we are in this realm of non-disclosure. Are they seriously saying that they believe the very act they were doing in government is an order of magnitude worse than those actions of Geoff Shaw?

For some examples that are even more directly relevant in terms of precedent, I turn to look at the Legislative Council. Again, we are going back over a span of 20 years, so we are looking at a lengthy period of time to find these examples; they were quite rare in the past. On 22 November 2007, on 11 June 2009 and on 5 October 2010 there were suspensions involving John Lenders, who at that time was the Leader of the Government. The reasons for the suspensions were contempt for repeated refusal to produce documents in response to a Legislative Council order, so obviously that is very relevant in terms of precedent. I am not suggesting that at that point in time the government of the day did anything wrong; I do not know. I was involved in that government as an adviser for a period of time, and I remember that the same discussions were going on back then as go on now. I believed back then the government was doing its best to balance the public interest and disclosure, as we are and as, presumably, the 57th Parliament did, but what is relevant here is that we have the same reason, in a sense. It is a feeling on the part of some in the Council that there is a repeated refusal to comply with an order.

In the first two instances — 22 November 2007 and 11 June 2009 — the length of suspension was for the remainder of the sitting day. It was less than one day. On 5 October 2010 there was the same reason for suspension. How long was the suspension? Until 12.00 noon the next day. Again, it is directly relevant to proportionality. We have the same discussion — —

Mr Ondarchie interjected.

Mr MULINO — As I have said, in this part of my speech I am not saying whether anything has actually been done that is wrong or not; that is not the point of this. This is a proportionality argument. My point is that when we look at precedent — and let us say all members of this house agreed, after this fulsome discussion we are going to have, and those on the other side are apparently going to explain to us how these

new very different standards of disclosure should apply, notwithstanding the fact that — —

Mr Ondarchie interjected.

Mr MULINO — Well, you said you are going to do that — I look forward to it. Let us say we all get convinced by the member's arguments and let us say hypothetically we believe that there has been a slight erring on the wrong side of disclosure and he is right: so we would suddenly then suspend for six months and not the remainder of the day?

Here again we see that this is a stunt. As I said during the first portion of my speech, I believe the government has acted entirely reasonably, but even if there was a case that this government had not reached a satisfactory standard, it is such a disproportionate response in this motion — six months.

I think those opposite need to give us a lot more explanation. They are the ones who have put up this motion; I want a lot more explanation as to why this suspension makes any kind of sense. I would love some precedent from them. I would love some reasoning from them. We have had nothing so far. All we have had is bland bromides about, 'We treasure disclosure' — nothing about the detail of the motion. That is why we have to take the time to drill down into this motion, because this is one element of it which is absolutely critical. The onus is on those opposite to defend their motion. They are putting a motion up; I want to hear some strong arguments from those opposite. I have heard nothing yet about why six months is appropriate.

Mr Ondarchie — Sit down and we'll do it!

The DEPUTY PRESIDENT — Order!
Mr Ondarchie has had his opportunity to make a contribution.

Mr MULINO — Again, in terms of precedent, the House of Commons is clearly relevant in that many of the processes that we benefit from in this house were taken from the House of Commons and adapted to our own purposes. Clearly this is a chamber of a Westminster system Parliament and it benefits greatly from the long history of the UK Parliament. Clearly its practices in this field are also very relevant.

I will not go through an exhaustive list of suspensions from the UK House of Commons, although again I will make the point that they are not very common, because suspending a member from the house is something that should be done with great reluctance. I will draw out a couple of examples and I will group them. In March

1990 John Browne, a Conservative, was suspended for 20 sitting days for failing to disclose financial interests. In 1995 David Tredinnick was suspended for accepting a £1000 payment to table parliamentary questions. These are clearly matters that go to the heart of the probity of the institution. Again we look at an institution that is very similar to ours, and there is considerable precedent that we can learn from in that institution. We can look, in the mid-1990s, at a couple of suspensions that were far shorter than what is being proposed here, and they were serious matters that went to the heart of the probity of the institution. We can go forward to the early 2000s: Michael Trend, for incorrectly claiming allowances of over £90 000, received a two-week suspension. There is a complete lack of proportionality.

We can look at other suspensions. In 1999 a three-day sitting suspension was given to Don Touhig for receiving a leaked committee report and a five-day sitting suspension was given to Kali Mountford for disclosing a confidential draft committee report — again issues that go to probity, issues that go right to the heart of the processes of the Parliament and people's confidence in the Parliament.

This is entirely at the heart of this motion in terms of proportionality. We are talking about a range of offences that range from financial impropriety to acts of dishonesty — alleged dishonesty. I should stress that again. I do not want to take the position of claiming that any of these acts in the UK actually occurred; I certainly have no intimate knowledge of them. What I am trying to make the connection between is what was in the mind of the Parliament in the UK when it imposed these sanctions, what it believed had occurred and the kind of sanction that it believed was warranted because of that.

In the case of acts that go to the heart of breaching confidentiality, we look at suspensions of three sitting days and five sitting days. In relation to acts of financial impropriety, we look at slightly longer suspensions but nothing like what we are talking about here. This would be out of all proportion to anything that we have seen in the UK in recent decades, and there have been many acts of high impropriety alleged in the UK.

I mean, in the UK you can even go to acts of high farce. Michael Heseltine, in a debate on 27 May 1976, seized the ceremonial mace when a bill was about to pass that he objected to and took it around the chamber, despite protestations from the Speaker. Again, in an act which seems to be far more common in the UK than here, John McDonnell removed the ceremonial mace and I think took it to his chair and sat with it. Again, these are

acts that challenge the authority of the Speaker in ways that are quite shocking and something that the public would consider extremely worrying.

Here what we have is an important issue — we do have an important issue here — but as I said, we have an ongoing debate about where the line is drawn in terms of disclosure. Those opposite come in here and say, 'Your leader's going to be taken out of this place for six months because you're not living up to a standard that we didn't even believe existed 15 months ago'. Saying 'Hypocrisy' is not enough to say that this is a bad motion, but it is certainly worth bearing in mind when you look at this motion and the bona fides of it.

Hypocrisy is well and truly present in at least some of those who are pushing this motion. We have one of the clearest cases of disproportionality that I have seen in my short time in this chamber. The very best example of that is in the precedents of this chamber itself and what it has done over the last couple of decades in relation to a belief that there was an inappropriate response to production of documents motions. In the three motions relating to John Lenders, the then Leader of the Government in this house, he was in two of them suspended for less than a day and in the other one until noon of the next day. That tells you everything about this motion.

As I said, I give Mr Barber's protestations a lot more credence here than those opposite, because Mr Barber has been pushing this issue throughout his career. He and I disagree on where the line is drawn, but he believes in a line — —

Mr Barber interjected.

Mr MULINO — And also who decides. I disagree on that one. I have said that once, and I have summarised it briefly in this speech already on that issue. I will not summarise it anything more than briefly once more, possibly right at the end of this, which is coming soon.

But the point is that Mr Barber has form on this issue. He is consistent. Those opposite are looking at me now, and one of them was a minister. One of the examples I gave was of ambulance reporting times when no documents were provided. So I really look forward to hearing about that from Mr Davis. I really look forward to hearing about how his new standard is consistent with zero production of documents in the 57th Parliament. I cannot wait for that contribution.

The final element of proportionality that I want to get to is who it is that we are talking about. It is the Leader of the Government. It is not just the time that we are

talking about, which is inordinate; it is also the fact that those opposite are clearly trying to implement a stunt which goes to the heart of the functionality of government and of this chamber. I think people in the community will see this for what it is; it is a cynical stunt. I go back to my earlier point, which is that like everybody in this debate, I think, I very much cherish this institution and what it does but also the regard in which it is held in the community.

An additional important point is that it is a worrying trend in many Australian jurisdictions, including this one, but in Western democracies more generally, that parliaments are falling into a position where they are held in increasing disrepute. This is a very complicated issue and many across all sides of politics have put forward theories on it. There is no simple answer. Many have talked about the role of the media. It is a multifaceted issue. One aspect of it that I think is relevant is the extent to which the institution can on occasions be used in a hyperpartisan way for intransigence. One needs only to look at the United States Congress, for example. The President's approval ratings are around neutral, Congress is at all-time lows — minus 60 — —

Mr Ondarchie — You already talked about this in your first hour.

Mr MULINO — No, I have not fleshed this out at all. I have not talked about this issue. The point I am making here is that what those opposite are trying to do I believe is to enforce a motion that goes to the heart of the functionality of government. I believe that what people rightly want is a Parliament that does what it is supposed to do, which is that there is a house of government that puts forward laws for consideration and that this house reviews those laws. That is where disclosure becomes a relevant issue.

Mr Ondarchie — My point of order, Deputy President, goes to standing order 12.16 about tedious repetition. There is no greater evidence that it is tedious repetition in that Mr Mulino just said, 'I go back to my earlier point', and he has continued to make it again. We cannot help but understand that this is tedious repetition.

The DEPUTY PRESIDENT — Order! There is no point of order. It is not tedious repetition. The member is recapping an original comment, which is a guiding principle about how this house operates. He also mentioned that he was making some concluding comments.

Mr MULINO — It is true that I am fleshing out a point that I alluded to briefly earlier, and I do not have much longer on this. It is an important point I think because I have great concerns about this Parliament passing a motion that the community will rightly see as a stunt, but a very dangerous stunt — —

Mr Ondarchie interjected.

Mr MULINO — No, a very dangerous stunt, because to take the Leader of the Government out of operation for six months will have a very negative impact — —

Mr Barber interjected.

Mr MULINO — Mr Barber interjects, so I will take that up. He said we will not give any documents. We have given over 75 per cent of documents, and of those that we have not given I have run through in relation to each resolution that those documents we did not provide had clear headings 'Cabinet in confidence' and 'Private information of individuals'. I will take up that interjection. It is a ridiculous mischaracterisation of the government's position to say that we will not give any documents. We have given more documents than any government in the past would have on these issues. I will let Mr Barber read *Hansard*; I will not repeat myself. But in a number of instances this government has pushed the boundary of disclosures. Mr Barber and I disagree on where the line is, but it is ridiculous to say that this government's position is that it will not give up any documents. It has given up a lot of documents and it is more than happy to have an ongoing dialogue. But the right way to have that dialogue is not to put a gun to the head of the government with such a ridiculously disproportionate response. I believe the public will see this in a very, very negative light, and I raise that because I believe that the reputation of this institution is not to be played with.

I will summarise very briefly in this way. In the first part of my speech I ran through in detail each of the six resolutions and in each instance I explained how the government has given a substantial proportion of the documents. I explained how in the minority of cases where documents were not given, around a quarter, there were very clear reasons. That was the bulk of the presentation, and I believe it gives very good grounds for why the government has acted reasonably. It has acted according to sound principles, it has acted according to what is in the public interest and it has acted entirely consistently with the set of principles that the Attorney-General has laid out. That is a clear expression of why it is that the government has done nothing wrong.

Then the question is: on the basis of this motion what is a reasonable sanction should there be found to be anything wrong in what the government has done? As I have said, I think the most that can be said that the government has done wrong is to have disclosed less at the margins than one might argue, but I do not think that is the case. I believe the government if anything has pushed the envelope, but that at the most what one can argue is that in this back-and-forth discussion that has been going on for a very long time in this place — and many people in this house have been on both sides of the debate — the government has erred on which side of the line some documents fall.

I argue very strongly that that does not go anywhere near the level of seriousness of many of the kinds of actions that have drawn sanctions in the past, such as financial impropriety, dishonesty and the breaching of important ethical and confidentiality codes of the Parliament. When one looks at precedents in other Westminster systems or when one looks at what has occurred in Victoria in the past, one sees that this motion, quite apart from where one lands on the issue or the particular responses to each of these resolutions, is an entirely disproportionate response.

The precedent that I think is most telling on that front is that of John Lenders and the instances when he interacted with an opposition and a crossbench on this issue. I disagree with the landing that the Council made in those instances and I disagree with the fact that he was sanctioned, but even if one were to believe that something wrong occurred there or something wrong has occurred here, one needs to look at that as a precedent in terms of what is even in the ballpark of what is reasonable. In the case of John Lenders there were three instances, and as far as I know — I could be wrong — they are the only three instances of suspensions over the last 20 years. Those three suspensions were of such a different nature to what is being countenanced here. Two of them were suspensions for the remainder of the sitting day, and one was for a suspension until noon the following day. It is absolutely laughable to think that one would go from a part-day suspension to a six-month suspension for exactly the same issue. So that proportionality issue is the second issue that I think is absolutely critical in this discussion.

Before I sit down I call on those opposite, particularly those in the opposition, to explain exactly what standard it is that they think applies, explain whether this is the same standard they believe applied to them when they were in government and explain how that standard is consistent with their producing zero documents in relation to multiple resolutions of this

place on important issues such as ambulance response times and the port. I am very keen for those opposite to explain their view of the new standards they want to apply and how they apply to the state having potential commercial dealings. Do they consider it unnecessary for the state to deal with commercial entities? Do they consider it unnecessary for us to retain major events? Do they seriously expect that Victoria is going to be able to retain major events if we start to embark on this kind of behaviour?

I ask any of those from the opposition who speak on this motion to very clearly spell out the answer to those questions. That is my challenge to them, because I think this is a very, very flawed motion and I am very opposed to it. I believe it would be damaging to good government in this state in the short run in terms of the capacity of the government to discharge its duties and, more importantly, over the longer term.

Mr DALLA-RIVA (Eastern Metropolitan) — I am very pleased to make a brief contribution on order of the day 1 in relation to the production of documents and the suspension of the Leader of the Government. I think it is important to put on the record the opposition's view on this order of the day in respect of the fact that we have provided the Leader of the Government with specific and ample time to provide the documents outlined in subparagraph 1 of the motion. I think it is fair to say, for those who are new to the Parliament, that the chamber does have the capacity to suspend, as Mr Mulino just indicated, and has on previous occasions suspended the Leader of the Government of the day for the failure to be at the satisfaction of the chamber.

I think it is fair to say that the motion that is before the chamber has been debated now for a reasonable time. The fact that the motion has been listed now for seven days would give an indication that there has been ample time for the government to provide the documents, and on that basis we should be supporting the motion. On that basis I call on the Leader of the Government to either provide the documents in accordance with the motion as requested or face the consequences that have been outlined.

Ms SYMES (Northern Victoria) — I too rise to make a contribution to the motion in relation to the production of documents and the suspension of the Leader of the Government that we are dealing with today. I have been listening intently to Mr Mulino on and off throughout the day, and I would just like to congratulate him on his measured contribution, which set out very clearly the position that we hold on this side. Those opposite would like people to believe their

assertions that this motion is about the public interest, but the only interest that this motion serves is that of a desperate opposition unable to accept the decisive vote of the Victorian people and its apparent unwillingness to assume and incapability of assuming the role of an effective opposition and indeed an alternative government.

It is a bit of a sideshow that we are enduring. As opposed to providing genuine alternative leadership, it appears that those opposite are more focused on pursuing actions detrimental to the government, which could indeed be perceived as hurting their own future prospects of having anyone take them seriously as a government. It is now undeniable and clearly visible that with the lack of capacity to develop policy, generate ideas, create vision and lay down plans, those opposite are instead almost entirely reliant on requesting documents and holding up the house for their own political purposes as opposed to the purposes of the public.

Indeed the motion itself outlines requests for copious documents, including studies, reports and briefings, and it seems that when you go through the wording of each of the production of documents motions that we have had last year and early this year most of them end with 'anything related to', which is not particularly helpful and probably would attract a description of a fishing expedition from most people. It is hard to fathom for what purpose you would want every single related document. I do not know if they cannot sleep well at night. They might need some bedtime reading or some assistance to nod off. In my time in government I have certainly read many reports and briefings that have sent me off to the Land of Nod, but I am sure there are other methods to assist in this pursuit. Meditation could be extremely effective.

Those opposite have articulated the extensive effort and energy they have invested in seeking to look at documents that are either already on the public record, are historical and are therefore not relevant or are clearly under the category of executive privilege and not available. This should be particularly obvious to many of those opposite but particularly to those who were not long ago members of cabinet. You would hope that they would have practical knowledge of the workings of cabinet in confidence.

Section 19(1) of the Constitution Act 1975 provides that you can have exceptions but that there is a limit on the Legislative Council's power to call for the production of documents and that it is really a matter for the executive government to determine the application of privilege to documents when it is

subjected to a call for such production. In Ms Wooldridge's contribution to the debate on the motion — and indeed the motion is in Ms Wooldridge's name — she said:

We as a coalition have absolutely no issue in relation to executive privilege. We believe that this is a longstanding position and that it is fair that executive privilege is applied. The issue at hand is the extent to which executive privilege is claimed in relation to the documents that we seek.

This view of the world and of the cabinet process itself on the face of it is somewhat clear, but it is not an absolute prospect. Those opposite suggest that this government and indeed the Leader of the Government in this house have somehow been remiss in their duties. It is a little bit offensive for coalition members to use the chamber to operate in a way to suit their political needs in opposition and to put away everything they have stood by in the past.

I understand that those opposite are also trying to rely upon precedent from the New South Wales Parliament. With respect to the New South Wales Parliament there are not many proud Victorians who find themselves trying to justify an argument suggesting that Sydney is better than Melbourne, for example. The facts are that the powers, privileges and immunities of the Victorian and the New South Wales parliaments are very different. In the case of the Victorian Parliament they are determined by historical transfer from the UK House of Commons in 1855, subject to any statutory modification since that time. In the case of the New South Wales Parliament they are not determined by historical transfer from the UK House of Commons but by reference to what is reasonably necessary at the time of the proper exercise of the functions of the NSW Legislative Council.

We really do not need to look beyond our own borders for a true reflection of the absurdity of this motion. The Liberals by their very own dodgy east-west link business case and secret side letter make an absolute mockery of their indignant shouts about disclosure and transparency and entirely undermine the premise of their motion today. Genuine requests for relevant information and documents are an undeniable part of an effective working of the Westminster process, but this motion is not about that. This motion is not about the powers of this place. This chamber has proven itself time and time again during the 58th Parliament to be an effective house of review capable of lively debate and successful legislative outcomes right across the resident parties' frameworks. Scrutiny of our government is welcomed and indeed encouraged by all Victorians. The Labor Party was clear, concise and committed to everything it said it was going to do before the last

election. The government has spent the last 18 months fulfilling those obligations and investing its time and energy in listening to voters, in learning about their lives and in advocating for their futures.

That is how effective members of Parliament spend their time. It is not by pushing piles of paper around a desk, hoping there might be a sliver of information that might somehow be creatively turned into a political point-scoring exercise.

The people I speak to are genuinely sick of games, stunts and manipulation. They hate the negative politics-before-people attitude, which was certainly displayed very often by the opposition. Of course it is easy for an opposition to be drawn into those games. For some people I am sure it is a bit of fun. I had some time in opposition as an adviser, and I know the attraction to playing the politics. It is something that is part and parcel of our profession. There is a bit of sport in politics, but you have to be very careful: there is a fine line between the political games that we see as interesting and what the people of Victoria actually expect from us and want us to deliver.

I can say that most people in the community are over playing the man rather than the policy, yet this is entirely what the opposition has invested its effort and energy in doing since the election. This motion is certainly nothing more than an accumulation of that. There is no scalp or indeed scandal amidst the paperwork that is being sought, only the workings of a good government that gets it and gets on with it.

Members of the opposition getting their way in relation to this motion has the potential to place in jeopardy the ability of governments to have frank and honest deliberations in cabinet. It will prove a deterrent to entering into arrangements with Victorian businesses due to uncertainty about the ability to hold genuinely confidential commercial discussions around tenders, contracts, memorandums of understanding and the like. No company in its right mind, Australian or international, would be willing to jeopardise its commercial advantage by risking the exposure of private aspects of their business or an offer, conditions and terms of negotiation when an opposition, such as the opposition members we are dealing with today, can seek to make use of that information, put it out to the public and use it for political purposes.

The motion is so much more than the insulting recommendation to suspend a minister of the Crown for the unprecedented amount of time of six months. It also has the potential to place under serious threat the hallmarks of confidentiality, the operations of

government and the function of business effectiveness in the state of Victoria. Effectively what opposition members are doing is taking a wrecking ball — one would say Miley Cyrus-style — and smashing it through the significant premise that underpins confidence between business and government and the certainty that commercial interests and negotiations will be protected. Opposition members either missed this critical by-product of their current play or they no longer give a damn about the prosperity of this state. Either way, this is a further testament to their ‘Take no prisoners’ and ‘To hell with the consequences’ attitude with this motion.

The facts are that since December 2014 the Legislative Council has made 13 orders for documents. The Andrews government has provided responses to 11 of these requests. For the 11 responses tabled so far, 264 documents have been identified as relevant, and it has followed that 164 documents have been released in full, 55 documents have been released in part and only 45 documents — that is, 45 out of 264 — have been withheld in full. The only documents that have been withheld in full are in relation to the West Gate distributor, a project that is still under active procurement. Cabinet documents and commercially sensitive material were withheld in full, while 13 documents were released in full and 1 in part.

I have the benefit of having every one of the documents that have been tabled in the Parliament in relation to the motion sitting in my whip’s office, and I am more than happy to provide them to anybody who wants to see them. They are very heavy, I can tell you, but I can drag them into the house for anybody who would like to refer to those documents. I will give members a run-down of what is in the office in case they are interested.

In relation to the West Gate distributor documents, we have a schedule that outlines what has been released, and I think it would be of benefit to the house today if I ran through them. There is the ‘West Gate distributor map — northern section’, which has been tabled, and the ‘VicRoads event brief’ that was prepared for the Premier, Daniel Andrews. We have media releases, including one headed ‘Expressions of interest open to build first stage of the West Gate distributor’. We have ‘West Gate distributor — northern section (stage 1) Shepherd Bridge upgrade’, ‘West Gate distributor — context review’, ‘Truck action plan, Docklands Highway — standard assessment report’ and ‘Memorandum for chief executive, VicRoads, on West Gate distributor business case — additional resourcing’. A ‘VicRoads inter-office memo on West Gate distributor — northern section Shepherd Bridge

strengthening and widening project delivery strategy' is even in there.

Mr Leane interjected.

Ms SYMES — There are lots and lots of documents in my office. I am just making sure that everyone knows what is in there if they would like to go and have a look.

Mr Leane — That is pretty good when government is handing over memos. Who would have heard of that?

Ms SYMES — Memos, briefs — we have got events briefs. There is a VicRoads brief that was even prepared for Luke Donnellan on the West Gate distributor, and a possible parliamentary question (PPQ) on the West Gate distributor that was prepared in February last year has been released. A PPQ on the West Gate distributor environmental management is also in there, along with the 'Truck action plan — northern section' and an appendix that includes locality plans. The 'VicRoads brief to Luke Donnellan, MP, on West Gate distributor expression of interest — northern section' is being released — most of it. What was not released contained elements that were subject to executive privilege claimed over attachment 2 on the basis that the material would damage the state's financial or commercial interests. There is a big folder in relation to West Gate distributor documents that is available for people to peruse.

Of course the Formula 1 Australian Grand Prix documents have been withheld due to commercial confidentiality. There is also a precedent; I understand the Greens have requested information in relation to this contract over several years, which obviously includes successive governments, so it really does show a flaw in this motion that is being proposed by the coalition and the hypocrisy of members of the former government requesting those documents which they saw fit to withhold. Presumably the decision to withhold that information was based on the exact same advice that we have been given: it is not a matter for a minister or indeed the Premier to make a decision that you do not release something. These decisions are not made in isolation but in consultation with the Victorian Government Solicitor's Office and experts in relation to all of these matters.

Mr Barber interjected.

Ms SYMES — Cabinet-in-confidence decisions are not reviewed in isolation either, Mr Barber.

Mr Barber interjected.

Ms SYMES — I have a head cold. I cannot hear you. I did hear Mr Mulino's contribution in relation to the arguments that we have used and the arguments that the former government used in relation to the release of these documents related to the grand prix contract, and it is longstanding that the release of those documents would be detrimental to the state of Victoria and its ability to attract major events and retain that event in itself.

For the Cranbourne-Pakenham rail corridor project, only one document was withheld in full in relation to that request and three documents were released in full. Again, for anyone who is interested, if they have not read them already, those documents did not include a value-for-money evaluation, which was quite rightly withheld because of executive privilege on the basis that disclosure would reveal directly or indirectly the deliberative processes of cabinet. Back to my previous point about the documents that were released and that I certainly can provide for those interested parties, the Cranbourne-Pakenham rail corridor project community survey and submissions overview, the Cranbourne-Pakenham rail corridor project communications and stakeholder engagement document and also the community consultation material are available for those interested in those documents.

Regarding the Peter MacCallum Cancer Centre documents, 12 documents were withheld which related to cabinet deliberations and commercial information and 12 documents were released in full and 10 documents in part. I do not have a list of those documents for the benefit of the house to provide by description, but I would not mind spending a little bit of time just on the project itself in relation to what the documents are about. We have talked on a couple of occasions in this place about the Peter MacCallum Cancer Centre, and particularly in relation to the 13th floor it has come up quite a bit. My understanding is that it has been a robust process to determine what will be on that floor, effectively attempting to ensure that every square metre of that centre will be dedicated to supporting all Victorians unfortunately experiencing cancer.

There was a market sounding process that demonstrated a huge interest from both public and private sector players wanting to be involved with the centre. I understand that they were completely inundated by people who were interested in the project, wanted to be involved in the project and also wanted to see it become a massive benefit to all Victorians. Interested parties included biotechnology companies, research institutions, research and development divisions of

pharmaceutical companies and IT companies that were all working on new and innovative approaches to cancer research and clinical data, cancer patient management and patient safety.

Ms Fitzherbert — On a point of order, Acting President, on relevance, Ms Symes is speaking about what might happen now on that floor, maybe. The motion is actually about the documents in relation to Peter Mac Private, and I ask that you direct her to address that issue.

The ACTING PRESIDENT (Mr Ramsay) — Order! I do not uphold the point of order. Having listened to previous contributions, they have been quite far ranging. I am not upholding the point of order, but I am asking Ms Symes perhaps to come back to the motion.

Ms SYMES — I was just referring to the project that has generated pretty much the reason that people wanted to request documents. I certainly did not intend to spend too much time on it, but I thought it was of benefit just to outline some of the issues that are alive today. I guess that explains why there are certain requests being made. I could just jump to wanting to put my support on record for the cancer centre. There are a lot of people who are really excited about the dedication that the government has shown to ensuring that this project is brought to fruition and is of benefit to patients and families experiencing cancer and, indeed, hopefully ensuring some kind of progress towards better treatment and potential avoidance in the future.

The other documents that are sought by the motion are in relation to the South Yarra railway station, and I understand that there were only two documents withheld in relation to those requests, and they contained cabinet-in-confidence and deliberative material. There are two orders that the government has not fully responded to as yet, including the Punt Road public acquisition overlay documents and all documents, briefings, legal advice, consultancy reports and other documents held by VicRoads, other departments and agencies. The order for that request was made on 9 December 2015.

The level crossing removal project order for all documents created or referred to since 4 December 2014 relating to the level crossing removal project and the Caulfield to Dandenong project proposal order made on 24 February of this year has not been responded to purely because more time is needed to review the documents. Certainly there has been no decision on withholding anything, and it is certainly not the default position of the government to withhold

documents, but there is a process to go through. The requests cover a significant volume of documents and relate to matters that involve significant legal and commercial considerations, and the government is working in good faith to respond as soon as possible to those requests.

It is not something that I disagree with; I do believe that the Council has the right to demand documents and pass motions in this house requesting such documents — indeed demanding such documents — but it is not a right that is an unfettered power of this Parliament. Documents have to be carefully scrutinised, and they must go through the appropriate processes. It is without question that in certain circumstances it would be completely inappropriate and sometimes dangerous to table all of the documents that are asked for by members of this house, regardless of whether that request has been endorsed by this house as a resolution in terms of winning votes or not. It could be dangerous to the economic affairs of the state and dangerous to the public's confidence in the government being able to do its job.

Cabinet in confidence is often raised in this house as something that gets in the way or something that is used as an excuse for the government not to be full and frank in its response. I certainly think that confidentiality of cabinet deliberations is a fundamental feature of democracy, particularly in this country. The facts are that the cabinet table is —

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

Quorum formed.

Ms SYMES — I was just referring to the importance of cabinet in confidence to the reputation of the Parliament and indeed the government. It is important that deliberations are not effectively broadcast live or Skyped out to the world, because the cabinet table is surrounded by ministers. There are 22 ministers in our government, and of course 22 people have varying views on different things, and they really should be given the opportunity to canvass those views in a full and frank manner without the impediment of the risk that those views may indeed be made public.

Dissenting views and compromises can produce really, really good public policy, so I really would not want to see a situation where ministers are held back from expressing their personal views or maybe some private views that have been put to them by constituents of theirs or other people that they speak to. If you are

constrained in your contribution, important government decisions may in fact be compromised. Obviously if you are concerned that everything you say or present in the cabinet room — particularly if you are playing a devil's advocate role or you are presenting a dissenting view or one that you might know is potentially not going to be the majority view but is certainly something worth considering before cabinet makes a decision — having the threat of that being made public is not something that I think would produce the best outcomes.

The other negative consequence of that would be that the perception is created that there is dissent between cabinet members, if indeed it turns out that a dissenting view that is against government policy is made public. We all know that government policy is a compromised best outcome and not necessarily always the personal view of every member of cabinet, so it would not be a good idea to have that sort of discussion of various views made public.

I do want to touch on executive privilege. It is not a default position to refuse to produce documents. The documents that have been tabled to date are certainly testament to the fact that it is not the Andrews Labor government's intention to refuse to publish documents. In fact it has actually been the opposite. Executive privilege considerations — mostly, I think, particularly if you reflect on Mr Mulino's very good explanation of this — very often include commercial-in-confidence considerations. I will not go through that in the detail that Mr Mulino has, because I think he covered it perfectly, but simply commercial in confidence involves assessing whether the release of a document would be detrimental to a business and would lead to the inability of that business to work with our government or any other governments, whether they be in Victoria, in Australia or abroad.

I think it is particularly relevant when we are talking about transparency and openness of the government to reflect on some of the changes to the way that our Parliament works that we have made since being elected. There have been reforms that have included establishing a non-government majority on the — powerful, I guess — Public Accounts and Estimates Committee. We have also provided additional resources to support crossbench and Independent MPs. That is certainly something that we as an opposition did not enjoy from the former government in terms of resource allocations to assist us in doing our job, but it is something that we have taken seriously, and we are happy to support those who have been elected by their communities to represent them.

Further reform has been in relation to ending FOI secrecy. Many of us here will remember the fact that the FOI unit was effectively physically within the Premier's office — that is, in Ted Baillieu's and Denis Naphthine's private offices — allegedly alongside a porn ring, but that is potentially outside the scope of today's motion.

We have further delivered on our promises by appointing a non-government MP as chair of the Parliament's Accountability and Oversight Committee.

Mr Ondarchie interjected.

Ms SYMES — Transparency and openness, Mr Ondarchie. I happen to be on that committee. The chair of that committee happens to be Neil Angus, the member for Forest Hill in the Assembly, and he is doing a very good job on that committee, I must say, and it is a very productive committee.

We have doubled the number of questions from opposition MPs by introducing supplementary questions, which are not unfamiliar to us in this house, but introducing them in the Legislative Assembly has opened up the scrutiny of government in the house of government. We have given the Speaker and the President the power to require additional information from ministers if their answers are deemed insufficient. We see that regularly there are rulings at the end of question time in relation to a bit more information being provided.

As I have said, there is no argument being made today against the Legislative Council having the power to request that the government of the day produce specific documents held by government agencies and departments. We certainly respect that power. However, what we do not respect is the misuse of that power, as has been on display by those opposite. Parliament's power to order the production of government documents cannot be unlimited. It would be an absurdity to suggest otherwise, just as has been demonstrated by the sheer volume of requests from those opposite.

The right of a government to withhold documents in response to an order for the documents when disclosure would be contrary to the public interest is a fundamental principle of our government's operation and has served the Victorian people, including the opposition, relatively well over many years. There has been no sound, worthy or effective case put that even comes close to justifying the suspension of a minister of the government from this house for a period of six months. In fact I have had the benefit of reviewing a

table that has been put together detailing past practices in relation to suspension of members, and it is very interesting when you view it in the context of what is being proposed today. Obviously our system is based on that of the UK, so it is interesting to look at the precedents in both jurisdictions.

More recently, since 1997, if we refer to the precedents set in the Victorian Parliament, we had the suspension of a member by the name of John Brumby in 1997. He was suspended for one week for the offence of gross insubordination, disobedience and disregard for the Speaker. More recently, on 19 September 2013, the now Premier, then Leader of the Opposition, Daniel Andrews was suspended for three days for the offence of refusing to leave the chamber and accusing the then Speaker of bias. On 26 November 2013 we had the joint suspension of two members for a period of six sitting days for disobedience and disregard of the Speaker. They were Jacinta Allan and James Merlino. I think most of us recall some of the impetus for some of those suspensions. The most recent example of suspension from the Victorian Parliament was Geoff Shaw in June 2014. He was suspended for 11 sitting days for a breach of the code of conduct for members as set out in section 3 of the Members of Parliament (Register of Interests) Act 1978. They are some precedents that are relevant when we are talking about the proportionality of what is being proposed today.

In our own house the precedent has only been applied to one member, who was in a similar position to the member who is the centre of the motion today, being the Leader of the Government. That was John Lenders who was the leader of the former Labor government at the time. There were some suspensions of Mr Lenders that also related to the topic we are referring to today, and that is the refusal to release documents. On 22 November 2007 — Mr Leane would have been in the house then — John Lenders was suspended for the remainder of a sitting day. Mr Leane might recall whether that was for half a day, for three-quarters of a day or for whatever the remainder of that day may have been at the time. I was not privy to that particular occurrence. That was for contempt for repeated refusal to produce documents in response to a Legislative Council order.

I would be interested if somebody who was here during that time could talk about how that progressed. My understanding is that it happened over several months and there were several requests in relation to that. I am not really clear on how under the former government it took — —

Mr Leane — Four motions.

Ms SYMES — Yes. I would be interested to hear more about how it took so many motions to get to that point, whereas we find ourselves debating this motion here today after the refusal of one order. That is something I am not too clear on. John Lenders was also suspended in June 2009, again for the remainder of the sitting day, which was presumably less than a full day. Then in October — —

Mr Ondarchie interjected.

Ms SYMES — I am not at liberty to put up amendments to a flawed motion.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! Ms Symes to continue without assistance.

Ms SYMES — Thank you, Acting President. In 2010 — they are all for the same offence — Mr Lenders was suspended until 12 noon the next day. Mr Leane might be able to enlighten us. It might have been slightly more than a day for that particular offence.

If we look at suspensions in the UK House of Commons — some of the material I have dates back to 1988 — and the precedents from 1988 through to 2009, some of the relevant conduct for people being suspended included damaging property of the house and refusing to apologise to the house for doing so. That was done by a gentleman by the name of Ron Brown. He was suspended for 20 sitting days and held responsible for the damage and liable for the costs of repair. Several UK members have failed to disclose financial interests, and they have been penalised by way of suspension for that type of conduct. In 1995 we had the politician Graham Riddick accepting payment to table parliamentary questions, but he returned the payment shortly after accepting it, apparently. He got a 10-day suspension for that.

It is a bit like your reading of the language, Acting President, with some of the interest in here in why people are suspended, including failing to disclose financial interests and disclosing a confidential draft committee report, and the other bloke obviously got suspended for receiving the leaked committee report. The one that disclosed it got 10 days, and the one that received it got 3 days. Failing to disclose property interests involved a one-month suspension. Failing to disclose financial interests and then in turn failing to cooperate with the Privileges Committee in relation to that got a three-week suspension.

The precedents are moving closer to the current date. Obviously there are more relevant precedents the closer you get to the time you are considering it. For breaches of the code of conduct and contempt in seriously misleading and obstructing the Privileges Committee, Keith Bass got a one-month suspension. In February 2002 there was a two-week suspension of a member for incorrectly claiming allowances of £90 000 — two weeks for incorrectly claiming £90 000! An 18-sitting-day suspension was applied to a gentleman for failing to disclose his financial interests and acting in ways likely to bring the house into disrepute, including indirectly and improperly receiving UN oil-for-food program money from Iraq to support a political campaign — 18 days! — and unreasonable use of parliamentary resources and facilities to support a political campaign.

In 2008 there was a breach of rules relating to the employment of a relative, bonus payments paid to the relative and authorising payments of an unreasonably high salary, obviously to the same relative. That was a 10-sitting-day suspension.

Mr Ondarchie — Who was that?

Ms SYMES — That was Derek Conway in January 2008, a Conservative MP over there in the UK. There was a seven-day suspension for David Laws for — again, they just do not learn — incorrect allowance claims of approximately £60 000. That is a lot of money. He had almost repaid it at the time of the Privileges Committee’s report, but he got a seven-day suspension for that.

Mr Ondarchie interjected.

Ms SYMES — I am not prepared to put an amendment to the motion today, Mr Ondarchie. I am opposing the motion.

Mr Ondarchie interjected.

Ms SYMES — The opposition’s motion specifies the time, and I am saying why it is unreasonable. I am not in a position — —

Mr Ondarchie interjected.

Ms SYMES — I do not think any of it is reasonable, but I am just putting the fact that proportionality is obviously a very, very relevant consideration.

An honourable member interjected.

Ms SYMES — I would not mind a year off Parliament, personally.

This certainly is a shameful and absurd exercise in time wasting and political posturing from an opposition needing to demonstrate relevance and trying to land a blow on a very, very good government that is getting on with the hard work of making Victoria better.

Honourable members interjecting.

Ms SYMES — It is pretty serious, so I am more than happy to get up here and defend a motion that I think is absurd. The consequences I think are completely unprecedented and would do a massive disservice not only to this house but to the community that we are elected to represent. Being invited to suggest perhaps a reasonable time is quite ludicrous in itself. If you propose something that is within the experience of the past — —

Mr Ondarchie interjected.

Ms SYMES — I ran through the precedents, Mr Ondarchie, and as I said, it is not for me to fix a motion that is completely ridiculous and outside the realm of anything that this house has ever dealt with before. I would have thought that considerations would have been made by those opposite before putting up a motion which is not only unprecedented — —

Mr Ondarchie — You could move an amendment to it.

Ms SYMES — I am opposing the motion. As I said, I am not at liberty to put — —

Mr Ondarchie interjected.

Ms SYMES — It is up to those who put the motion to decide what is reasonable and what is not reasonable.

As I have outlined, just in summary, it is a disservice to this house and to the community. The people that elect us and put us in this place — this very privileged place — to spend our time helping Victoria and pushing it forward really do not want to see us debating a situation where we are kicking out the Leader of the Government for six months. They actually want real leadership, and they want a real reason to respect their representatives in this place and not have the view that politicians are wasting their time and not acting in their best interests. I think that this motion is certainly providing a reason for people to hold that view, and I think that is really unfortunate. I really have faith that we can move beyond this and show that we are better and that we will honour the democratic system upon which we are founded, along with its principles and practices which have served us so well and for so long. This motion certainly has no place in the robust

exchange of ideas and philosophies that should fill this house every day. I urge every member of this house to vote with common sense as their guiding force and vote against this motion.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to have the opportunity to speak on this motion, and I will speak very briefly in relation to one section, and that is the documents pertaining to Peter Mac Private. I have looked through the documents that have been provided in response to the motion passed by this chamber, and I have checked them in accordance with the return that accompanied them. I did notice that the documents that were provided are incomplete, and they are incomplete in ways that have not been fully explained in the terms outlined in our standing orders.

In chapter 11 there is an outline of what needs to be provided when you are tabling documents in accordance with one of these motions. It is section 11.02(3), which states:

A return under this standing order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.

This is simply to allow procedural fairness so that people can identify what it is they have and what it is they do not have. That is something that members of this house are obliged to provide when they are tabling documents. It is so that people can have a fair sense of what is in and what is out and on what basis so that they can then make a judgement as to how they want to respond to that, again in accordance with the rules that are clearly outlined under our standing orders.

The return that was provided in relation to Peter Mac Private — Ms Symes has been through the number of documents; there is not a huge number at all in relation to Peter Mac Private — does not include the date of creation. It has very minimal descriptions of the documents. Some descriptions are things like ‘Email’, and there is no author given. I take an author to be an individual, not an institution. There are references in some instances to companies, organisations or bodies that are the owners of a document, but there is nothing to actually say who the author was. So in terms of assessing what is being handed over, it is not clear.

There are also some documents that are missing that are, in my simple view of it, not referenced in any way in the return. One of those is the business case. There was a business case prepared in relation to Peter Mac Private, as I understand it, by Peter Mac — by its board of directors and senior executives. Part of that has been provided in the documents that have been tabled in

accordance with the motion. It is one of the appendices to the business case. The rest of it is not there. It is not listed on the return, no-one has explained why it is not there and there is certainly no claim of executive privilege over that — and nor should there be. That would be inappropriate in relation to that particular document.

I suppose you might say that it is a commercial-in-confidence document, but I would find that to be a pretty unlikely argument, given that we are talking about a business project that never happened and will not happen in the lifetime of this government. There are no commercial interests that are going to be affected negatively or otherwise by divulging that document. It is, however, quite reasonable for opposition members of this house to say, ‘You have decided that we are not going to have Peter Mac Private. We have a different view. Show us the business case’. It has not been provided in its entirety, and there has been no explanation of why not.

When I looked at the documents and the document return that had been provided in relation to Peter Mac Private, it seemed to me that the documents had been put together pretty quickly, because, obviously, of what was missing and also because of the way in which some of them had been censored. In a sense that was incomplete as well. There were references to companies, for example, that had been blacked out almost everywhere except for a couple of places where I think they were overlooked. As I said, it seemed to me that the government had put these documents together very quickly when it decided to comply with part of the orders that had been made by the Council.

If government members had said, ‘We are happy to provide some of these documents, but we have issues with what is being provided and how and we have some genuine concerns’, we would have been happy to have that discussion, but that is not what has happened. There have been delays, and there has been a grudging handing over at the last minute of some documents, not in accordance with what is required and not in a way that enables us to have a sensible assessment of what is there, what is missing or how we might address those gaps.

My understanding is that these kinds of omissions and errors are present in relation to the other documents that have been provided. In all the rhetoric we have heard this afternoon over some 4 hours, as I understand it from my colleague Mr Ondarchie, there has been a lot of discussion of theories of executive privilege et cetera, but there has not been any rational discussion of specific documents and why they have been left out.

It has been long winded and theoretical, and frankly it is yet another delaying tactic in trying to put off the inevitable, which is appropriate scrutiny by this chamber.

I am going to keep my comments brief because I have no desire to contribute to this filibuster. As I said, the main observations I wanted to make were in relation to the Peter Mac Private documents. I would be very pleased if a government member in further debate were to respond to some of the issues I have raised or were to explain, for example, why it is that the business case was not referenced in the return. No reason has been given as to why it was not included or as to some of the other errors that are in this document as well.

I will conclude my comments there, and I thank the members for their very respectful listening this afternoon.

Mr EIDEH (Western Metropolitan) — I rise to speak on the motion and indicate that I oppose it. It is a motion that is totally unfair and quite frankly ridiculous. Ms Wooldridge has moved this motion, which seeks to expel a very hardworking minister from this house, the Honourable Gavin Jennings. The Andrews Labor government has responded to 11 of the 13 orders for documents made so far by the Legislative Council. We have released a total of 219 documents in part or in full, and we have only withheld 45 documents. We understand the importance of disclosure. If those opposite really cared about disclosure, they most certainly would not have treated the Victorian public with contempt with their dodgy east–west link business case and secret side letter.

The coalition has attempted this nonsensical practice before. I can name three examples from the 56th Parliament where the Leader of the Government was suspended. All of those suspensions related to the failure of the Leader of the Government to lodge documents that had been sought by a resolution of the Legislative Council.

I remind those in this house of executive privilege and the powers of the Legislative Council that come with that — namely, that the Parliament’s power to order the production of government documents is not unlimited. It is an accepted principle that a government may withhold disclosing documents in response to an order for documents when disclosure would be contrary to the public interest. This basis for withholding disclosure is called ‘executive privilege’.

The government has adopted a principled approach to claiming executive privilege in relation to documents

that are subject to an order for documents. In considering a claim of executive privilege, the government assesses whether the release of the information would be prejudicial to the public interest. During the 58th Parliament, since December 2014 the Legislative Council has made 13 orders for documents. The Andrews Labor government has provided responses to 11 of these requests. For the 11 responses tabled so far, 264 documents have been identified as relevant, 164 documents have been released in full, 55 documents have been released in part and only 45 documents have been withheld in full.

The only documents that have been withheld in full are as follows. There are those relating to the West Gate distributor, a project that is still under active procurement. Cabinet documents and commercially sensitive materials were withheld in full. Thirteen documents were released in full and one released in part. There are the formula one grand prix contracts, commercial documents which no Victorian government has ever released. In relation to the Cranbourne-Pakenham railway corridor project, just one document was withheld in full, while three were released in full. In relation to the Peter MacCallum Cancer Centre, 12 documents, which related to cabinet deliberations and commercial information, were withheld, while 12 documents were released in full and 10 released in part. In relation to South Yarra railway station two documents, which contain cabinet-in-confidence and deliberative material, were withheld.

The two orders that the government has not yet responded to are as follows. There are the Punt Road public acquisition overlay documents. The order sought all documents, briefings, legal advice, consultancy reports and other documents held by VicRoads and other departments and agencies. The order was made on 9 December 2015. There are the level crossing removal project documents. The order sought all documents created or referred to since 4 December 2014 relating to the level crossing removal project — the Caulfield to Dandenong project proposal. That order was made on 24 February 2016. Both unanswered orders are substantial requests. The requests cover a significant volume of documents and relate to matters that involve significant legal and commercial considerations. The government is working in good faith to respond as soon as possible to these requests. This is why we on this side of the house oppose the motion Ms Wooldridge moved; we on this side of the house have been very responsive to the requests presented to the government. I oppose the motion.

Mr FINN (Western Metropolitan) — I rise this afternoon to say that I do not wish to see the Leader of the Government suspended from this house. I think that the Leader of the Government is a shining beacon in an ocean of dimwits on the other side of the house, and I have to say that without him it would be a very, very boring place indeed. I can certainly understand why the government is panic stricken at the prospect of coming in here without Mr Jennings — because without Mr Jennings those opposite have got nothing. They would not be able to look at their watch and see what time it is or even what day it is for that matter. Without Mr Jennings they would be rudderless. They would have nothing going for them at all. He is, as I say, someone who leads from the front. For example, if a minister is to be sacked, Mr Jennings will be there. I just could not imagine how members of the government would feel without him. They have my sympathy. So I can fully understand — —

Mr Mulino — On a point of order, Acting President, on the point of relevance, I was kept on an extremely tight leash during my brief speech today, and I think Mr Finn is making some very gratuitous and negative comments that really have nothing to do with the motion.

Mr FINN — Further on the point of order, Acting President, I am failing to see how my comments are negative. In fact I am praising Mr Jennings. The fact that Mr Mulino may well loathe Mr Jennings has nothing to do with me. I am not really into their factional brawling over there. I do not know who is after whom and who is doing what to whom and how many times at the moment, so I really fail to see what point he is trying to make.

The ACTING PRESIDENT (Mr Morris) — Order! I do not uphold Mr Mulino's point of order. I am not sure it was a 'tight leash'; I think it was medium length at best. Mr Finn, to continue.

Mr FINN — I think Mr Mulino would be best if we kept him on a leash permanently. That would be a very good thing. Perhaps he could, Acting President, have a read of that report that you tabled in the house earlier today on rabid dogs.

Ms Shing — On a point of order, Acting President, I find the inference Mr Finn has just made about Mr Mulino, which seeks to draw a parallel between him and a rabid dog, to be deeply unfortunate and indeed unparliamentary, and I ask that he withdraw that comment.

The ACTING PRESIDENT (Mr Morris) — Order! The member who was referred to is in the chamber. I have not heard the member raise any concern, so I will ask Mr Finn to continue.

Mr Mulino — Further to that point of order, Acting President, I am very grateful for Ms Shing's insights, and I reiterate them, and I would hope you would uphold her insightful point of order.

The ACTING PRESIDENT (Mr Morris) — Order! I thank Mr Mulino. There was reference to a report; there was reference to yourself. I think it is a rather long bow to draw that there was something that was derogatory in that remark. I do not uphold the point of order. I will ask Mr Finn to continue.

Mr FINN — I can understand the sensibilities of members of the government when they are faced with losing, perhaps for an extended period, the only person over there with the wit to lead them. I can certainly understand their feelings on this matter, but the bottom line, and the question we must answer, is: what is more important — the Leader of the Government leading his party or the primacy of the Parliament?

That is what this is about. The Parliament has made a decision and has sent a direction to the government, and the government is defying the Parliament. Governments have fallen in years gone by; we all remember the Whitlam government back in the 1970s. It tried to defy the Senate. It tried to govern without the Senate, and the Whitlam government was dismissed and sent to the people. We are not attempting to do that. We are just making a statement that this house and the dictates of this house are very important. We are democratically elected members of Parliament. What we say and what we decide in this house are extremely important; they cannot be brushed off by an arrogant, contemptible government that has no regard for this house or indeed for the democratic process.

As I say, I can understand why the government does not want to lose Mr Jennings, but the importance of the Parliament and the importance of this house, to my way of thinking, are far more important than any concerns the government might have. I very strongly support the motion put forward by Ms Wooldridge, and I urge the house to support that motion very soon.

Debate adjourned on motion of Mr MELHEM (Western Metropolitan).

Debate adjourned until later this day.

PROCEDURE COMMITTEE

Reference

Ms PENNICUIK (Southern Metropolitan) — I move:

That this house requires the Procedure Committee to inquire into and report no later than 1 December 2016 on a suitable alternative to the daily prayer, including looking at options adopted by other parliaments, and calls on the committee to request submissions from the public and conduct public hearings in the completion of its inquiries.

The purpose of the motion is to charge the Procedure Committee with considering options to the current practice of reciting a particular version, and only that version, of the Lord's Prayer, which is the traditional Anglican version. That is the daily prayer that is read by the President every morning according to the standing orders. The Procedure Committee is the custodian of the standing orders, and that is why this motion is directed to the Procedure Committee.

The motivation behind my motion is to look at alternatives that already occur in other parliaments in Australia and across the world which would better reflect our multicultural community in Victoria. This is an issue which is often raised with me by people in the community, and although change in Australian parliaments and others has been met with much resistance, I think the call for a change in this regard will continue, and it is a valid issue that people raise in that the current proceedings of the Parliament are not reflective of the community at present. The community would like to see the proceedings of the Parliament reflect the community as a whole, and at present the daily prayer as is currently practised does not.

I understand that some people will have and do have strong views on this issue, but I also know that there is support amongst individual MPs for the Parliament to look at other options, and there is support in the community for that to happen as well. As a member of the Procedure Committee and as a longstanding member of the former iteration of the Procedure Committee, the Standing Orders Committee, I have had a long interest in the proceedings of the Parliament as outlined and decided by that committee and outlined in the various versions of the standing orders and sessional orders that we have adopted to govern the proceedings in the Parliament.

I would also be keen to see the Procedure Committee look at other issues as well, such as family-friendly hours, which we now have in the Legislative Assembly, but the operation of the Legislative Council is lagging behind the Assembly in terms of family-friendly hours.

That is another important issue I think the committee could be looking at, even though it is not part of my motion. If the committee meets, it could look at that issue. Also, one of the other issues that is outstanding is the operation of the Public Accounts and Estimates Committee. That could and should be looked at by a joint meeting of the Procedure Committee and the Legislative Assembly Standing Orders Committee, and there are a variety of other matters that the committee could look at.

I did circulate to the party leaders and whips and to the crossbenchers a document that outlines some of the changes that have happened in places around Australia and in other parts of the world with regard to the opening of a daily meeting of the Parliament. What that shows is that most Australian parliaments still have the daily prayer, and most now have acknowledgements of country or acknowledgements of the traditional owners as well. For example, in the commonwealth House of Representatives, the Tasmanian House of Assembly and Legislative Council and the ACT Legislative Assembly the acknowledgement is made before the daily prayer. In the commonwealth Senate, the New South Wales Legislative Assembly, the Queensland Legislative Assembly and the South Australian House of Assembly and Legislative Council the daily prayer precedes the acknowledgement of country or traditional owners. More recently, as we know, the Victorian Parliament has included an acknowledgement of country in both houses at the beginning of each week.

Interestingly, the only Australian Parliament that so far has moved away from the daily prayer in its routine is the Parliament of the Australian Capital Territory. In 1995 it moved away from that and instead reserves a time of silence when members can either pray or reflect. Section 30 of the ACT Legislative Assembly standing orders reads:

Upon the Speaker taking the Chair at the commencement of each sitting, and a quorum of members being present, the following shall be read:

Members, at the beginning of this sitting of the Assembly, I would ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory.

Without wanting to pre-empt the outcome of any deliberations of the Procedure Committee, I find that that particular way of starting every day is one that includes everybody. Nobody is excluded by being asked to stand in silence and pray or reflect on the responsibilities to the people of, in this instance, the ACT, but of any place in which a particular Parliament may be.

There are other examples that I included in my information sheet. They do not cover every Parliament in the world; they are just some examples that the parliamentary library was able to gather for me in some research it did in 2012 when I first raised this issue in the Parliament. The library had another look at it for me last year and provided some examples from around the world. I thank the library for carrying out this research for me. I asked the library to concentrate on the Westminster systems around the world and also on the European Parliament and other examples where the traditional saying of a prayer may have been changed and a different start of the day instituted.

In Canada some of the provinces do not open their proceedings with a prayer. The Legislative Assembly of Newfoundland and Labrador has never opened its Parliament with a prayer and neither has the *Assemblée Nationale Québec*. It has never used a prayer and in fact has a similar opening to that of the Australian Capital Territory, which is a moment of reflection by members of the Assembly every morning.

There are a range of arrangements across the states of the United States. For example, the Massachusetts Senate does not open each sitting day with a prayer but will use a prayer on special occasions. People may have realised that when the constitution was changed in South Africa — I think it was fairly widely publicised at the time — it opened its proceedings every day with a moment of silence, which is described as ‘a moment of silence, silent prayer or meditation practised at the discretion of each member’. The reason behind that is to make it very inclusive for every member and for that member to use that silent moment of meditation to think about things of importance to them and to think about the importance of the job they are doing for the people of South Africa.

The Riksdag, the Parliament of Sweden, is another example where there are no prayer readings before debates. However, before the opening ceremony every autumn there is a short service, attendance of which is voluntary for MPs. It also has a small room for contemplation in the house. I know we also have that in the federal Parliament. In fact only last night we heard a former federal MP talking about that very thing. Tim Fischer was here launching a book written by Colleen Lewis and Ken Coghill about the need for professional development for MPs. In launching the book he spoke about often using the contemplation room in the federal Parliament.

No prayers are read at the European Parliament, and I think that is important. It explains in a publication that it is due to the fact that the European Parliament places

great importance on its secular character and because it is composed of members belonging to many different creeds. I am very attracted by the idea of the separation of powers and the separation of church and state and that wherever possible the proceedings of parliaments, governments and public institutions should be secular. The European Parliament also refers to members belonging to many different creeds.

I took the opportunity to read the most recent census of 2011 — this year is a census year — and to look at the reported religions of Victorians. It is interesting to see under ‘Religious affiliation’ that of those in Victoria who responded to say they had a religious view, the top response, at around 25 per cent, was Catholic. The next group was ‘No religion’ at 22 per cent. That was followed by Anglican at 17 per cent, the Uniting Church at 5 per cent and Eastern Orthodox at 2.5 per cent. Of course many other religions are represented in Victoria, including Islam at around 3 per cent and Judaism at around 1 per cent. As I said, there is also a group ‘No religion’ at 22.3 per cent. Around 8.5 per cent of people did not state any religious affiliation.

There are a large number of Christian denominations mentioned such as Anglican, Baptist Brethren, Catholic, Churches of Christ, Eastern Orthodox, Jehovah’s Witnesses, Latter-day Saints, Lutheran, Oriental Orthodox, Other Protestant, Pentecostal, Presbyterian and Reformed, Seventh-day Adventists, the Uniting Church et cetera. They make up around 55 per cent of the Victorian population. Other religions represented in the Victorian population include Hinduism, Islam and Judaism, as I mentioned. Also there are the Aboriginal and Torres Strait Islander religions. The census also mentions ‘No religion stated’ or ‘Other non-specified religions’.

Many of those religions are represented in this chamber and indeed in this Parliament. We start every day with a particular denominational Christian prayer, but I do not think anyone could disagree that while it may be traditional it is no longer representative or reflective of the general community in Victoria. I believe it is time for the Parliament of Victoria to look at this issue and perhaps look at what goes on around the rest of the world with some of the examples I have mentioned.

I am now going to refer to our local councils. It is not an exhaustive list, but I did a bit of a ring around of some of the local councils. Many of our local councils are ahead of us in this regard. For example, I understand that Casey City Council rotates different types of prayer. Yarra City Council has not had prayers for at least 20 years. There are no prayers at the Surf Coast Shire Council, and I am advised that there was a

lot of attention when that particular council replaced its prayer with an oath, which is said by one councillor while the rest of the councillors stand, and that while that was controversial at the time, it no longer is and everyone is relaxed with that. Of course it allows the councillors to reflect on their responsibility to the community which they are serving. The City of Melbourne begins its meetings with an acknowledgement of the traditional owners, as does the City of Moreland, which begins with an acknowledgement of the traditional owners and a recognition of the cultural diversity in that community.

In Glen Eira City Council there is no prayer, but there is an acknowledgement of the traditional owners and a reiteration of the obligations of the Local Government Act 1989, which are recited, again, to remind the councillors of what their responsibilities to the community are. It is very similar in Ballarat, where there is an acknowledgement and a recital of the affirmation or oath. Some councils, such as some of the country councils and the City of Stonnington, still do have their prayer.

I had a look at the minutes of the last four meetings of Greater Dandenong City Council. That council has prayers of the different faiths. That was actually started, I am advised, by the former City of Springvale, which developed its interfaith network in 1989, when it merged with the former City of Dandenong and the City of Greater Dandenong came into being. With over 150 nationalities, 200 languages and dialects and 100 faiths, it has been a central part of that council to rotate the openings of its council meetings so that every meeting is opened with an address by a member of a different part of the community. For example, on 15 March the meeting was opened by a representative of the Sikh community, on 22 February it was opened by a member of the Islamic community, on 8 February it was opened by a member of Jewish community and on 25 January it was opened by one of the local Indigenous elders. You can go back through all the minutes to see how the different meetings were opened by different members of the community.

That is what I am really looking to do with this motion — for us in the Victorian Parliament to consider the community that we represent and how we could open every parliamentary day with a procedure, I suppose, or an address or whatever the Procedure Committee can recommend to the Council that better reflects the community and also, as some of the examples I have raised today show, turns our thoughts towards why we are here, who we are representing and what our obligations are as MPs.

In fact having attended the Australasian Study of Parliament Group forum last night, which was about the professional development of MPs or the lack thereof and how its survey and the research it did for its book found that many MPs across the world and in Australia have struggled with what their role is, I think it might be really worthwhile every morning for us to have a think about that in some sort of silent reflection or to incorporate some words that remind us of what we are here to do, what our role is and what our responsibilities are as MPs.

I put this motion forward in good faith, if I can say that. I understand that some people have very strong views, but I do understand that there are others in the chamber and in the community who understand that it really is time for us to be aware that perhaps the way we start every parliamentary day is not totally inclusive of everybody in the chamber. I have now passed five years and I am into my sixth year where I have not attended the daily prayer. Every single day I do not attend the daily prayer, and I am in that time span with my colleague Mr Barber. Mr Barber and I never attended prayer in the last Parliament, and neither did a former member for Northern Victoria Region, Ms Candy Broad, who also stood outside every morning.

Of course now every day there are at least seven of us not attending prayer and sometimes on the odd occasion even more, so 20 per cent of this chamber is often not attending the prayer. I do not attend because I believe that the Parliament should be secular, but as well as that I believe what I have been saying — that whatever we open the day with needs to be more inclusive and more reflective of the community. I do not pretend to speak for anybody else's reasons as to why they stay out. I do understand that not all of it is necessarily because everybody who is standing outside has no religious belief or faith but that they may also share the view that the current procedure is not as inclusive as it could be.

I think it is time in the community and it is time in the Parliament for us to take a look at this issue. It is something that the Procedure Committee could do easily by looking around the world and recommending to the chamber something that would better reflect the people of Victoria. I commend my motion to the house, and I am very much looking forward to hearing what other speakers have to say on it.

Ms PATTEN (Northern Metropolitan) — I am pleased to rise to speak on Ms Pennicuik's motion, which is asking that the Procedure Committee inquire into whether there are alternatives to the daily Lord's Prayer — the Christian Lord's Prayer — whether there

are other options, and look into what other parliaments and other government organisations are doing both here in Australia and around the world. I have to say, I actually do not think this needs an inquiry; I think we could just vote on it. I would like to see us just go ahead with this motion and simply change the standing orders. I think the fact that we are still saying a daily Christian, episcopalian prayer in the 21st century in Victoria beggars belief. I really think we need to change that. We have seen that being changed around the world, not so much in Australia but certainly in certain places.

The Australian Sex Party has had a policy around supporting the clear and effective separation of church and state. I think that this is integral to our sense of democracy and our sense of equality. When I have been on the hustings or down at train stations or out talking to people, this has been a very popular policy. People do support a clear separation of church and state. They expect us to have it. In fact they are generally surprised when they see the overlaps like saying the Lord's Prayer in the Parliament in the morning. This principle of separation of religion and state actually safeguards all religions. That is the intention of that constitutional right to a separation of church and state. It is not to stop religion; it is actually to protect all religions so that one does not take precedence over others. This is a clear statement of freedom from religion and freedom of religion.

Our daily prayer clearly breaches that notion. It clearly breaches the secular principle that the church and state should be kept separate. Almost all liberal democracies around the world recognise this, even our own Charter of Human Rights and Responsibilities recognises this. It is very clear about the importance of such separation in preserving the freedom of thought, conscience and religion. I must say I sit with Ms Pennicuk outside; I have not actually ever said the Lord's Prayer in this place. But having it in our standing orders and having government officials reciting the Lord's Prayer at the outset of government business implies that we are endorsing that faith. It is a clear endorsement of that faith, and it relegates and sets up those who do not adhere to that faith or who do not have any faith or any religious traditions as outsiders. And certainly we actually stand outside while the Lord's Prayer is recited in this house.

I noted with interest when we were being sworn in the number of new members — it was nearly 50 per cent of us — who chose to take the secular oath rather than put our hand on the Bible. I thought that was a very interesting move that we and many of the new members in here take a secular approach to this job and to the work that we do here. I think it is very important that

we take that secular and independent position and approach to the work we do in here.

Bringing up this discussion of prayers before the commencement of Parliament at the moment raises a number of the issues that we are talking about today — for example, religion, where it sits in the public sphere and what its proper role is. We have been seeing this discussion in recent days and in recent months when we have been looking at special religious instruction in schools, looking at the exemptions to our anti-discrimination laws that are awarded and given to religious organisations in this state, looking at the charitable status being granted to bodies whose only reason for being is to promote religion and looking at ensuring that religious organisations are accountable. Certainly, when we are looking at the royal commission into child sexual abuse in the church at the moment, it is clear that we need greater accountability and that we need a greater sense of secularism in society.

When we as a Parliament say a prayer before Parliament, that is not as a private individual. That is not about a private individual saying a prayer. This is about us as a state giving homage to a god or a supernatural being at the centre of one religion.

Section 8, part 2, of our Charter of Human Rights and Responsibilities Act 2006, headed 'Recognition and equality before the law', states:

- (1) Every person has the right to recognition as a person before the law.
- (2) Every person has the right to enjoy his or her human rights without discrimination.
- (3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

I would say that saying the Lord's Prayer is discriminatory. It is in breach of our charter. It discriminates against anyone who is non-religious, and it discriminates against people who do not have the same religion. It shows that we are not citizens that are created equal but that some are more equal than others in this place, and they seem to be of the Christian club.

When this has come up in discussions — and I have many dinner party discussions about this — I am told, 'What about tradition, Fiona? We are built on a Christian tradition. This is our heritage'.

Mr Dalidakis — Judaeo-Christian.

Ms PATTEN — Judaeo-Christian. Thank you, Mr Dalidakis. While exclusionary behaviour like this

might be part of our heritage, it should not be what we take going forward, because if we did, I would not be standing in this Parliament — neither would Ms Pennicuik, Ms Shing, Ms Wooldridge, Ms Lovell, Ms Bath or Ms Symes, because women were not allowed in here. We realise that that type of heritage was not something we wanted to take forward in the 20th and 21st centuries. We also did not want to take forward laws in favour of racial segregation. Yes, they are part of our heritage, but they are not a good part. I do not think that having an exclusive position on one religion in this house is a heritage that we want to take forward.

As an acting president I am pleased that we no longer have to wear wigs in this house. Some of us may look better in wigs; some of us may like to wear them on the weekends.

Mr Melhem interjected.

Ms PATTEN — I take Mr Melhem's point. Maybe a wig would be nice; it would keep the sunburn from hurting his head.

The use of the Lord's Prayer as the daily prayer is a relic of times gone by. By having a single religion and one supernatural being at the centre of this religion, we shut out our obligations to the entirety of our state. Let us not forget — and nor should we; in fact we debated this yesterday — the 50 000 years of heritage that we have prior to Captain Cook arriving here. Those 50 000 years are not a Christian heritage. It is a celebrated heritage, one that we do not celebrate enough. It is one that we passed a law on yesterday to ensure that we keep and maintain that Aboriginal heritage, and we need to do that in this place.

This afternoon the President was mentioning last week's celebration of Commonwealth Day, which is about inclusion. The theme of Commonwealth Day this year amongst the 53 states of the commonwealth is 'An Inclusive Commonwealth', and that is what we should be doing here. We should be inclusive, and I feel that the Lord's Prayer is not inclusive, and it should be. We need to look at a different way of doing it.

I think it is disrespectful that we have a diverse range of people in our community, yet we only serve one particular section of it. We all know about, talk about and celebrate the multiculturalism of our state, our communities and our own electorates. Half of Victorians were either born overseas or have parents who were born overseas. So many of us in this chamber have parents who were born overseas. Victorians come from 200 countries, speak 260 languages and dialects

and follow 135 religious faiths. It is outdated for the people who govern this state to start the process of the house every day by giving reverence to one religion. I think it is not only outdated but actually disrespectful.

Ms Pennicuik raised some of the alternatives that are being practised, even in our own state by our local governments. There are a number of other alternatives that we could look at. I wonder what other workplace starts its work day with the Lord's Prayer. I think it is absolutely fair for people to say the Lord's Prayer if they want to; I have no problem with that.

There is the notion of having a rotating pledge. I know that a number of governments and state governments, particularly in the United States and some in Canada, have a rotating pledge with a variety of religions and each day something relevant to one religion is given precedence in the morning. There are 135 religions in Victoria. I think the notion of rotating is probably not particularly workable, but it is worth thinking about and worth considering how we reflect and respect not only the wide range of religions that people practise within this chamber but also in the state and in the electorates that we represent.

A moment of silence is one that I know the ACT government does before it opens. I think a moment of silence in this chamber would be a rare and probably quite beautiful thing. During that moment of silence if you wanted to say a prayer and consider a prayer to your god, to your religion, that would be lovely. I think that that is wonderful, and please go ahead. If you wanted to spend that moment reflecting on what you were going to do today, reflecting on how you might work well and on how you are going — —

Mr Ramsay interjected.

Ms PATTEN — The Lord's Prayer is for one religion. A moment's reflection could be any religion. If you are a Buddhist, you could consider your religion and how your religion was going to influence the work you did that day. If you believe that the Lord's Prayer provides you with that reflection and that moment to enable you to work better in the day, fantastic, but I think we should allow for that diversity.

We have started once a week to give an acknowledgement of country. Once a week we acknowledge the 50 000-year heritage that this country has. Frankly my personal belief is that we should be giving that acknowledgement every morning — that is, we should reflect on whose land we are on and acknowledge the elders both past and present of the traditional owners of this land. I would also like a

moment's silence with that, but it will be up to the committee to consider where we would go on this. Sixty per cent of Australians believe that we should be acknowledging our Aboriginal heritage. We do it once a week. I think we could do it on a daily basis. Most of us do it before we speak at any public engagement. I am sure it is said many times a day by many.

Alternatively we could have a civic pledge, something more of a secular pledge. But again, it has the same notion of why we say the Lord's Prayer, the words of which give solace to the Christians in this house. Personally it does not mean a lot to me. I would find other words that would mean more to me in starting my day.

I noted that the president of the Australian Federation of Islamic Councils, Mr Patel, said that the Parliament should not be a Christian club, and that is what it is. I could not agree more with him.

In closing I would like to refer to a suggested civic pledge that was drafted by Dr Meredith Doig, president of the Rationalist Society of Australia and Sex Party candidate for the upcoming federal election.

Dr Doig's draft says:

We come here today to do the business of governing. Members of this Parliament have pledged to improve the quality of this community and are entrusted with doing so.

As we gather, let us remember that though we have differences, we are linked by our common humanity.

We embrace many traditions and represent many demographics. We are Christians, Jews and Muslims, Hindus, Buddhists and Sikhs, humanists, atheists, rationalists and sceptics, the unaffiliated and the uncertain. We represent many races and nationalities, men and women, young and old, and all in between. We identify as libertarian, liberal, progressive and conservative.

To be sure, we do not agree about everything and we often feel fiercely protective of what we believe. But there is one thing on which we can all agree and that is, the goal of making our community the best it can be. We unite here today with that noble aim and common purpose.

Our meetings should be characterised with a healthy dose of humility and doubt, being receptive to the ideas of others and having the willingness to change our beliefs given good reason, argument and evidence.

Let us not have intellectual arrogance or emotional intransigence. Let us remember that our beliefs inform our actions and, translated into real-world impact, have the potential to help or harm others. So, in the spirit of goodwill and common decency may we always show respect to others, compassion for the needy and integrity in our actions.

Mr JENNINGS (Special Minister of State) — On behalf of the government, I wish to make a contribution

to today's consideration of Ms Pennicuik's desire to have the Procedure Committee engage in a community consultation around the desirability of the maintenance of the Lord's Prayer at the beginning of the parliamentary day.

This is an issue about which the government does respect views from right around this chamber and around the community on the ongoing pertinence and appropriateness of this matter. We actually have chosen up until this point in time not to pursue this as a first-order issue in terms of the reform of the Parliament. We have introduced, during the life of this Parliament, many reforms — indeed many reforms in the name of greater accountability and better processes to account for government actions. Where has that got us? The chamber has reciprocated that goodwill in relation to providing greater opportunities for, first of all, proportional representation in the state of Victoria, which was enshrined in the constitution; reforms in relation to the way in which question time runs, in relation to giving proportionality across the non-government part of the chamber, by providing for sessional orders that willingly take government questions out of question time; and, as recently as today, when ministers actually tried to exercise their right under the sessional order to give a ministers statement outside of question time, those ministers were sat down by a flurry of interjections.

We have a situation where today we have spent the majority of our day debating a resolution the intent of which is to expel me personally, on behalf the government, for six months — —

Ms Wooldridge interjected.

Mr JENNINGS — It absolutely is the intent of the resolution. Do not kid yourself. Do not kid us. Do not insult our intelligence or that of the people of Victoria about your intention, despite the fact that this government has been more responsive to documents motions than any of its predecessors. There has not been one government that has been more responsive to documents motions and the request for accountability than this government. This government has been the one that has actually allowed for the Chair to require additional follow-up written responses to questions in question time if they have not met the satisfaction of the Chair and, increasingly, not met the satisfaction of those sitting opposite. It is a very one-way street that we have seen in terms of the parliamentary reforms that we have seen so far.

The government has not been incentivised to make any further changes to the procedures of this place, because

when proportional representation was introduced to the committee structure across the Parliament were government members the beneficiaries of that? No, we were not the beneficiaries of that. We are the victims of that because increasingly, one after the other, those committees are working the members of the government into the ground on the basis of the unrealistic and unreasonable workload that those committees are subjected to.

The government has willingly introduced reforms. We have been willing to introduce continual refinements in relation to the hours of sitting in the other chamber. We have been prepared to consider that applying here. We have been prepared to consider improvements to the way in which the Public Accounts and Estimates Committee would work in the future. We are prepared to consider ways in which the structures of parliamentary committees will be enshrined by the standing orders, the sessional orders and, if need be, by legislation to enable a reasonable workload and representation across the committee structure by the Parliament of Victoria. I volunteer that that work, from the government's perspective and that of the Procedure Committee, has not proceeded at a pace that may be as desirable as what I would have originally intended and indeed the government would hope, but I volunteer that is the priority of the government in relation to consideration of the Procedure Committee.

Any further refinements, I would say to members, in relation to the way in which we embark upon representing this community, we are open to, the government is open to, but we have not been incentivised by the actions of anybody else, any other members of this chamber, in relation to their totally one-sided view about the interests of how this chamber should exercise its prerogative over the executive. It is a one-way street in terms of the respect that has actually been shown by this chamber in relation to that dynamic. For us to actually now potentially go into an area which may cause conflict within our community, the government is very cautious about the way in which it addresses those issues today.

The government recognises that we are a secular community. It does actually recognise that our rich cultural and religious diversity is a hallmark and strength of our community. We want to make sure that the way in which we treat one another and the way that we are accountable to the people of Victoria is respectful and mindful of that diversity, but we are also mindful of expectations that have been established and traditions that have actually led us to this situation today. We understand that, under siege, members of our community who may be attached to the Christian faith

and the variations of the Christian faith and who may identify with the Lord's Prayer may see it as somewhat confronting to see us here, two days before Good Friday, debating the potential removal of the Lord's Prayer from the procedures of the Parliament.

Anybody who has been in this chamber for many years or has otherwise heard my personal value system being put on the public record and has plotted that would know that personally I do not share that faith. I am not a practising Christian, but I am very respectful of those of faith, their value system and the decency that underpins their actions and their regard. When I come in here as an individual during the course of the Lord's Prayer, I listen to key messages that relate to a value system that I would seek to uphold. I actively pursue those values within the words of what I understand to be enshrined as a spiritual centrepiece of that faith in a message through prayer. That faith is one that I do not share, but in fact there is a value system that underpins it that I have a regard for.

I regard the ideas that we look to create a paradise on earth through our collective actions, that we have a commitment to work to overcome evil, that we actually forgive others and that we expect others to treat us as we would treat them as values that are deep, meaningful and respectful. They may not be expressed in the way that is the most secular or inclusive or recognised as such in our community. Some people in our community believe that that is confronting in its own right.

I was actually approached today by one of my colleagues of the Muslim faith who does adopt from his position of faith a similar position to my own in relation to seeking out the inherent messages and value system within the Lord's Prayer that can ring true to his value system and that he can identify with. That is the internal journey of connection with a prayer that may not be based upon our personal faith or belief. That is obviously something that for some members of this chamber sits uneasily in their ideological or philosophical framework. They cannot find a way of making that connection.

I have hopefully clarified to members why it does not create a great difficulty for me. In fact it is far easier for me to live with that than the affirmation I made when I entered the Parliament. I affirmed allegiance to Her Majesty the Queen, as all of us did. Everybody who comes into the Parliament of Victoria takes an oath or makes an affirmation. Do they believe it? Do they at any point in time say that they are not going to comply with it? Have they actually put their career on the line by saying that they do not agree with it or do not adhere

to it? Nobody who comes into this place and stays here does that — nobody.

In terms of the degree of accommodation of a value system, all of us have to make an accommodation and gain an understanding of the value system and the operating principles that underpin what we do here. If change is to be made in a way that could be seen as confronting, if change is to be made to elevate one issue of a body of priorities or the issues of how democracy should work in this chamber, then it is the government's view that we should do it cautiously and appropriately. We should do it in a thoughtful way across the whole Parliament. It should not be half of the Parliament that considers this. It should not be half the members of the Parliament that choose to take the opportunity to put their personal value system, in the name of secular inclusion, above the thoughts, respect and regard of others.

There are many aspects of Ms Pennicuik's and Ms Patten's contributions that I may personally identify with, but I also noticed that — whether it be in a passive way or in a slightly colourful way — there was a lot of provocative argument mounted in the course of their contributions that many members of our community may be highly affronted by. I think we should be mindful of that.

I think that it is appropriate for the Parliament not to proceed in a way that creates a division between the government benches and non-government benches or between this chamber and the other chamber. In terms of the priorities of the government on whether that work should be prematurely taken out into a public setting, those priorities are that we make sure that this chamber works in a respectful way internally, not with a contrivance of what aspects of the day we find to be respectful and what aspects of the day we do not find to be respectful. I think we all have to have a bit of self-reflection on whether we are consistently applying values and what we would expect of others. I would like to be treated by others the way that I treat them, and I am happy if that is the case. I do not see that that is what is happening in this Parliament, so in fact I am holding onto that aspect of the Lord's Prayer today in my contribution. I am confronting those who are proponents of this motion to reflect on it.

Respect is a two-way street, and I think we need to act in a respectful, cautious way when considering how this matter should proceed in the future. We did make a decision to enable the Procedure Committee to make a determination on this in its own right, to see whether there is an opportunity for it to work in collaboration with the Standing Orders Committee on the other side. I

did not get an opportunity to look at what the Presiding Officers' view may be on this subject. Again we have a motion before the chamber that may pre-empt our ability to find a more harmonious and collaborative way of dealing with this issue and to look at a way which is not divisive. I think the way the motion is dealt with is divisive in its own right. The government will not be supporting it at this time, because it is too narrow in the range of issues for which it is actually seeking to introduce change and it is too prescriptive in the way that it seeks that the work should be acquitted.

Ms WOOLDRIDGE (Eastern Metropolitan) — I appreciate having the opportunity to speak very briefly today on this motion from Ms Pennicuik. I also appreciate the opportunity of being able to follow the Leader of the Government. I have to say that there are not many speeches in this house elements of which I vehemently disagree with and then others that I very strongly agree with. In that last speech the Leader of the Government managed to generate that range of responses in terms of his contribution. Members will not be surprised that I vehemently disagree with his characterisation of the nature of the motion we were debating earlier today, which is clearly about getting documents which this house has requested, or of the spirit in which we engage in question time and the ongoing debates we have, which by and large — —

The ACTING PRESIDENT (Mr Elasmarr) — Order! Pursuant to standing orders, we have to move to statements on reports and papers.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

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

Ms LOVELL (Northern Victoria) — I rise to speak on the annual report of the Department of Economic Development, Jobs, Transport and Resources, volumes 1, 2 and 3. The Department of Economic Development, Jobs, Transport and Resources delivers much of the transport infrastructure that we have in this state. I presume that it is through that department that the new infrastructure fund from the \$7 billion sale of the port will be set up. We know that as part of those negotiations over the lease of the port the Liberal Party was able to negotiate with the government that 10 per cent of those funds will go to regional Victoria. I would like to congratulate Gordon Rich-Phillips in this house and Robert Clark and Michael O'Brien in the other house, who did those negotiations. Those three metropolitan-based Liberal members of Parliament

cared enough about regional Victoria to make sure that at least some of those funds would go to regional Victoria, unlike members of the Labor Party, who wanted to spend them all in metropolitan Melbourne.

I would like to talk about just a few projects in my electorate where that money could be spent. The first of those is of course the Shepparton bypass. This is a road that has been on the agenda for many years, since before I was a member of Parliament. A route had been decided, and there needed to be some work done on regeneration of habitat for some squirrel glider possums et cetera, but there has been nothing further happen on that road.

The Liberal Party did promise \$1 million at the last election for the planning of stage 1 of that project, but Labor failed to make any election commitments to the City of Greater Shepparton. I see that the Treasurer was in Shepparton last Friday and made some noises about funding an economic study, but we really want to see at least stage 1 of that bypass funded very soon, because that will give us a second river crossing between Shepparton and Mooroopna and help with east-west traffic across the city as well.

Of course the country roads and bridges program would be a good place for the government to start with funding. It could replace the \$160 million it cut from 40 of the smallest councils in regional Victoria. That has had a severe impact on many country communities and the roads and bridges in those communities. To re-fund that country roads and bridges program, which was set up by the Liberals, would be a fantastic start for this government.

Of course we know from the collection of employment data in January that 2000 jobs were lost in the Shepparton area. In fact unemployment in that area, which includes Shepparton and some of Moira shire, rose to 8 per cent, which is almost 2 percentage points above the state average. Youth unemployment is 14.2 per cent in this area, so a jobs plan for the City of Greater Shepparton and the Moira shire would be a great place for the government to spend some of that money.

On rail, it is a bottomless bucket up our way because our rail services are terrible. They have been ignored for many, many years. They were not the recipients of regional rail funding when the former Bracks government invested in some regional rail lines. In fact the RACV last October conducted a review which took into account the views of 18 000 people, and the Shepparton and north-eastern line came last. Shepparton station was the worst in the state and

Shepparton, Wangaratta and Wodonga had the worst services.

I would like to invite to the Premier to come up to our area and actually come on a train. In fact I had a constituent who did just that, but the Premier has fobbed that constituent off. Even the federal Labor candidate for Indi is saying that the government needs to invest more in regional rail services on the north-eastern line, and we hope to see the Shepparton line and the north-eastern line significantly upgraded using the money from the sale of the port.

The government could also look at Saturday and Sunday bus services in the City of Greater Shepparton. After lunch on Saturday the bus services are almost non-existent, particularly after 4 o'clock when they virtually stop, and on Sunday we have no bus services between Shepparton and Mooroopna. These would be some good projects for the government to start on.

Auditor-General: *Public Safety on Victoria's Train System*

Mr MELHEM (Western Metropolitan) — I rise to speak on the recent Auditor-General's report entitled *Public Safety on Victoria's Train System*. The report was handed down in February this year. It talks about the role that public transport services play in the community as being significant. Passengers should feel safe when using these services, regardless of the time of day or night. This is crucial considering that several studies have found that perceptions of safety have a greater influence on community behaviour than the actual crime rate. If people feel that their trains are safe, then they are more likely to use them.

The problem previously was that passenger perception of the safety of the metropolitan train system at night was poor. As a result \$212 million was committed in 2011 to develop the protective services officers (PSOs) program, which involves the deployment of two Victoria Police protective services officers to every metropolitan and selected regional train station from 6.00 p.m. until the last train. The aim of the program was twofold: to reduce crime, and to improve public perceptions of the safety of the train system.

The Auditor-General went on to say that due to a lack of data it was impossible to assess whether PSOs have actually had any impact on crime on the metropolitan train system. The Auditor-General found that PSOs have increased the perceptions of safety on Melbourne's train network at night. Hearing that perceptions of safety are improving is very important, especially when considering the introduction of

Melbourne's Night Network. What is equally important is to acknowledge and follow through on opportunities that could be utilised to strengthen the PSO program. Such an opportunity has been provided in the form of four Auditor-General recommendations. These recommendations have been accepted by Victoria Police and Public Transport Victoria, and they will be implemented.

These recommendations include:

That the Department of Justice and Regulation and Victoria Police evaluate the protective services officers program once full deployment has occurred, with a focus on demonstrating the achievement of objectives.

That Public Transport Victoria and Victoria Police develop and implement a strategy to address the lack of public awareness of personal safety and security initiatives on night-time trains, and monitor its impact.

That Victoria Police establishes a performance monitoring framework for the protective services officers program, which captures accurate and relevant data to inform future decisions to improve effectiveness and efficiency.

That Victoria Police, the Department of Justice and Regulation and Public Transport Victoria formalise a governance framework for strategic cross-agency coordination on personal safety and security on the metropolitan transport system.

As we can see, the recommendations try to address and fine-tune a process that will lead to a better train service in relation to safety. From personal experience I feel quite secure in the knowledge that when my 14 and 16-year-old children catch the train home from the city someone will be at that train station keeping an eye on them, making sure they are safe and they get home safely. The same could be said for a lot of parents with teenage kids who are able to use the train safely.

I want to commend both governments — the former government and this government — for continuing to invest in PSOs. The number of PSOs on stations has grown from 940 to 1145. It is important that we maintain these numbers, not just to create the perception but to reflect the reality that it is safe to take the train, day or night. There are people watching over our kids and our citizens to make sure they get to work safely and make it home safely whether it is day or night.

I commend the report to the house and congratulate Victoria Police, the Department of Justice and Regulation and Public Transport Victoria for accepting the report's recommendations. I look forward to their implementation and the next report.

Standing Committee on the Environment and Planning: rate capping policy

Mr RAMSAY (Western Victoria) — I wish to use my time in statements on reports to refer to the first report on rate capping policy, which the Legislative Council's Standing Committee on the Environment and Planning delivered to this chamber in December. I congratulate the committee members on the work that they have done, as this inquiry sort of coexisted with the inquiry into onshore unconventional gas exploration. I see Ms Shing here in the chamber, and she makes a valuable contribution to the committee as well.

I just want to refer to a couple of the issues that came out of the representations made by councils to the inquiry during the course of the last few months. Now that we are getting to the gritty end, where the rate cap will start to become an impost on the budgets of councils as they work towards formulating their budgets for the next year, the rate cap at CPI is no doubt going to pose a significant challenge to not so much the metropolitan councils but more the rural councils.

That is the focus of my contribution this afternoon because rural councils generally do not have as much capacity to raise revenue within their shires and councils as metropolitan councils do. An easy one for the metropolitan councils obviously is to apply an increase in parking fines and parking permits, which can overcome some of the shortfalls in revenue due to the cap, whereas shires like Golden Plains, Colac Otway, Surf Coast and others in my region have limited capacity to increase revenue.

They are going to be looking at two options: one is obviously to reduce the cost of administration or reduce some of the services that these rural councils have traditionally provided; the other is that they might well increase the debt of their council. This is an issue that I raised with the Essential Services Commission when its representatives came before the committee this week. It does concern me that many councils have already indicated to me that they will be raising their debt levels to accommodate the rate cap, and interestingly enough the Essential Services Commission indicated there has only been a very small number of councils that have actually applied for a variation to the cap that is imposed on them.

That says to me that there is going to be a reduction in the services that they traditionally provide — and no doubt councils will prioritise those services — or there will be a reduction in the cost of administration of the council, or there will be a significant review of council

assets that they may well dispose of, or there will be a run-down on asset maintenance, particularly on roads and bridges given the loss of the very successful country roads and bridges program, which provided \$1 million per year to 40 designated disadvantaged councils or rural councils across the local government areas of Victoria. Having that loss of direct income, a freeze on the index of the federal grants and obviously the rate cap, there is a significant impost on many of those rural and regional councils across Victoria.

We also have the farming community, which has been desperately looking at having an appropriate differential applied to their rates that can remove some of the financial burden from their rates bill as part of the costs of running their businesses. We know farmers are taxed on land, both productive and unproductive, whereas non-farmers are virtually taxed on house and curtilage, so there is very little capacity for councils to provide a significant farm rate given the impost of this rate cap.

So there are a whole lot of circumstances swirling around that are significant challenges to rural councils, and I think the ongoing six-monthly review by this committee of the rate capping policy is really important to see how councils are going to meet the challenge of the rate cap and to make sure there are provisions and assistance offered by the Andrews government to ensure that our rural councils are not disadvantaged to a point where they are not able to provide even the basic services and asset renewal that will be required of them going forward.

Law Reform, Road and Community Safety Committee: fuel drive-offs

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the Parliamentary Law Reform, Road and Community Safety Committee inquiry into fuel drive-offs report, tabled in March 2016. In all honesty I found the content of the report fascinating. We are all aware of the all-too-frequent instances of motorists filling their cars or vehicles at a service station and then simply driving off without paying. Personally I call it theft, but it is interesting to note the committee's equivocation of the intention of the motorist to drive off without paying.

It is wretched to see that fuel operators are losing confidence in the justice system to the extent that many operators do not even bother to report these thefts to Victoria Police, so it is difficult to quantify the actual number of times these thefts occur. I saw the correlation, or link, between high petrol prices and increased thefts and the apparent inability of the Australian Competition and Consumer Commission to

stop price gouging at the petrol pump. But even so, that is no excuse for theft. Low-quality closed-circuit television cameras in many service stations make it impossible to identify licence plates, incapacitating or inhibiting police in their investigations. There is also an insufficient data collection methodology by police to enable statistics to be accurate and up to date.

The committee's recommendations regarding a partnership between our police and the industry must happen sooner rather than later. With over \$10 million a year in lost revenue, it would appear to me that the industry needs to look seriously at implementing the recommendations made by the committee. They are sensible and practical and aimed at reducing the instances of theft of fuel from Victorian service stations. Further recommendations are aimed at an education campaign to highlight this serious issue to the general motoring public. It recommends twice-yearly meetings between the police, the industry and other relevant operators, with a view to looking at other methods of dealing with this problem. In the United Kingdom fuel operators have formed a peak body to specifically address these issues — the British Oil Security Syndicate. I think it would be a good idea to form a similar body here in Australia to represent and tackle this growing loss of revenue.

The theft of motor vehicle licence plates followed by filling up with fuel and driving off without payment is clearly a criminal matter. I look forward with interest to future developments in tackling and diminishing thefts of this kind, because ultimately honest drivers pay the price for higher fuel costs. It is imperative that the police and the fuel industry work together quickly, as we cannot allow this fraudulent or criminal behaviour to become the norm or accepted practice in the community.

I commend the parliamentary committee for its sterling work and the executive members of that committee for an outstanding report.

Auditor-General: Grants to Non-Government Schools

Mrs PEULICH (South Eastern Metropolitan) — I would like to use my time to talk about the *Grants to Non-Government Schools* report, which was tabled by the Victorian Auditor-General's Office (VAGO) this month. I try to get along to most of the Auditor-General's briefings. I did so today, and I was particularly impressed by the one on aquatic centres and local government. The quality of the reports is, could I say, variable. Some are exceptionally good and very useful, but the problem with some often boils

down to their having a methodology that does not quite sit comfortably.

Let me say that this particular report certainly provoked a very strong response from the non-government school sector. I know that the previous Auditor-General and I guess the current Acting Auditor-General have held the view that they need increased powers to follow the dollar. Because we are going into more and more public-private partnerships I can see that there is clearly a need to account for the public dollar.

When we are talking about the school sector, it is very different. One of the strengths of the Victorian education system and the Australian education system is their mixed economy, which gives parents and the community comfort that if their local school, be it an independent school or a government school, is not up to scratch, there is always an alternative. Also there is the flexibility to in actual fact find a school that has values and a culture that align with your own and that of your children's needs.

I have a very high regard for our non-government school sector. It receives funds from a range of sources, including the federal government, the Victorian government and student fees — so there are three sources. The Victorian government funds non-government schools through a range of non-competitive grants, and in 2014 the state provided \$640 million in grants to the non-government school sector, for both general and specific purposes. The bulk of state grants are provided as state recurrent grants. This is approximately 22 per cent of the overall government funding, when you consider the contribution the federal government grants make to the sector.

The audit examined whether the Department of Education and Training, non-government schools and their system administrators are effectively and efficiently managing and using grants. The Auditor-General concluded that there was limited assurance that grants to non-government schools are being used for their intended purpose or are achieving intended outcomes. From having been an educator in the public school sector for 15 years and being someone with a masters degree in education, I must say that I found some significant shortcomings in this particular audit. It certainly provoked a response from Stephen Elder, the executive director of the Catholic Education Commission of Victoria (CECV), who has said:

In section 3.4.2, VAGO's report casts ambiguity over whether the department permits the CECV to reallocate state recurrent grants between systemic schools, and implies that

the CECV is not accountable or transparent over how it allocates grants.

Mr Elder goes on to point out that the state government has endorsed the flexibility of the funding arrangements, which it provides to schools, and has always granted the sector the autonomy to administer those funds as it sees fit. Similar sentiments have been expressed by the independent school sector and others.

VAGO did not take into account the 78 per cent of funding that comes from the commonwealth and all of the accountability requirements that come with it. It means, for example, that none of the reporting that non-government schools are required to do on the My School website was taken into account by VAGO.

There are a number of agencies at both the state and federal levels that jointly fund and regulate schooling, including the Victorian Registration and Qualifications Authority, the federal Department of Education and Training and the Australian Charities and Not-for-profits Commission. None of these were considered as part of the reporting and accountability requirements of these agencies.

I would certainly urge the Department of Education and Training, which has accepted VAGO's report, to now work with the non-government school sector to pick through the recommendations that are relevant and take into account all of the accountabilities VAGO did not consider within its scope to make sure that we have not burdened our non-government school sector with excessive red tape and demanded of it a level of accountability that was already accounted for by other agencies. With those few words, I say that I found this report disappointing.

Auditor-General: *Grants to Non-Government Schools*

Mr EIDEH (Western Metropolitan) — I rise to speak on the Victorian Auditor-General's report *Grants to Non-Government Schools*. I would like to acknowledge and thank the Acting Auditor-General, Dr Peter Frost, and his team for their research and the production of this very important report.

This year \$676 million in financial assistance will be provided to non-government schools, which provide education to more than a third of Victorian schoolchildren, and that comes directly from Victorian taxpayers. There are four system authorities for non-government schools in Victoria. The largest of these is the Catholic Education Commission Victoria, which acts for 493 Catholic schools across Victoria. The other system authorities are the Lutheran system,

which oversees 15 schools; the ecumenical system, which from this year oversees 16 schools; and the Seventh-day Adventist system, which oversees 5 schools. In addition to this, there are currently 171 non-government schools that do not operate within one of the above systems.

The Auditor-General's report assessed the use of state government grants in 2014, which amounted to \$640 million. The vast majority of these figures were untagged. It is a requirement that schools must use these grants to meet the general recurrent costs of providing education programs and must not use funds for capital expenditure, but the schools determine how the funds are spent. For example, this is seen in how the Catholic Education Commission Victoria reallocates over \$400 million in recurrent grants to Catholic schools using its own methodology. The Department of Education and Training (DET) has noted that it has very limited visibility of the Catholic Education Commission Victoria's methodology and the revised allocations provided to Catholic schools. As such, the Auditor-General has recommended it clarify any conditions and reporting associated with reallocating recurrent grants.

Overall the audit found, and I quote:

... there is limited assurance that grants are used for their intended purpose or are achieving intended outcomes. There are significant weaknesses in DET's funding agreements with system authorities and non-government schools, and its management of grants has been poor. There has been limited oversight of the non-government school sector by DET, and this has resulted in a lack of transparency and accountability for the use of state government grants.

The audit revealed that there is limited assurance that grants to non-government schools are used for their intended purposes or are achieving intended outcomes. This is due to weaknesses in funding agreements and the Department of Education and Training's ineffective grants management, including limited oversight of grant recipients and their use of grants, and inadequate monitoring and reporting. I would also like to mention that most schools which received targeted funding for students with disabilities or grants under the support services program could not demonstrate that funds were used for their intended purpose.

The report made a number of recommendations focusing on improving funding agreements, clarifying record-keeping and reporting requirements and strengthening the oversight and monitoring of the non-government school sector. I was pleased to have read that the Department of Education and Training has acknowledged and accepted the need to improve arrangements and accountability for the use of state

government grants and to accept all of the report's recommendations. I commend this report to the house.

Auditor-General: *Public Safety on Victoria's Train System*

Mr DAVIS (Southern Metropolitan) — I am pleased to rise in the statements on reports and papers debate to talk in part about two of the reports, one being the Auditor-General's report on public safety on Victoria's train system. I will also make some comments about the Environment and Planning Committee's first report on rate capping.

Public safety on our rail system is important, and it includes safety matters around stations. The coalition government of course put very significant protective services officer (PSO) support in, which has certainly assisted with the perceptions of safety. For that reason I am always very concerned when I see the government not supporting that PSO policy. We have seen with the so-called Homesafe late-night trains that there will not be police or PSOs on many of the stations that are not premium stations. I know that in electorates such as Prahran there are four stations that will not have PSOs on them overnight, and I think that is a significant issue for safety on our trains and in surrounding environments.

On the matter of safety, I also think it is important to put in context many of the discussions around sky rail at the moment. Many people have raised with me issues around public safety and sky rail. Some have pointed to not only the noise impacts of sky rail but importantly also the diesel fumes that would be released very high in the air. It is one thing to have diesel at grade or even preferably in a trench, where it is not high in the air, but if you put it up to 20 metres in the air, it will spread over a significant distance.

Mr Dalidakis — Twenty metres?

Mr DAVIS — Twenty metres. If you look at the height of the sky rail you see that in some places it will be up to 15 metres high, plus the additional height of the actual trains themselves.

Mr Dalidakis interjected.

Mr DAVIS — That is a very significant impact, and that diesel will go a significant distance. It is all very well for Mr Dalidakis, but he is not listening to his community. I know that many people have been concerned about this aspect, and people are also legitimately concerned about derailments from this massive height, about having a massively high sky rail cutting through a suburb with containers on the back of

trucks and about the safety concerns that come from potential derailments. This is not the first time there have been derailment issues around our state. In other states there have also been issues of this type.

Mr Leane — Chicken Little!

Mr DAVIS — You may say ‘Chicken Little’, but I am genuinely concerned about the safety of my community. What I would say is that the government has done nothing to assure the community. In fact everything the community sees has made it more concerned. It has had the hard treatment from the Level Crossing Removal Authority and its officials, the to and fro — —

Mr Dalidakis — Tell Hansard: when was the last time you used a train?

Mr DAVIS — Last week. I went down to Prahran, and I go to Prahran very regularly. So let me make it clear — —

Mr Dalidakis interjected.

Mr DAVIS — I do.

Mr Dalidakis interjected.

The ACTING PRESIDENT (Mr Finn) — Order! I say to the minister that this is not a forum; it is the Parliament.

Mr DAVIS — On Sunday I went to Brighton on the train. On Sunday I went to Brighton to celebrate the outcome with Mr Tim Wilson in the Goldstein preselection. I went down to Middle Brighton station from Hawthorn.

Mr Dalidakis interjected.

Mr DAVIS — That is right. It is 37 minutes, and I was able to do it very effectively and to join the celebration with Mr Tim Wilson down at Middle Brighton.

Let me be quite clear that the groups in the Oakleigh electorate and in the Murrumbeena-Carnegie area have been very effective in putting together alternatives, and the government should listen to those alternatives. I pay tribute to the models that have been put out by Peter Permezel, Mark Nicoll and Ed Meysztowicz. I think they have done a very good job in putting out alternatives to the government’s sky rail. They have worked through many of the engineering challenges and many of the sequencing challenges. That is not to argue that there are not more challenges, but they have put on the table a very significant model which is an

alternative to the government’s ugly, noisy, unsatisfactory sky rail that nobody voted for. Nobody saw this before the election. Mr Dimopoulos, the member for Oakleigh in the Legislative Assembly, and others misled the community. The Premier misled the community. The behaviour is appalling, and I pay tribute to those in the community who put up alternatives and are prepared to stand up and fight for their community, unlike the minister over the other side of the table, Mr Dalidakis.

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

Victorian fire services review: report

Ms BATH (Eastern Victoria) — I wish to speak this afternoon on the report of the Victorian fire services review and its terms of reference, looking at how our fire services can be improved to reach their full potential. Firstly, I would like to acknowledge the passion and dedication shown by all Victorian firefighters. In my electorate of Gippsland there is substantial native forest and bushland, and our local firefighters play a vital role in protecting life and property. Unfortunately Gippsland has experienced some horrific fires, including during the Black Saturday bushfires in 2009. Sadly many lives were lost, and our emergency services were pushed to their limits to try to control the worst bushfires in our nation’s history. I have nothing but respect for the men and women who put their lives on the line to help protect our communities in Gippsland.

Our fire services contribute to our regional communities in many ways, whether that be through running base camps, responding to hazardous material incidents, assisting in road accidents or providing community education. They are a huge part of the fabric of our country communities.

It was therefore disappointing for me to learn in reading the report that no site visits were made to Gippsland as a part of this review. The review visited 18 brigades across the state to hear about the unique challenges, yet Gippsland is absent from this list. Gippsland has many of its own unique challenges in terms of fire. Nearly 90 per cent of Australia’s brown coal reserves are located in the City of Latrobe, and the power stations produce approximately 87 per cent of Victoria’s electricity. We have already experienced a significant mine fire, back in 2014, when a fire burnt in the Hazelwood coalmine for 45 days. Gippsland has many national parks with a significant amount of native eucalypt forest, which we know is extremely fire prone.

Why, then, Gippsland was overlooked for a site visit is beyond me.

Overall the report consists of some fairly emotive language, with descriptions such as:

... the relationship between the leadership and firefighters seems like trench warfare.

Morale in the fire services was described as extremely unhealthy and at its lowest ebb in decades. The report goes on to say that if things were to remain the same amongst our fire services, it would potentially pose a risk to the Victorian community. I think this is an unfortunate turn of phrase, and I believe our communities are well served by our hardworking firefighters. They do the job because they are passionate about saving lives, and anything identified as infighting can largely be attributed to the lack of support from the Premier, Mr Andrews, who made promises at the last election to the United Firefighters Union which he has not fully delivered on. At the last election the United Firefighters Union had 700 members working at 109 polling booths to get Labor elected. To get their support Mr Andrews made promises he should never have made, and when it comes to Mr Andrews, promises, we know, are not always as they seem.

I have concerns about the recommendation for merging the fire services. I know the current Minister for Emergency Services has promised that the government will not merge the Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB), but Victorian citizens know that Labor is in the habit of renegeing on promises. I do understand that there has been a lack of coordination between the MFB and CFA. There are ways to improve this without merging the two bodies.

Another concerning element within the report is the lack of training, particularly for rural firefighters. The report states also that despite the introduction of mobile props there is relatively limited access to hot-fire training for firefighters in rural areas. This is an issue I hope can be addressed immediately to ensure our country firefighters receive adequate training to prepare them for the varied experiences they face in the job of protecting our communities.

The review considers standardising personal protective clothing, equipment, appliances, training and communications, and I agree with this. Firefighters need to be consulted on vehicle designs as well as on equipment to ensure that they have appropriate requirements for their needs. Overall this review has highlighted a number of areas in our fire services that need to be improved to ensure lives and property can be

protected and that working conditions for firefighters are improved.

It is a real concern that a culture of bullying and harassment has been identified in this report, and I hope that the Andrews government condemns this behaviour and truly supports our Victorian fire services, particularly recognising the value of our rural and regional firefighters across the state. My hat goes off to the CFA members in Gippsland.

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

Mr DRUM (Northern Victoria) — My contribution will be on the annual report of the Department of Economic Development, Jobs, Transport and Resources. If you look through the various graphs that are put in place, you can see all the various indicators and the units of measurement and whether or not the targets have been achieved and whether or not they have been a success. Certainly there are a range of economic development indicators here where the markers and the expectations and the targets have not been met. Service delivery into regional Victoria is one of those areas. The report also explains some of the cost overruns of some of the major projects, including the market at Epping and some of the problems associated with that.

As Ms Lovell has pointed out, this department has overseen the dramatic cutbacks in the road budgets for regional Victoria, and it has overseen in this financial year — not in the previous financial year but in this financial year — the total chaos associated with the train services, both in the metro service and also in regional Victoria. Never before have we seen our public transport services in such a mess as what we have seen in the last four or five months. Jacinta Allan has been trying, firstly, to blame previous governments, and secondly, when she realised there is no other government to blame and can only blame her own inaction, she has been forced to effectively go to ground to try to get these problems, such as the wheel-wear problem, fixed as quickly as she possibly can. It really has been an absolute mess, and the introduction of so many bus services right around Victoria to try to make up for the cancelled rail services is something that has caused an enormous amount of concern right around the state.

In relation to the various roads programs and the cutting of the road budgets around Victoria, again this is something that has caused an awful amount of angst right around regional Victoria. We have seen a raft of funding cuts for what we would call traditional and

standard road maintenance of the state's B-class roads, and what is more, there has been the abolition of the country roads and bridges program. Whilst we have had some major road developments going on with the duplication of Princes Highway west and also with Princes Highway east — there is significant work going on there and on other major state and national highways — it has been the cutting of the local roads and bridges program that has had the biggest impact on many of our smaller councils and therefore our rural and regional areas.

This is something that is going to cause enormous damage to a whole raft of vehicles right across regional Victoria. As a member of Parliament you can find that out by going along to a field day or an agricultural exhibition and talking to some of the exhibitors about how they are going in relation to getting their produce to market. This is one of the real impacts. When a state government refuses to invest in country roads, you end up chewing up tyres and you absolutely wreck the vehicles that take our produce to market. The government seems to be totally unaffected by the damage that it is causing to each and every one of these vehicles that is on the road.

It is a great opportunity for the department to have a really good look at some of these indicators. God help us, Acting President Finn, when it has to put together next year's annual report, because you will see the mess and the carnage associated with the lack of investment in the rail system and you will see the lack of investment in the roads really start to come home. We have now moved well into the financial year, right into the last stanza of the financial year 2015–16, and that will be borne out in this document in 12 months time. I really hope that it is rammed home to this government that this lack of investment in regional Victoria has real consequences.

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

Mr ONDARCHIE (Northern Metropolitan) — I rise to make a statement on the 2014–15 annual report of the Department of Economic Development, Jobs, Transport and Resources.

I will start by talking about the automotive sector — a manufacturing sector that is due to finish over the course of the next 18 months, with Ford announcing its manufacturing closure in October 2016, to be followed by General Motors and then Toyota in November 2017. This government, the Andrews Labor government, is silent on what it is going to do for all those workers — absolutely silent. It has totally ignored its core

constituency here, and I would ask it, as I have asked the minister, as has been asked by the Public Accounts and Estimates Committee, as has been asked on a number of occasions: exactly how many employees are going to be affected by the shutdown of the automotive manufacturing sector? And that is not just the manufacturers themselves, because the government is trying to tell me the numbers of employees at Ford, Toyota and Holden but it forgets the supply chain, it forgets the ancillary services and it forgets the other workers who are going to be affected by this. I asked it how many, and the answer is it does not know. It does not know how many are going to be affected. And do you know why it does not know how many are going to be affected? Because it does not have a plan. It does not have a plan to support those workers or to provide jobs for those skilled workers.

The Victorian economy is stalling, absolutely stalling. Daniel Andrews, the man of many promises and little delivery, said when he came to government, when he became the Premier, that he would create 100 000 new full-time jobs in the first two years of his government. Well, he is eight months away from that 100 000 target, and where is he on this? Where exactly is he on his target? Since December 2014 there have only been 40 591 full-time jobs created in Victoria. He is still 59 409 jobs short of his 100 000 jobs, and he has only got eight months to deliver them.

Let us contrast that with what Premier Mike Baird is doing in New South Wales. Since December 2014, 110 735 new jobs have been created in New South Wales. New South Wales is powering ahead of Victoria because Daniel Andrews does not have a plan for Victorian workers. He does not have a plan. But do you know what does happen in the Daniel Andrews government? Members stand up and make audacious claims that they are going to bring stuff to Victoria. They stand on the steps of Sydney town hall and announce that the 2016 StartCon conference is coming to Melbourne — and where is it going to be held? In Randwick. It is going to be held in Randwick.

So much for spending \$1 million bringing StartCon to Victoria; it is going to New South Wales. The Minister for Small Business, Innovation and Trade thinks exporting good ideas is exporting them to New South Wales.

Mr Dalidakis — We've not spent a thing.

Mr ONDARCHIE — He claims, 'I've not spent any taxpayers money on attracting StartCon to Melbourne'. Not spent any money — well, who paid for his airfares? The taxpayer. Who paid for his internal

travel? The taxpayer. Who paid for his accommodation? The taxpayer. Who paid for his staff to get there? The taxpayer. This guy cannot add up — that is the problem — and it is tantamount to what is happening in Victoria.

Mr Dalidakis — You make stuff up.

Mr ONDARCHIE — You make stuff up when you announce StartCon is coming to Melbourne.

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

Mr ONDARCHIE — Let us then talk about the transport component of this report. Let us talk about Mernda rail, that often-promised project of Mernda rail that they are going to have ready by 2018. The fact is they have not turned any dirt yet. It is highly probable, given the discussions out there, that there is going to be an element of sky rail. It is going to be elevated above places like Bridge Inn Road, and those opposite will not rule it out. The proposed design is going to go right alongside the retirement community. I thank Lionel and Shirley, who live out there, for indicating that that line is going to go right behind their unit. They are asking, ‘Will there be sound barriers? Will there be sound barriers to protect us from the noise, in our retirement home?’. And what is the government saying? The government is saying nothing.

Equally, last time it was in government it promoted, through the Urban Land Authority, the development of Aurora in Epping North. It promised the people of Aurora, ‘You’ll get bus services. You’ll get a new train station in Epping North. We’re going to do all this for you’. And what did it deliver to the people of Epping North? Nothing. Yet the members for Thomastown and Yan Yean in the Assembly have been absolutely silent on that. I thank Alex, who lives out there, for saying time and time again that he made a housing investment into that area — many people did — on the promise of the previous Labor government to deliver all these things. And what do they get from this government? Nothing.

This is symbolic of what Victoria is getting — a government that is all talk and little delivery. And not only that, StartCon is in Randwick.

ADJOURNMENT

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the house do now adjourn.

Shepparton Festival

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Creative Industries, and it is regarding future Victorian government funding for the Shepparton Festival. My request of the minister is that he commit to a new multiyear funding agreement to secure the future and ongoing success of the Shepparton Festival.

The Shepparton Festival is the premier annual arts and culture event on the Greater Shepparton calendar. I have been proud to support the festival for the past 20 years, and I have been thrilled to attend festival events each and every year. This year I was delighted to be joined at the opening night event by the shadow minister for arts and culture in the Assembly, Heidi Victoria. Heidi was warmly welcomed at the event as it was she, as Minister for the Arts in the former Liberal government, who provided the festival with its current multiyear funding agreement.

The festival, which this year celebrated its 20th year, continues to grow and solidify itself as a major calendar event for regional Victoria. It is made up of a diverse program, combining local community-created artwork with professional artistry, ranging from mainstream to more innovative works. It was a bronze winner at the 2015 Victorian Tourism Awards and this year had 49 exhibitions and events under the theme of ‘Be Consumed’. It should be noted, too, that 31 of the events in this year’s festival were free. In short, there is something for everyone.

The Shepparton Festival is so important for our region, which on both a local and a statewide level struggles against a negative image of our community. The festival website reports that the Shepparton Festival:

... has had an impact on the way Shepparton views ‘itself’ and is viewed by others.

It has:

... played a major role in changing the face of the arts culture in the region by giving the arts a greater profile and acceptance.

We all know that art and culture are aspects that are important to a well-rounded and thriving community, and greater Shepparton, one of the state’s most disadvantaged areas, needs a strong, permanent art and culture presence.

In March 2013 the future of the Shepparton Festival was in doubt without the ability to employ a professional artistic director. A multiyear funding agreement provided by the Napthine government gave

the festival the certainty to engage Ros Abercrombie, who has been the artistic director for the past three festivals. As the multiyear funding agreement expires this year, the Shepparton Festival is now in need of certainty of future funding to ensure that the festival can continue. My request of the minister is that he commit to a new multiyear funding agreement to secure the future and ongoing success of the Shepparton Festival.

Calder Highway Ravenswood interchange

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety and is in relation to the VicRoads Ravenswood interchange project. The action I seek is that the minister halt the project to complete a proper environment effects statement (EES), rather than relying on a 2000 EES from the Jock Comini reserve section of the project, and that a contemporary environment effects statement consider the full scope of the environmental impacts of the project, including but not limited to the amount of trees and vegetation that will be affected by the project; the amount of vegetation loss from the project; the impact on the hydrology and water table from vegetation loss; the impact on salinity and erosion in the local area due to vegetation loss; whether any vegetation offsets will be located in the near vicinity of the project; and consideration of climate change impacts in terms of vegetation and carbon loss and the ability for offsets to succeed into the future.

The loss of trees caused by the Ravenswood interchange project and the Jock Comini truck stop project is concentrated and extensive. In the case of the interchange, it will see 1874 trees removed, 320 of those trees being over 70 centimetres in diameter at chest height. In relation to the Comini project, it will see 625 trees removed, 25 of those trees being over 70 centimetres diameter at chest height. In total that is 2499 trees proposed to be removed as part of this project.

This landscape is unique, and the trees are genetically diverse and the last survivors of their kind. The red gum in this area is specific to the granite country and colloquially called the granite red gum. It is a remarkable area for yellow box. The removal of 400-year-old to 800-year-old trees is a tragedy. Long leaf grey box and yellow gum specimens are genetically unique too, and the habitat provided by these trees is irreplaceable.

In late 2015 the issue of tree losses at the Ravenswood interchange project site was drawn to the attention of the Bendigo Greens. As a result the Greens have had three meetings with VicRoads — on 19 and

30 November and 10 December 2015 — and ascertained information in relation to the tree loss. They note that VicRoads staff have been obliging and informative, delivering background, design and environmental information as requested. The minister must act to ensure a proper environment effects statement is completed before we see such detrimental vegetation loss in the region.

Kindergartens

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Families and Children, the Honourable Jenny Mikakos. Victoria can be rightly proud of its kindergarten sector and its kindergarten participation rate. Research shows that all children benefit from kindergarten in their school years and beyond. Long-term studies have shown that children who attend preschool education have improved job prospects and higher wages when they enter the workforce. But sadly there are still too many children missing out on kindergarten, and some of those who are most at risk of missing out are our most vulnerable children. We know that one of the barriers for them is that sometimes their family might enrol late and that they might be turned away because no place is available.

This is just not good enough. We want all of our kids in kinder. We never want a child to be turned away. That is why I was pleased to see the announcement this year of a new pilot to prepurchase kindergarten places and to reserve them for the children who need them most. Can the minister outline how these prepurchased places will operate in practice and how many participating kindergartens there are in Western Metropolitan Region?

Monash University Berwick campus

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Minister for Training and Skills, and it is in relation to the fate of the Monash University Berwick campus. Today we had some questions without notice in relation to this matter because it is such an important matter for the growth corridor that I represent in the Casey-Cardinia region.

I have received a letter from the chief executive officer, Mike Tyler, on behalf of the Casey council, asking for assistance to secure this site as an ongoing educational facility. I would like to quote one paragraph. He said:

Council is disappointed at the decision to withdraw from the Berwick campus which has provided university education in the municipality and supported the Casey-Cardinia region for

more than 20 years. It is particularly disappointing that this decision has been made even though the Casey-Cardinia region is the third fastest growing region in Australia and will have a resident population approaching 700 000 people by 2041 and faces the prospect of not having a university located here to serve that large community.

I think we need some thinking done. I know the council has a very able board. That has included the member for Narre Warren South in the other place, Judith Graley, in the past. She resigned just before Christmas, obviously wishing to distance herself from this challenge.

I call on the minister to see what can be done to secure this facility for a really important region. Some phenomenal challenges face that region; transport is one, and congestion is a huge problem. Many of the roads are country roads carrying city volumes of traffic. Most of the population travels out of the Casey area to work, and of course with the loss of such an educational facility it means that most of the students seeking further education also need to travel out of the area. I think that is short-sighted. I think we have got to take a longer term vision, and I call on the minister to take whatever action is possible to secure this site as an educational facility. Yes, it may need to be reshaped and refocused on some of its strategic strengths and the needs in the area, health obviously being one. I know that the vice-chancellor has been contemplating establishing a health precinct. I think that has some options and, coupled with training and education, would mean that this area would be served well. We would actually have prospects of retaining this facility to serve the present and, more importantly, the future needs of the Casey-Cardinia area.

Deakin University Warrnambool campus

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Education, and it is in regard to tertiary education, in particular the Warrnambool campus of what is currently Deakin University.

There are discussions underway at the moment for Federation University to take over the Warrnambool campus, which would include honouring the existing student course commitments. It is understood that Deakin University would commit somewhere of the order of \$50 million to an organisation willing to take over that campus once Deakin has exited, and there is something of the order of about \$30 million in total to honour the courses and turn the university into a profitable entity. Unfortunately the Warrnambool campus is in a bit of a mess at the moment, and timing is critical as the Deakin announcement has not been

great for 2017 enrolments. It has been estimated that it will require \$30 million and about five years to bring this campus up to date. The \$15 million that Deakin University will commit will discharge its obligations and allow it to walk away.

This presents a unique opportunity for the region to reshape the university to meet the needs of rural students. The course offerings can create incentives for locals to study at the university and also create excellence in those fields that would attract students from this particular region.

The community is deeply involved in this. Last Friday I attended a meeting of about 600 local residents. Minister Pulford and I were on a panel, and it was a sign of the times that of the seven members of the panel, I was the only male, which was great to see. A common sentiment amongst residents is that the courses must be designed to meet the needs of regional students and should concentrate on subjects we can do well, which include agriculture, renewable energy and marine science. But we will not get that opportunity if the campus is closed. Everyone else has done their bit, and now it is time for the federal government to step up to the plate and for local federal member, Dan Tehan, to assist with a rescue package.

I therefore ask that the minister meet with his federal counterpart, the Minister for Education and Training, to urge him to provide the funding required to keep the Warrnambool university campus open.

Monash Freeway widening

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Roads and Road Safety, Mr Luke Donnellan. I was pleased to hear the announcement that three construction teams have been short-listed to complete the design and construction of the additional lanes on the Monash Freeway. This much-needed project will see almost 45 kilometres of the freeway upgraded and will include the widening from four to five lanes each way between the EastLink interchange and South Gippsland Freeway and the widening from two to three lanes each way through to Clyde Road in Berwick. This project is strongly supported by many of my constituents, and they are very pleased to see it progressing.

Given the recent announcement of short-listed tenders, I ask that the minister take action to award the final tender as soon as possible so that this project can be completed expeditiously.

Melbourne Regional Landfill

Mr FINN (Western Metropolitan) — I wish to raise a matter tonight for the attention of the Minister for Environment, Climate Change and Water. Last week I attended a meeting along with a number of colleagues, including Mr Melhem, Ms Hartland and Ms Kairouz from the other place, at Catholic Regional College, Caroline Springs. There was a full house as hundreds of people had gathered to express their disgust at the proposed expansion of the Ravenhall tip.

The Ravenhall tip, for those who may not be familiar with it, is a filthy big stinking hole in the ground that leads quite often to illnesses for the local residents, affects families in their homes and is one of the more unpleasant aspects of living in what is otherwise a very nice place. Caroline Springs is a very nice place, as I am sure Mr Melhem will attest, but this particular tip is causing no end of trouble, and the fact that it could be expanded to four times its current size is causing considerable angst, to say the least, in local communities.

Many at the meeting expressed their anger at the Environment Protection Authority (EPA). They said to me and to others, and publicly at the meeting, that they had contacted the EPA on a number of occasions about the stench coming from the tip and were yet to receive any satisfaction from the EPA at all. They feel that they have nowhere to go because they have made complaints and, as I said, despite the stench, they get no satisfaction at all from the EPA. I can certainly understand and sympathise with their plight. Can members imagine what it must be like to be in your own home and be swamped by the stink from a nearby tip and, when you ring the EPA, to get no satisfaction at all? The EPA just does not want to know. It passes the buck, and that is something that I find quite appalling.

So I ask the minister to direct the EPA to take complaints about the Ravenhall tip seriously and act when the stench reaches intolerable levels, which I hasten to add is something that happens on quite a regular basis. I ask the minister to act on this. It is a major problem, and we expect the EPA to do its job.

Gatehouse Dandenong young women's project

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter this evening is for the Minister for Families and Children, Jenny Mikakos, and pertains to the important work of Dandenong Gatehouse and its young women's project. This is a project that started just over a year ago targeting girls and young women between the ages of 12 and 25 who are at risk of or

engaged in sexual exploitation in the south-east. It is an initiative of St Kilda Gatehouse. While it does have these parameters, it is a flexible program that responds to the needs of the community, and it has in its short history assisted girls outside the immediate Dandenong region, including girls and young women from Rowville, Frankston, Berwick, Mentone and Koo Wee Rup. It also has on occasion supported vulnerable girls as young as 10 and women as old as 27.

The forms of sexual exploitation that the program endeavours to address include under-age arranged marriages, paedophile rings, boyfriending and grooming, parental involvement in movement, sex for exchange, survival sex, family violence, parental involvement in sex work and the occurrence of enmeshed parenting. The young women's project currently provides a number of supports to young women, including one-on-one outreach support, therapeutic support, intensive centre-based one-on-one support, group work, mentoring and an open-door space.

This is important work. Many of the girls accessing these services are extremely vulnerable. Many have had involvement in the statutory child protection system, have spent time in out-of-home care and are from backgrounds of disadvantage. Over a quarter of the girls and young women accessing this service have a disability. Access to a program like the young women's program can mean the difference between breaking a cycle of high-risk activities that can often lead to other dysfunctional or criminal behaviour and not breaking it. It can mean the difference for some young women between a hopeful future and not having one.

Gatehouse Dandenong is a unique program. The foundation of the work done with these girls is relationship-based, focusing on empowering them to make informed choices based on self-respect. The program works towards positive pathways out of exploitative situations in a loving, respectful and non-judgemental environment. While some might classify this approach as old school, it absolutely works and consistently shows positive outcomes for girls exiting the program. Consequently the team at Dandenong Gatehouse is inundated with work, as young women are regularly seeking support. The young women's program receives an average of four to five referrals each week. Providing education and training to the sector is also a regular request of Gatehouse Dandenong, and more funding for the group work program and therapeutic support is vital for the longevity of the program.

Current capacity cannot meet demand, and therefore the action I seek from the minister is to meet with the staff of Gatehouse Dandenong to discuss possible avenues for government support and funding to increase human resource capacity to ensure this program continues in a sustainable and effective way.

VicTrack vacant rail buildings program

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Public Transport, and it is in relation to VicTrack's work in refurbishing disused but historical train station buildings. Last week I had the pleasure of representing the minister in Dunkeld to officially open the newly refurbished Dunkeld train station building, following a \$360 000 refurbishment funded by VicTrack's community use of vacant rail buildings program. This upgrade actually brought the station from being a 19th-century building to being a 21st-century one in that it now has amenities that will provide for a number of activities in the building. It is managed by the local group Off the Rails, which is an artistic community group. It is also heavily supported by the Dunkeld Progress Association.

As I understand it, there are quite a few historical railway buildings in the electorate of Western Victoria Region. I know that there are many communities that have started working out what they want to do with the usage of those buildings. They are wanting to know whether funding streams will be available so that they can pursue their vision and their dream for their local community. The action that I seek from the minister is for her to provide me with a briefing and any other information that she may have so that I can be informed of the minister's intention in relation to that program.

VicRoads land

Mr DAVIS (Southern Metropolitan) — Today I wish to raise a matter for the Minister for Roads and Road Safety in the adjournment debate. It concerns the Dorothy Rogers Reserve in Kew. This is a long-established reserve, and indeed I lived on the very road it is on, Studley Park Road, for 20 years, so I know the area very well. Kew does not have a lot of open space in and around Kew Junction. It has a tiny reserve on the south side of the junction — the Raoul Wallenberg reserve. I was at the unveiling of a plaque there in the 1980s. It also has a reserve up on Cotham Road. But around the junction itself there is very little open space and very little public plaza space available.

The government has a plan to demand the sale of the Dorothy Rogers Reserve, which is a small reserve next

to 1 Princess Street, Kew. It is a reserve next to a bus stop that has some significant vegetation and canopy tree coverage. It would be a tragedy to see that reserve sold, and it would be a loss of open space in Kew. The Minister for Roads and Road Safety ought to bring VicRoads into line. It is that agency which is seeking to dispose of the reserve. VicRoads has made an offer to the council that it can buy it if it wishes. It is true to say that the council has maintained this land for many, many decades — as far back as people can remember. This sort of public land ought to remain, in my view, in public hands. There is no reason for a change of ownership of this land. It is public land being used for public purposes, adding to the canopy, the vegetation and the protection of the area. It provides an open space for people to have lunch, congregate and enjoy its beautiful surrounds.

The government also has a planning policy to increase densification and intensive development in and around Kew Junction. Many have some concern about the scale of the intensification that is occurring. We all understand that there does need to be some modest increase in density, but the scale of this is of concern. I was pleased to join Cr Phillip Healy; Tim Smith, the local member for Kew in the Assembly; Andrew McIntosh, the former member for Kew; members of the historical society; members of the Protectors of Public Lands Victoria; the Boroondara Residents Action Group; and others at a very important Sunday rally. I was very happy to speak at that rally. It was clear that the message from those there is 'Do not sell this land. Do not get rid of this public land. Retain it in public ownership', and I ask the Minister for Roads and Road Safety to reconsider his decision to sell it.

Firearms licences

Mr BOURMAN (Eastern Victoria) — My adjournment matter today is for the Acting Minister for Police in the other house. Security is one of the cornerstones of effective firearms control. Whilst it is clear that criminals do not and will never care about any legislated controls, it is incumbent upon us as law-abiding firearms owners to provide adequate security of our firearms in line with the various laws. It is also incumbent upon the relevant authorities to ensure that their part in the security equation is fulfilled.

When a shooter's licence is lost, the home address of the shooter and what categories of firearms that they have on it are then out in the wild. Licensed gun dealers in particular have access to more firearms than the average recreational shooter; after all it is their business. Dealers licences have the licensed individual's home address on them as well. It was possibly coincidental

that the list of licensed dealers disappeared from the Victoria Police website after a spate of aggravated burglaries on some of the smaller dealers.

I call upon the minister to conduct a review of the physical aspects of licences to ensure that the absolute minimum amount of information required to properly administer the law is contained on them. After all, these controls are about the safety of the licensed shooters as well as the general public.

Knox Innovation, Opportunity and Sustainability Centre

Mr LEANE (Eastern Metropolitan) — My adjournment matter tonight is directed to the Minister for Education, James Merlino, and it pertains to the Knox Innovation, Opportunity and Sustainability Centre, also known as the KIOSC trade training centre, in Wantirna. It is actually inside the Swinburne University precinct, but the provision and the work that gets done comes under Mr Merlino's department. This is a place where students from a number of secondary schools come to experience an innovative way of learning around future industries, and a lot of learning around future green industries, which I think is very important. The centre has taster programs for students in years 7 to 12 so they can experience different types of employment opportunities and what is actually out there. It is a fantastic place, and I am a huge fan of it.

The action I seek from the minister is that he and his department continue to support the KIOSC trade training centre, particularly with budget time coming up, and to ensure that this trade training centre is looked after financially and physically by him and his department.

Nurse registration

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Health. It relates to a gazettal for rural and isolated practice endorsed registered nurses, known as RIPERNS. Staff from eastern Victoria bush nursing centres are emphatic about their need for the Victorian government to provide a gazette for rural bush nursing centres and isolated practice endorsed registered nurses. The action I seek from the minister is that she provide a considered response to this issue that I raised with her over a month ago, which was to provide a government gazette to bush nursing centres and endorse RIPERNS in my electorate of Eastern Victoria Region and indeed across the state.

RIPERNS are nurses with a scheduled medicines endorsement placed on their registration by the Australian Health Practitioner Regulations Agency. They have completed comprehensive professional training to receive this qualification. The endorsement allows RIPERNS to provide a limited range of approved medicines where there is no or limited access to GPs, nurse practitioners, paramedics or pharmacists. RIPERNS work within state legislation related to medicines and use approved clinical standards to guide their practice and reinforce safe and effective nursing practice. In Victoria the Drugs, Poisons and Controlled Substances Act 1981 authorises endorsed nurses to supply and administer approved medicines.

Specifically, I have been contacted by representatives from eastern Victoria bush nursing centres, who inform me that there are at least six RIPERNS in Gippsland who are trained in this area to administer and supply specific medications. They believe it is vitally important for the health of our rural communities that the state government gazette rural and isolated practice endorsed registered nurses. This is causing frustration for the rural nursing staff in my electorate, as they cannot adequately meet their patients' needs.

I will give some examples. A child with a raging ear infection on a Sunday afternoon goes into a bush nursing centre, but at present staff are not able to provide antibiotics to start treatment; or a mother with mastitis and a 12-week-old baby would have to drive to Bairnsdale, for example, to have treatment, and this treatment is time sensitive. If we have gazetted bush nursing centres and treatment from the RIPERNS approved, this treatment can be started straightaway.

These medicines and the clinical circumstances for which they are used and the health services which RIPERNS may practise must be approved by the government and be gazetted. Providing this gazettal will enable our qualified nurses to support and care for our rural and regional people, who deserve the same level and quality of treatment that our city counterparts take for granted. I again ask the Minister for Health to respond to my letter that I wrote with respect to this issue and address it as quickly as possible as winter is coming on.

Interface Growth Fund

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Local Government, the Honourable Natalie Hutchins. The key election promise to establish a dedicated fund to invest in community facilities and spaces across interface council areas has been fulfilled through the

government's \$50 million investment for 2015–16 in the Interface Growth Fund. By delivering important and crucial community infrastructure projects the fund will do much to assist 10 of Melbourne's fastest growing interface councils. I understand that three councils in my electorate of Western Metropolitan Region were successful in their applications for funding and that their planned projects, just to name a few, include town centres, parks, playgrounds and sporting facilities. The action I seek is that the minister inform me of the number of jobs that are expected to be generated by these Interface Growth Fund projects in my electorate.

VICSWIM Summer Kidz program

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter is for the Minister for Sport, John Eren. It concerns VICSWIM funding for 2017 and beyond. VICSWIM 2016 was a huge success, with 9270 kids participating, 6000 families, 129 venues and 459 swimming instructors. In 2016 VICSWIM celebrated 40 years of operation, and in that time it has taught swimming and water safety education to over 800 000 Victorian kids. It is difficult to estimate how many lives this has saved. I suspect it is much easier for the swimming instructors to see the instant joy, confidence and peace of mind that swimming tuition brings just about every kid and parent that the program touches.

In the year 2014–15 there were 39 drownings in Victoria. Tragically just recently, on 11 February, Holly Nicholson passed away in Wonthaggi as she tried to save her brother from the waves. Our thoughts and prayers go to Holly's family, friends and schoolmates.

The funding assistance that had been given to VICSWIM's Summer Kidz program by successive state governments has given Aquatics and Recreation Victoria the confidence to go out and seek new audiences and address those previously untouched community needs for the VICSWIM program. As you can imagine, with a diverse multicultural community there are real opportunities to teach kids of all ages and all backgrounds and provide them with the opportunity to learn how to swim. We can expect that this activity is going to accelerate over time. What is concerning is the amount of funding that is required to ensure we save kids' lives by teaching them how to swim.

The action I seek is that Minister Eren confirm with me and Aquatics and Recreation Victoria that there will be provision of \$500 000 per annum for the 2017–19 period to underpin this very important VICSWIM Summer Kidz program. After all, half a million bucks is not a lot to save kids' lives.

Caring Mums

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for the Prevention of Family Violence. Like many members, I am looking forward to the findings of the Royal Commission into Family Violence, which will hand down its report next Tuesday. I understand the work it has done over the last 15 months, and I do hope that the additional time it was allowed will be sufficient for it to have undertaken this significant inquiry into the many, many issues that are faced in relation to the family violence scenario in Victoria.

One of the things I hear about when I am going around the state and talking to many organisations and agencies and indeed many people who have been directly affected by family violence is the issue of early intervention. I come across a number of organisations, and I recently spoke with an organisation that I had great pleasure in assisting with its launch some time ago.

The Caring Mums program is being supported by the National Council of Jewish Women of Australia (Victoria) and the National Council of Women of Victoria. It is essentially a preventative program for women at risk, such as those with postnatal depression and those who may have been the subject of all manner of circumstances, including family violence. One of the things that the Caring Mums program does is to give support to first-time parents, reducing the incidence of postnatal depression but also highlighting and identifying other areas required for support, such as women who have been subjected to family violence.

I note from a media release put out this morning by the Premier and the Minister for the Prevention of Family Violence that there has been some immediate funding made available to meet demand. That demand has been ongoing for quite some time, and services have been calling for money. The organisation I am speaking about, Caring Mums, is looking for some money to service many of those culturally diverse women that it is coming across in its program. I note that there is \$2 million in the funding announced today to support culturally diverse communities.

My action for the minister is that consideration be given to Caring Mums being able to access some of that funding. Caring Mums is delivering programs in the culturally diverse communities that this funding is allocated to, and I look forward to the program receiving some of that funding so that it can continue with its very important work.

Geelong convention and exhibition centre

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Planning, the Honourable Richard Wynne. The issue I want to raise with the minister and the action I seek is in relation to the proposed convention and exhibition centre in Geelong. This project has long been championed by many stakeholders in the Geelong region, not least by the G21 Geelong Region Alliance, which has been very supportive of a convention and exhibition centre.

In the election campaign in 2014 the then Napthine coalition government committed, as an election pledge, \$5 million for a feasibility study and business case to progress the convention and exhibition centre. The centre was to be a multipurpose centre to cater for small and medium-sized events, seating up to 1000 people at a 1000-seat auditorium, with smaller theatrettes, a 3000-square-metre pillarless exhibition and display area, ancillary facilities, including parking, retail and associated facilities, and provision for a 4-star hotel with at least 200 rooms. These were all important parts of the project, given that we have hotel and motel capacity at nearly 97 per cent in Geelong. We are losing potentially 16 per cent of bookings throughout the year for that type of facility, and with that sort of growth, particularly on the eastern bank of Geelong, the opportunity to tap into the tourism market is huge for such an exhibition centre and hotel.

I note that all our state MPs in the Geelong region have been fully supportive. In fact Minister Lisa Neville gushed away in January that the convention centre was on the horizon. That was news to the City of Greater Geelong because it has no knowledge of any potential agreement between the stakeholders, whether they be government or private enterprise, in relation to there being a project on the horizon. In fact I understand that it has been left to the newly formed Geelong Authority, chaired by Peter Dorling, to help fast-track the planning issues around projects like the convention centre to enable them to come to fruition more quickly. What I am finding is that the minister is actually becoming somewhat of a hindrance in the progression of this project and is in fact stonewalling it, because the authority's hands have been tied for so long that it has not delivered one planning permit for a fast-tracked project.

My action for the minister is that he allow and instruct the planning authority to do its work and progress the planning conditions around this project and to work with Deakin University, which is a key stakeholder and

supporter of the convention centre, to allow the project to progress.

The PRESIDENT — Order! I am a little troubled by the action there. I will let it stand and the minister can deal with it, but the action for the minister to allow a process to continue seems an odd request to make on the adjournment. I note that the member feels that the minister perhaps has not been as supportive as he would have liked to have seen for the project and the process, but nonetheless I am not sure that necessarily led to an appropriate action for an adjournment matter. I will let it stand on this occasion.

Responses

Ms PULFORD (Minister for Agriculture) — A number of adjournment matters have been raised this evening.

Ms Lovell raised a matter for Minister Foley in relation to the Shepparton Festival.

Ms Dunn raised a matter for the Minister for Roads and Road Safety seeking a halting of the process at the Ravenswood interchange.

Mr Eideh raised a matter for Minister Mikakos seeking advice on some issues pertaining to kinders in Western Metropolitan Region.

Mrs Peulich raised a matter for Minister Herbert in relation to Monash Berwick.

Mr Purcell raised a matter for the Minister for Education, but I just might check whether that was something for Minister Merlino or Minister Herbert.

Mr Purcell — Minister Merlino.

Ms PULFORD — Mr Purcell is seeking advocacy from the Victorian government on the Deakin Warrnambool issue, about which Mr Purcell and I have had more than a couple of conversations in recent days.

Mr Somyurek raised a matter for the attention of Minister Donnellan seeking that a decision be made quickly on a tender process.

Mr Finn raised a matter for Minister Neville in relation to the Ravenhall tip. He asked the minister to direct the Environment Protection Authority Victoria to take complaints seriously.

Ms Springle raised a matter for the Minister for Families and Children. That matter was about the Dandenong Gatehouse program.

Ms Tierney raised a matter for the Minister for Public Transport seeking a briefing on a program relating to old railway buildings, in particular a project in Dunkeld but more broadly on the program.

David Davis raised a matter for the Minister for Roads and Road Safety in relation to Dorothy Rogers Reserve in Kew.

Mr Bourman raised a matter for the Minister for Police seeking a review of the physical aspects of licences.

Mr Leane raised a matter for the Minister for Education in relation to the KIOSC training centre.

Ms Bath raised a matter for the Minister for Health seeking support for bush nursing and the incredible work that our bush nurses do. I will pass that on to the Minister for Health.

Mr Melhem raised a matter for the Minister for Local Government seeking information about jobs generated from grants through the Interface Growth Fund.

Mr Ondarchie raised a matter for Minister Eren in relation to funding for VICSWIM.

Ms Crozier raised a matter for the Minister for the Prevention of Family Violence, Minister Richardson. We all wait for the findings of the royal commission — only a few days away from now — on one of the biggest issues facing our state and our community.

Mr Ramsay raised a matter for the Minister for Planning in relation to the Geelong planning authority and specifically in relation to the convention centre project, which is one that has been talked about for a very, very long time in Geelong.

Also I have written responses to adjournment debate matters raised by Mr Leane and Ms Pennicuik on 24 February, Mr Morris and Mr Ondarchie on 25 February and Mr Finn on 8 March.

The PRESIDENT — On that basis, the house stands adjourned until tomorrow morning.

House adjourned 6.35 p.m.