

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 24 February 2016

(Extract from book 3)

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HANSARD¹⁵⁰



1866–2016

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

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

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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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Deputy President: Ms G. TIERNEY

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

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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The Hon. G. K. RICH-PHILLIPS

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

Leader of the Greens:
Mr G. BARBER

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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
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
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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, 24 February 2016

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

PETITIONS

Following petitions presented to house:

Christmas carols in schools

To the Legislative Council of Victoria:

The petition of certain residents in the Western Victoria Region draws to the attention of the house that the Andrews government has imposed the ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Council of Victoria ensures that the Andrews government reverses this decision and allows students attending government schools to sing traditional Christmas carols.

**By Mr RAMSAY (Western Victoria)
(694 signatures).**

Laid on table.

Housing

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria:

call on the Legislative Council of Victoria to note that weaknesses in planning provisions have seen shared housing arrangements instituted as of right without prior local community input or appropriate approvals to ensure the appropriate location of shared housing including the accessibility of public transport;

call on the Minister for Planning to strengthen provisions under the Planning and Environment Act 1987 and associated regulations and codes to ensure that local municipalities and local communities have the opportunity to scrutinise proposals for shared housing and to have a local planning process instituted to ensure that the interests and amenity of local neighbourhoods are properly protected; and

call on the planning minister to immediately act to close this undemocratic loophole in planning provisions in relation to shared housing.

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

Laid on table.

Elevated rail proposal

To the Legislative Council of Victoria:

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

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

that affected local communities were not properly consulted in the development of these plans, with reports that those residents most affected by the imposition of sky rail were purposefully excluded from what limited consultation actually occurred; and

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

We therefore demand the Andrews Labor government abandon its cheap and nasty sky rail plans and instead proceed with a rail-under-road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

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

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General’s Reports on —

Public Safety on Victoria’s Train System, February 2016 (*Ordered to be published*).

Victorian Electoral Commission, February 2016 (*Ordered to be published*).

Murray-Darling Basin Authority — Report, 2014–15.

MINISTERS STATEMENTS

Family violence and sexual assault support services

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on how the Andrews Labor government is continuing to address demand by investing in family violence and sexual assault support services in Victoria. Violence is unacceptable in any family, and we need to address this issue in a holistic way.

This morning I visited the men's referral service at No to Violence, and I announced a further \$1.25 million in funding for men's behaviour change services, which represents a 19 per cent increase on our current investment. This builds on the \$1 million we provided in our first state budget last year. There is a window of opportunity to provide support to men who seek help to address their use of violence, and this funding will ensure that they receive that help as soon as possible. For the first time the government is also providing funding to an LGBTIQ organisation, the Victorian AIDS Council, to deliver men's same-sex-attracted family violence services.

I also recently announced a further \$1.35 million for additional sexual assault support services across the state, with a clear focus on cutting the waiting list for children and young people. A further 815 children, young people and adults will be supported through extra counselling and support as part of this funding boost. This builds on the over \$800 000 allocated in last year's state budget to respond to the demand experienced in the western Melbourne and Ballarat areas, where sexual assault support service waiting lists have been the highest. This investment highlights the strong connections between sexual assault and family violence. Improving the lives of vulnerable children and adults who have experienced child abuse and sexual assault is a priority for our government.

TAFE boards

Mr HERBERT (Minister for Training and Skills) — I am pleased to rise today to provide the house with information on progress regarding the government's agenda to strengthen and restore the standing of Victorian TAFE institutes. Expressions of interest for future board appointments of all 12 Victorian TAFEs have officially opened. New boards will be established on 1 July for each TAFE institute.

Following the political sacking of outspoken TAFE board chairs by the previous government, the Labor Party made a commitment to restore democracy to TAFE boards and increase their independence. We have kept our word. An elected staff member will once again take up a position as a board director on each institute board to provide input and insight from the coalface. Each board will have individuals with knowledge and experience in one of these areas: vocational education, training education, management, finance, commerce, business law, corporate governance or community engagement. Appointments will comply with the government's women-on-boards policy, which ensures that 50 per cent of all board appointments are

women. Half the boards will be appointed by me. All board positions are now open for applications, and current board members are encouraged to apply.

I am appointing an expert advisory panel to provide independent objective advice about who the best candidates are, with specific consideration given to the needs of each individual TAFE. It is an exciting time for TAFE, and successful candidates will have the opportunity to drive the government's agenda for TAFEs and restore them to thriving public providers of vocational education and training. Expressions of interest close at midnight on Friday, 4 March.

MEMBERS STATEMENTS

Female jockeys

Ms LOVELL (Northern Victoria) — I wish to raise a matter with the Minister for Racing regarding the draconian practice of including the honorific 'Ms' in front of female jockeys' names in the form guide. The use of the honorific is not only draconian, it is also demeaning to these enormously talented professional jockeys.

Over the years much has been said and written on this subject. In fact as long ago as 17 April 1989, in an article for the *Age* newspaper headed 'When is a jockey not a jockey? Why, when he's a she', Neville Penton questioned:

Is it sexist to use the honorific Ms in order to warn the readers that a woman has the sit?

Following last year's Melbourne Cup, when Michelle Payne, wearing purple, white and green silks — coincidentally the colours of the suffragettes — made history as the first female jockey to win the Melbourne Cup, the honorific in front of female jockeys' names was again in the press. On 9 November last year Matt Steward wrote a *Blinkers Off* piece for the *Herald Sun* headed 'Cup flash must linger'. In it he said:

The 'Ms' that has appeared beside the names of all female jockeys in the alleged sport of kings — a draconian alert that, hey, you might be backing a horse with a girl on it — is soon to be removed, as part of a vital evolution.

But even today, almost four months after Michelle's win and her inspirational speech in which she reminded us how chauvinistic the sport of kings is, Ms is still being used before the names of female jockeys in the form guide. It is time for the minister to take action and ban this draconian practice in Victoria, and I call on the minister to ensure that this happens before International Women's Day on 8 March.

Duck season

Ms PENNICUIK (Southern Metropolitan) — The Labor Party's decision to allow a duck shooting season this year, announced at 10.00 p.m. on Friday, 23 January, is more than disappointing — it is a disgrace and is completely unjustifiable. The primary consideration of any government should be the protection and preservation of our native birds and animals, yet successive governments have put the interests of a small but noisy cohort of duck shooters ahead of the welfare of our native species. The Labor government has done that again this year when the science clearly shows that the season should not go ahead.

According to the publication *Considerations for the 2016 duck season*, released by the Game Management Authority, which was set up by the previous government and supported by Labor to essentially support hunting, the 2015 waterbird all birds abundance index is below the long-term average and is the second lowest ever recorded. Predicted rainfall is not expected to improve conditions for waterbirds in the short term. Comparable conditions in 2008–09 saw those duck seasons cancelled. But, no, in order to appease the shooting lobby, Labor has allowed a full season — March to June — with a token reduction in the number of ducks allowed to be shot each day. This is basically business as usual, as monitoring of bag limits is woeful and shooters will continue to leave injured and unwanted birds on the water and discard smaller ones if they shoot a bigger one and so avoid the so-called bag limits, which will make no difference.

We will continue to see protected species such as freckled ducks, swans, coots, grebes, kites and other birds killed on our wetlands. This duck season should be cancelled and this should herald the end of this brutal and barbaric so-called sport forever, as the majority of Victorians want to see.

Keppel Prince Engineering

Ms TIERNEY (Western Victoria) — In an age where we are seeing and feeling the effects of human-induced climate change more and more, investment in renewable energy generation is more crucial than ever. Furthermore, with a number of Victorians out of work and struggling to find new employment, especially in the skilled manufacturing sector, anything which promotes and grows employment is very welcome. That is why I am so pleased to see Keppel Prince Engineering down in Portland creating more jobs in western Victoria in wind turbine manufacturing, following its success as a tenderer to build 35 wind

turbines for the Ararat wind farm. But the good news does not stop there. More work has been secured recently with Keppel Prince to manufacture towers for a wind farm at Waterloo in South Australia, whilst talks continue between the New South Wales government and Keppel Prince for the wind farm at Glen Innes.

In late 2014 Keppel Prince could not hang on any longer and was forced to lay off 85 workers due to the previous government's anti-wind farm regulations and a federal coalition that gutted the renewable energy target. In stark contrast, the Andrews Labor government is committed to renewables with its Renewable Energy Roadmap, which includes \$200 million of new investments in renewable energy. With that commitment, Keppel Prince and other renewable energy manufacturers now have the certainty to grow their workforces, and that is exactly what we are seeing. Since Labor has come to power 55 new jobs have been created at Keppel Prince, with a further 60 expected by the middle of the year. This is very welcome news and a real shot in the arm for the Portland community.

Transforming Geelong

Mr RAMSAY (Western Victoria) — It was with great pleasure that I attended a Transforming Geelong media event last week at 55 Collins Street with the Premier, the Geelong deputy mayor Bruce Harwood, and the federal member for Corangamite, Sarah Henderson. It was a day when Geelong came to Melbourne to say that Geelong as a second-tier city is a great place to live, work and play, with its natural environment of hinterland, beaches and the beautiful Corio Bay. It was the day that Quintessential was announced as the successful tenderer for a new \$121 million building to house 700 WorkSafe employees. It is also competing for the new Australian Bureau of Statistics and National Disability Insurance Agency headquarters.

Businesses joined together — from wineries on the Bellarine Peninsula to radiator manufacturers in North Geelong — to show a unity of strength and purpose that Geelong is the place to be. In recent years the regional city has experienced the largest growth in Victoria outside Melbourne. There are five million visitors to the region each year, with over \$3.6 billion worth of major investments either recently completed, underway or in the pipeline, including the \$277 million Epworth Geelong hospital. Investments worth \$1.4 billion for the ring road precinct have created work for over 1500 people.

The most disappointing blight on the Geelong and regional landscape is the current commissioner

investigation into the City of Greater Geelong for poor governance and bullying charges. Both past mayor Keith Fagg and current mayor Darryn Lyons have seen firsthand this regime at work, and even last week Cr Jan Farrell, Cr Libby Coker and the Construction, Forestry, Mining and Energy Union's John Setka were sharing tweets trying to belittle those who were opposed to the council gifting millions of dollars of land despite being under investigation for poor governance and bullying.

Geelong and the region have a lot to offer, as do smaller cities like Warrnambool, Shepparton, Ballarat and Bendigo. They just need to clean out the deadwood and allow our passionate, visionary and compassionate leaders to have their heads not in the clouds but on the ground and cities like Geelong will continue to prosper.

Safe Schools program

Ms SHING (Eastern Victoria) — I rise today to make reference to the Safe Schools Coalition program, which has, in its provision of education and support services to Victorian secondary schools, provided an excellent range of resources for teachers and for students who are gender diverse and same-sex attracted to better understand how to counteract bullying, discrimination and harassment at school. This program is unfortunately currently the target of a very small proportion of the Australian Christian Lobby's more ardent correspondents, who argue that it encourages genital tucking, encourages chest binding, provides information on lesbian sexual techniques and indeed forces bullying upon students who might otherwise be of the heteronormative variety.

To this end I would note that the Safe Schools Coalition program that has delivered these services has contributed to many LGBTI students feeling safer, feeling less discriminated against and feeling less harassed and less set upon in relation to the bullying and harassment that might otherwise sustain them throughout their lives, that might otherwise result in lesser opportunities and that might otherwise result in self-harm, depression, anxiety and in many cases greater instances of suicide attempts or actual suicide. This is an excellent program, it deserves our support and I stand by it fully as the Victorian ambassador for the Safe Schools Coalition.

Safe Schools program

Ms PATTEN (Northern Metropolitan) — I too rise to support Safe Schools Coalition Australia, a national coalition of organisations and schools working together with staff, students and families to create safe and inclusive school environments for same-sex attracted,

intersex and gender-diverse students. I fully support the work of the coalition and am incredibly proud that many of the schools in the Northern Metropolitan Region have adopted this important and in some cases life-saving curriculum.

I was disgusted to see a campaign by the Australian Christian Lobby calling for its members to write to local MPs calling for an end to this vital program. The small but offensive range of emails said things like 'My son does not need to learn disgusting anal sex techniques!' — completely wrong — to just plain deluded 'encourages children as young as 11 to become advocates for the homosexual cause'. Well, that was actually from Cory Bernardi, spreading his usual message of intolerance.

This is just another example of the Australian Christian Lobby spearheading hateful campaigns against young, already at-risk members of our community. For the federal government to entertain this vitriol in the form of an investigation is nothing short of a joke. Given the government committed almost \$250 million to the chaplaincy program and this one has only \$8 million allotted, perhaps the religious bigots could sit this one out. Any education that increases tolerance, support and acceptance in schools should be entirely encouraged and welcomed.

Ovarian cancer

Ms FITZHERBERT (Southern Metropolitan) — Today, on Teal Ribbon Day, many of us are wearing teal ribbons to acknowledge ovarian cancer. This year 1480 women will be diagnosed with ovarian cancer. It is known as the silent disease because its symptoms are so seemingly innocuous. Today one of the themes of Teal Ribbon Day is to urge women to know the signs of ovarian cancer and also to know their family histories. So I am going to go through the signs now: abdominal or pelvic pain, bloating in the abdomen, needing to urinate often or urgently and feeling full after eating only a small amount.

I urge people to be mindful that ovarian cancer is not, as many seem to believe, detected by a Pap smear. It has one of the lowest five-year survival rates because symptoms are so hard to pin down and diagnose. Unfortunately that means that many people get a late diagnosis and by that stage the disease is very advanced. I acknowledge all of those who are dealing with ovarian cancer and other gynaecological cancers today, and I urge everyone to have those conversations with women in their family about their health in this important area.

Box Hill Institute Lilydale campus

Mr LEANE (Eastern Metropolitan) — It was fantastic last week to go with my good friend and colleague Mr Daniel Mulino to witness the Minister for Education and the Minister for Training and Skills, Minister Merlino and Minister Herbert, basically unlock the doors to students and staff at the Box Hill TAFE Lilydale campus. This campus used to be a Swinburne campus, which was unfortunately closed a number of years ago. This facility was purpose built for education. It is now being used for education. It has reopened its TAFE to offer certain courses, including community services, hospitality, carpentry, business, early childhood education, veterinary nursing and graphic design, and there are great plans for the number of courses to be increased. There are also plans to offer child care on that site. The site will also have one of the Andrews government's tech schools, and I know Mr Daniel Mulino is doing some great work in facilitating what will be happening in that space, which is very important. I think this will be one of the first tech schools and will be up and going before the rest of them. We are really excited about this facility and what it will be well into the future.

Ministers international travel

Mrs PEULICH (South Eastern Metropolitan) — Recently the world lost Harper Lee, the author of *To Kill a Mockingbird*, probably a book most renowned for teaching respect without necessarily teaching an overt agenda. To quote the great text:

You never really understand a person until you consider things from his point of view —

I suppose in today's world it would be 'his or her point of view' —

... until you climb into his skin and walk around in it.

If you climb inside a Labor minister's skin you might find yourself in Venice, Paris, New York or another exotic location, gaining an understanding of a lavish lifestyle that voters who elected you would not appreciate.

In just one year Andrews government ministers spent a whopping \$400 000 on lavish international travel for themselves, and it is significantly more if you add the cost of staff who joined them. The Minister for Creative Industries and Minister for Mental Health slayed an extraordinary \$85 316 on a trip to Italy and the UK. It is genuinely hard to understand how much caviar can be eaten at the pointy end of the plane or how many

romantic gondola rides can be had for that return. It is just extraordinary.

The Premier racked up \$74 716, while the Minister for Training and Skills blew \$38 788 in Brazil, Colombia and Peru and a further \$23 060 in Malaysia and Singapore. Yesterday we heard about Mr Jennings's office refurbishment costing \$373 000. The list goes on.

To finish with Harper Lee, there must be a feeling of guilt opposite because, as she wrote:

The one thing that doesn't abide by majority rule is a person's conscience.

Local government rate capping

Ms DUNN (Eastern Metropolitan) — When the Minister for Local Government set the rate cap for local governments across Victoria, I wonder if she turned her mind to the fact that 2016 is a local government election year and that local governments need to cover their costs for those elections. The minister has set the cap at 2.5 per cent. The recent changes through the Local Government Amendment (Improved Governance) Act 2015 mean it is mandatory for councils to use the Victorian Electoral Commission (VEC) to conduct their elections. VEC election charges have risen by over 30 per cent since the 2012 election. In the case of Whitehorse City Council, VEC estimates its election costs will be \$644 000.

I am aware that the cost of postal elections to local government equates to up to 1 per cent of the 2.5 per cent rate rise allowed, in effect making their allowable rate cap only 1.5 per cent. For other councils opting for attendance voting the costs will be higher. This might sound like an attractive proposition; however, there are consequences for communities, because although they might bear the 2.5 per cent cost, 1 per cent has automatically been spent on elections, leaving less in the kitty for services and infrastructure.

The assurances given by the minister that she will take into account other issues that might be impacting on a council or group of councils in a given year are hollow. She had the opportunity to intervene and cover costs for elections but has chosen not to, instead imposing these costs onto communities that will continue to feel the impact as services are cut and infrastructure fails. Communities have been denied the ability to have direct conversations with their councillors, their local government representatives, about the services they want and the price they are willing to pay for them.

CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016

Statement of compatibility

Mr O'DONOHUE (Eastern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Corrections Amendment (No body, no parole) Bill 2016 ('the bill').

In my opinion, the bill, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill strengthens the parole system in Victoria by making murderers and those who conspire to commit murder ineligible for parole unless they provide the authorities with information about where the body of their victim is, or was, located.

Charter rights that are potentially relevant to the bill

Section 21 — Right to liberty

Section 21(1) of the charter act provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds and in accordance with procedures established by law.

It is well established that the right to liberty of the person in section 21 is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The bill does not increase that limitation caused by the court's sentence. This bill does not alter the head sentences of imprisonment imposed by the court under which these offenders are detained. It alters the conditions that must be met before the adult parole board may grant a parole order for those in prison and convicted of murder and/or conspiracy to commit murder.

A prisoner has no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole, throughout their sentence.

I therefore conclude that the bill is compatible with the rights set out in the charter act.

I consider that if there are any limitations of charter rights, those limitations would be reasonable and demonstrably justified pursuant to section 7(2) of the charter act.

Hon. E. J. O'Donohue
Member for Eastern Victoria Region

Second reading

Mr O'DONOHUE (Eastern Victoria) — I move:

That the bill be now read a second time.

The purpose of the Corrections Amendment (No body, no parole) Bill 2016 is to amend the Corrections Act 1986 to strengthen the parole system in Victoria by making murderers and those who conspire to commit murder ineligible for parole unless they provide the authorities with information about where the body of their victim is, or was, located.

Much has been done to reform and strengthen Victoria's parole system in recent years. Wideranging reforms were made under the previous coalition government to make community safety the paramount consideration in all parole decisions and to implement the 23 recommendations made by former High Court judge, Mr Ian Callinan, AC, in his report *Review of the Parole System in Victoria* (the Callinan review). This was backed by more than \$84 million of additional funding to strengthen the operation of the parole system and reverse the neglect of previous years.

However, when it comes to parole and the justice system, as a community and as a Parliament we must always look for ways to better protect the community, hold criminals to account and put the interests of victims at the heart of the decision-making process.

There are murderers who have never previously disclosed the location of the remains of their victim/s, or who have otherwise withheld critical information, which would enable the loved ones of the victim to have the closure and understanding that they so desperately desire.

Clause 4 of the bill precludes the granting of a parole order for such offenders unless the adult parole board is satisfied that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the location, or last known location, of the remains of the victim.

The families of victims who have not had the benefit of closure are entitled to have this important issue addressed. By strengthening the parole regime, the bill reinforces that parole is a privilege and not a right.

Debate adjourned on motion of Ms SYMES (Northern Victoria).

Debate adjourned until Wednesday, 2 March.

UPHOLDING AUSTRALIAN VALUES (PROTECTING OUR FLAGS) BILL 2015

Statement of compatibility

Mr YOUNG (Northern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('the charter'), I make this statement of compatibility with respect to the Upholding Australian Values (Protecting Our Flags) Bill 2016.

In my opinion, the Upholding Australian Values (Protecting Our Flags) Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the Upholding Australian Values (Protecting Our Flags) Bill 2016 (the bill) are:

to provide for the upholding of Australian values by creating an offence protecting certain Australian flags.

Human rights protected by the charter that are potentially relevant to the bill

Freedom of thought, conscience, religion and belief (section 14)

Section 14 of the charter provides that every person has the right to freedom of thought, conscience, religion and belief. This is supported by the United Nations International Covenant on Civil and Political Rights (ICCPR) which states that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person; furthermore they are essential for any society. The two freedoms are closely related, with freedom of expression providing the vehicle for the exchange and development of opinions.

It is my view that this bill does not propose laws which diminish the rights of Victorians to air their views and grievances, either publicly or privately. The rights that protect freedoms of speech, assembly and association are not altered in this bill and I will not be seeking to undermine these cornerstones of our democracy. You can protest without burning an Australian flag and you can speak your mind without desecrating a national symbol.

In 2003, it was reported that the then dean of law at the University of Notre Dame (WA), Professor Greg Craven, said:

Under the constitution there is an implied freedom of political speech, but I don't think that would protect flag burning. The reality is you could have free political speech without having to set fire to a flag as an accompaniment.

Section 14(2) states that a person must not be coerced or restrained in a way that limits his or her freedom to have or adopt a religion or belief in worship, observance, practice or

teaching. The Australian High Court has considered this point in the judgements of *Lange* and *Levy*, which may be relevant in the context of flag burning laws. Both were decided in 1997.

The High Court agreed unanimously in *Lange v. Australian Broadcasting Corporation* that two questions must be asked when deciding whether a law infringes the implied freedom of communication on political matters. They are:

does the law effectively burden freedom of communication about government or political matters either in its terms, operation or effect?

if it does, is the law reasonably appropriate and adapted to serve a legitimate end the fulfilment of which is compatible with the maintenance of representative and responsible government as set out in the constitution?

A law will only be unconstitutional if the answers to these questions are 'Yes' and 'No', respectively.

Levy v. Victoria also considered the implied freedom. In this case, an animal rights activist wanted to enter a duck shooting area and retrieve and display dead and injured animals. However, the Wildlife (Hunting Season) Regulations prohibited anyone who did not hold a game licence from entering a permitted hunting area. *Levy* asked the High Court for a declaration that one of the regulations (regulation 5) was invalid because it infringed his constitutionally protected freedom of political communication.

The court held that regulation 5 was valid as a reasonable restriction in the interests of public safety because it was appropriate and adapted to one of its stated objectives (to ensure a greater degree of safety of persons in hunting areas during the open season for duck in 1994). The court restated its earlier position that the implied freedom is not an absolute one. However, a number of things are important about the decision. It reaffirmed the implied freedom. It said that expressive conduct was protected by the implied freedom. However, the court's decision was made in the absence of argument (because the point had earlier been abandoned) that the purpose of the regulation was stifling protest rather than protecting human safety.

Freedom of expression (section 15)

Under section 15 subsection (1), every person has the right to hold an opinion without interference. Further, subsection (2) of section 15 states that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether it is orally; or in writing; or in print; or by way of art; or in another medium chosen by him or her.

Importantly, subsection (3) of section 15 states that special duties and responsibilities are attached to the right of freedom of expression. The right may be subject to lawful restrictions reasonably necessary, which does respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality.

In 1992, the High Court considered the issue of free speech in *Nationwide News Pty Ltd v. Wills* and *Australian Capital Television Pty Ltd v Commonwealth* (ACTV) 177 CLR 1.

In *ACTV*, the High Court had to consider whether there was an implied constitutional right to free speech in regards to governmental and political affairs. The majority in the High Court held that there was indeed an implied freedom of political communication in the constitution, basing their decision on the representative nature of our democracy. The High Court decision in *ACTV* demonstrated that the ability of the commonwealth to legislate against the implied freedom of communication was limited.

The High Court in *Lange* stated that the protection of freedom of communication in the constitution is not absolute, and that '[i]t is limited to what is necessary for the effective operation of that system of representative and responsible government provided for by the constitution.'

In the *Lange* decision, the High Court acknowledged a constitutional freedom of communication on political matters, and that this implied freedom is an incident of a system of representative and responsible government.

Peaceful assembly and freedom of association (section 16)

Section 16 of the charter confirms the right of peaceful assembly and the right to freedom of association with others, including the right to form and join trade unions.

While limits on these freedoms are permissible, any limits must be lawful and necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

Section 7(2) of the charter applies to all charter rights. It provides that:

A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors.

Consistently, the charter is correct when it states that:

Nothing in this charter gives a person, entity or public authority a right to limit (to a greater extent than is provided for in this charter) or destroy the human rights of any person.

In my view, it is clear enough that this bill does not involve limiting the charter rights of every Victorian. The bill does not propose any restriction on the rights of citizens to assemble or to associate with each other. Nor, as already mentioned, does it restrict freedom of expression. It seeks only to outlaw conduct which sections of the community would find offensive. This is so, whether or not the offender was also expressing a political or other view at the same time, and without in any way restricting the ability of the offender to communicate that view.

Conclusion

For these reasons, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Daniel Young, MLC

Second reading

Mr YOUNG (Northern Victoria) — I move:

That the bill be now read a second time.

President, it gives me great pleasure to be presenting this bill today. This bill will create an offence to dishonour the Australian national flag, the Victorian flag, the Australian red ensign and the Australian Aboriginal flag.

For the purpose of the bill, dishonour will mean the burning, damaging, defacing or otherwise desecrating any of those flags. Performing these actions on any physical manifestation of the flag is a symbolic gesture of dishonour that should not and will not be tolerated in this country. This bill will brand those actions as unacceptable in our society and punishable by law.

The Australian flag is our most recognisable national symbol and has become an expression of Australian identity and pride since first being flown on 3 September 1901.

When I think of the Australian identity, there are many things that come to mind which will of course be different to other Australians given the diverse nature of the people living here. Being Australian means different things to different people. But there are many clichés that are commonly used to describe Australians, and I am very much a lover of clichés.

We are a hardworking nation. Many of us are descendants of those who have come here with little or nothing. This is common between the first settlers to land on Australian soil and the many waves of migrants to follow. They were all looking to make a life for themselves and their families. True Australians know this requires hard work. The Australian working-class man is, to me, the epitome of the Australian identity.

We have a great love of sport and a 'never say die' competitive spirit that has seen us have enormous success on the world stage. Australians are known around the world to be determined and hardworking with a mindset and belief that makes us dangerous to any rival. Behind those competing stands a network of supporters like no other. Unwavering in their blind faith that we will inevitably win, and if not, we come back stronger and more determined.

The language of Australia is also something I think about as an important part of our identity. Australian slang is confusing and nonsensical but beautifully understood nonetheless. Two expressions that I find

myself using quite a lot are 'No worries' and 'She'll be right'.

Those two expressions are also descriptive of our identity. We have a carefree attitude for the most part and, if you were to sit back and 'take it easy', everything will work out in the long run. This is a little contradictory to the hardworking attitude I mentioned but exhibits the complexity and uniqueness of being Australian.

All of these things and more are what makes us Australian and in fact I look forward to hearing the thoughts of other members in this place.

Our values may differ on what makes us Australian. Yet we stand together under one flag. We should protect that which symbolises those values and our identity; and that protection comes in the form of this very simple bill.

In the past few months I have found that many people think it is already illegal and punishable to burn the Australian flag. It comes as quite a surprise to most of them when informed that it is in fact not illegal. It may be that, in the absence of a legislated law, many Australians believe in unwritten rules surrounding how the flag is to be treated.

President, this bill is intended to put that confusion to rest. It will no longer be a false belief that our flag is protected by law. It will be written in black and white. Those who intentionally burn, damage, deface or otherwise desecrate our flag will be in breach of the law.

This bill will not be limited to only the Australian national flag and Australian Red Ensign as are defined in the Australian Flags Act 1953. It will also include the Victorian flag and the Australian Aboriginal flag as appointed by the Governor-General and published in the *Government Gazette* of the commonwealth of Australia on 14 July 1995.

All of these flags are worthy of protection, with the Victorian flag being a fitting addition under Victorian legislation. I know that many people from other parts of Australia will want this emulated in their state.

I find it also fitting that this bill should come before the Victorian Parliament as we close on the 100th year commemoration of the battle of Gallipoli and the story of the Anzacs. Anzac Day services have become a well-respected and embraced part of our culture. We rise early without complaint and make the trip with our families to memorial sites across Australia to pay tribute to those who have given so much in defence of

our nation, not only through the First World War but every campaign since. We, as Australians today, owe so much to those who fought for us and even made the ultimate sacrifice.

On those days of reflection for our servicemen and women, the Australian flag watches over us. It reminds us that when in times of need all peoples of this nation will come together despite differences to unite as one under the Australian flag.

In this bill, intentionally or recklessly dishonouring the flag will become a summary offence and will carry a penalty of 40 penalty points or imprisonment for two years.

In this bill are three exemptions to the offence which are there for practical reasons. People show their support of the flag in numerous ways. Flags are flown all over the country and as a result will become weathered and torn or otherwise. For this reason, it will not be an offence if a flag is damaged through wear and tear or ordinary use. This will also apply to depictions of the flag on other items such as clothing. Many people wear the flag with pride and may continue to do so. It will also not be an offence to dispose of a flag in a dignified manner.

President, I would like to speak about the third exemption in this bill and one aspect of the debate that has arisen in many conversations about this issue, and that is the changing of the Australian flag. It has been suggested that the bill will have the ulterior motive of stifling the debate about a new flag and what it should look like. It is not the intension of the bill to consider the redesign of the flag an offence under this act for the purpose of that debate.

I have my own views on our flag that are very firm, and I would like to put them on the record. I will never support the changing of the Australian flag from its current form.

And, if I may, President, recite a poem from an author unknown to me:

Our flag bears the stars that blaze at night,
In our southern sky of blue,
And the little old flag in the corner,
That's part of our heritage too.
It's for the English, the Scots and the Irish,
Who were sent to the ends of the Earth,
The rogues and schemers, the doers and dreamers,
Who gave modern Australia birth.
And you, who are shouting to change it
You don't seem to understand,
It's the flag of our law and our language,
Not the flag of our faraway land.

There are plenty of people who'll tell you,
 How when Europe was plunged into night,
 That little old flag in the corner,
 Was their symbol of freedom and light.
 It doesn't mean we owe allegiance,
 To a forgotten imperial dream,
 We've the stars to show where we're going,
 And the old flag to show where we've been.

President, the creation of this act is a unique opportunity for Victoria to showcase our respect for the stoic symbol that defines our Australian identity and is recognised across the world, the Australian national flag.

I commend the bill to the house.

Debate adjourned on motion of Ms SYMES (Northern Victoria).

Debate adjourned until Wednesday, 2 March.

PRODUCTION OF DOCUMENTS

Mr DAVIS (Southern Metropolitan) — I move:

That, in accordance with standing order 11.01, a copy of all documents created or referred to since 4 December 2014 relating to the level crossing removal project Caulfield to Dandenong project proposal be tabled in the Council by 12 noon on Tuesday, 22 March 2016, including but not limited to —

- (1) any sound and vibration attenuation studies and shadowing studies;
- (2) any directions given to research organisations regarding the make-up of focus groups and the product of any such research;
- (3) details of submissions and comment either for or against elevated rail;
- (4) de-identified copies of all Level Crossing Removal Authority communications with the community;
- (5) the electronic presentation of the 3D modelling showed to residents in the Level Crossing Removal Authority's one-on-one consultations;
- (6) the minutes, agendas and correspondence of the community consultation panel chaired by Mr Stephen Dimopoulos, MP, member for Oakleigh;
- (7) assessments of alternate models of level crossing removals considered by government; and
- (8) the full business case for the government's announced sky rail option, or such of the business case that has been completed to date.

It is not my proposal to have a long debate on the sky rail matter in this motion. This is a production of documents motion, and there is a motion on the notice

paper to be moved later today in which members will be able to express their views for or against the sky rail matters. It is sufficient to say that this seeks documents to inform the community and enable the community to better understand what decisions the government has made and why those decisions were made, or why other decisions were indeed not made. It is very important that these documents are in the public domain.

I think it is important to put on record that the community at the election did vote for level crossing removal and the community has a wide level of support for level crossing removal, and I believe every member in this chamber supports the concept of level crossing removal. But the model that is used is the contentious point here and the way in which the government has arrived at these decisions, and those matters will be more fully thrashed out in the motion later in the day. It is sufficient to say that nobody that I have met, and I have met literally hundreds of people on this matter in recent weeks, voted for sky rail. Nobody, not a single person, believed that is what they were getting and made a deliberative decision to vote for sky rail. As I say, we will thrash those matters out later.

But for communities to understand what is going on with the government's proposal here, I think it is necessary for sound and vibration attenuation studies and shadowing studies to be in the public domain. If you are going to have a large and monstrous sky rail built next to you, you would want to know how many hours in the day you will get sun, and I can indicate that at least one of these houses where they have had a one-on-one discussion has discovered that on some days of the year their property will be in the shade all bar 1 hour of the day. These are very significant impacts and the community — and more broadly than the direct residents — has every right to see all of the modelling on these matters.

The community is also very agitated about a number of the roles of research organisations here and some of the focus groups. It is in my view a fact — but I hasten to say I think the documents should be provided — that the riding instructions for some of these focus groups were not neutral. In relation to the details of the submissions and comments either for or against elevated rail, I have to say that overwhelmingly the materials that I have seen and the materials that have been submitted to government by the community have all focused on putting the rail down and the road over the top.

I have not seen a single individual who has put forward a formal submission in favour of a long, elevated

viaduct, but if there is such a submission, it too should be in the public domain.

The Level Crossing Removal Authority's (LXRA) communications are riddled with errors. The ones I have seen have a number of significant errors, so it would be of assistance to the community to see all of the matters that have been put into the public domain by the LXRA, as the jargon describes it, but in a de-identified form.

In relation to the electronic presentation of the 3D modelling that is being shown to residents there is a sophisticated computer model that enables the sky rail to be viewed from many different angles and for the impacts of the sky rail on individual properties to be viewed. As the LXRA is moving around and providing briefings to people, with the assistance of this model, people are seeing the impact of a number of these points on their own properties. But let me be quite clear here: the LXRA has said repeatedly to individuals, 'You cannot take a copy of this; you cannot take a photograph of this; you cannot use your mobile phone to take a copy of what is going to impact on your property'. My view is that this information is of significant public interest and significant merit to be in the public domain, and that is why I am asking for that information to be in the public domain.

The member for Oakleigh in the other place, Sky Rail Steve as he is called locally, chaired a consultation panel. The minutes, agendas and correspondence —

Mr Mulino — On a point of order, President, a derogatory term was used in relation to a member of the other place without any evidence. It is clearly sloppy, sensationalist language, which is inappropriate for this motion.

Mr DAVIS — On the point of order, President, he is called Sky Rail Steve locally, and further, he has actually spoken in favour of the sky rail in the lower house of this Parliament, as the member outlined, so he is not against the sky rail, he is in favour of it.

The PRESIDENT — Order! I uphold the point of order. As members know, I do not appreciate these gratuitous tags being applied to other members or their name being used as a first name or suchlike. Members in this place and the other place ought to be referred to by their proper title or their full name rather than by some sort of slogan or phrase that is designed, hopefully, only to entertain rather than to disparage that person. I seek a withdrawal of that term.

Mr DAVIS — I withdraw.

The PRESIDENT — Order! Thank you. Mr Davis, to continue.

Mr DAVIS — President, I was indicating about the agendas, minutes and correspondence of the community consultation panel chaired by Mr Stephen Dimopoulos, MP, member for Oakleigh, who has spoken repeatedly in the Legislative Assembly of his strong support for sky rail and his advocacy for this monstrous concrete structure through the centre of his electorate.

Item (7) of my motion refers to 'assessments of alternate models of level crossing removals considered by government'. We know there is at least one group that provided formal arrangements, and I make it quite clear here today that documents motions from this chamber are able to get documents that are commercial in confidence where it is in the public interest. I believe that seeing the full set of proposals that were put to government and the prices is in the public interest, because my strong understanding from leaks within the authority is that the quantity of money required by the government to fund the various options is not as different as some may think, and I think it is in the public interest that this model that is being promulgated be fully weighted and compared in the public zone against the alternate arrangements that could have been adopted by the government.

The government has made an announcement of the proposal on sky rail going ahead but without the business case being in the public domain or perhaps even fully completed. I do not want to labour this point, and I will say more on the longer motion later in the day, but we had many lectures before the last election about the need for Infrastructure Victoria to be created and to make longstanding decisions that are broadly bipartisan and so forth, that have good process behind them and proper business cases. Well, here we have a proposal going ahead without any business case that is in the public domain, so what exists of a business case ought to be in the public domain given the government has made the announcement it is intending to proceed.

In fact it has indicated which the successful group is, although my understanding is it has not yet signed the contract. Certainly the losing consortia are very aware that they are the losing consortia, because they have been told, 'You've flopped. You've failed. You're not getting the contract'. So, importantly for the community, these assessments by government and these examinations of options are something that should be in the public domain so that the community can make an informed decision about these matters. As

I say, this is in fact a narrow motion seeking a set of documents on a very important community topic.

The community strongly supports the removal of level crossings, as does the opposition and I believe the other parties in this chamber. Importantly, the model that has been announced by government, that came out publicly in mid-January and then was finally announced by the government the Sunday before the last sitting week, is not something that the community has had a proper say on. This will assist with that consultation process, and the motion I will move later today will seek that the government take some specific steps. But informing the community, informing the Parliament, is an important role of this chamber. That scrutiny is important, and it will make sure that public decision-making is stronger in this area. For that reason I urge all in the chamber to support this motion.

Ms DUNN (Eastern Metropolitan) — I rise to speak to Mr Davis’s motion. Certainly this has captured the attention of many in the community, particularly those directly affected by the works proposed in relation to the elevated rail on the Cranbourne-Pakenham line. In relation to the documents motion, it is that, and of course there are a number of different elements of what that might be contained within Mr Davis’s motion. And it appears to me from talking to hundreds of people around this — Greens MPs in the region have also spoken to many, many people around this issue — that there is a lack of information in the public domain, and that is causing an enormous amount of angst in the community because they simply cannot get the answers to the questions that they are asking. That really goes to the consultative process that is being used, but there will perhaps be an opportunity for me to talk more about that in relation to a later motion that is coming before this house.

In talking to those people, they are not necessarily against the proposal, they are not necessarily for the proposal. They actually want to know more about the proposal. I think this documents motion goes a long way to answering some of those questions, and some of the key issues that have come up in conversations I have had are generally the lack of detailed information in relation to traffic flow and modelling. People are very concerned about the impacts of the proposal on local traffic — what that will mean to them — and it seems at this point in time they cannot get their hands on any information about what that looks like, and of course that causes them angst.

They are concerned about the visual amenity of the elevated rail proposal and the fact that there is very little modelling, evidence or data apart from some glossy

corflutes and electronic videos. There is nothing really in great detail to give them assurances about how the impacts on their amenity will be resolved. There have certainly been concerns around the crime prevention through environmental design (CPTED) elements of the program.

It is really critical that that is part of a major project like this, because people want to be assured that we have actually looked at what is known as the CPTED program and that any major project like that is in fact going to take into account crime prevention and look at really good quality urban design in terms of preventing crime into the future.

People are concerned about the construction of the open space under the elevated rail. They want to know who is paying for it, they want to know what it looks like and they want to know who is going to maintain it. They do not particularly want their rates to be paying for it, because they know that their councils are already under the pump anyway in terms of the amount of budget they are going to have. Many, many people who spoke to me were concerned about the cycle paths and the lack of connectivity in relation to the elevated rail proposal. There do not appear to be any detailed reports available to the community about how that design was come to. There are many concerns from cyclists who have to, in many places along that rail corridor, dismount their bicycles and walk through activity centres. So given this lack of connectivity it would be good to see how the proponents came up with that design proposal as the best outcome, but at the moment there is no evidence being presented to the community around that. Of course that is leading to frustration and angst once again.

There has been no detail in relation to car park studies for elevated rail and what the proposal will mean in relation to car parking, and that goes to how much of this open space will in fact be dedicated to car parking and not the other things that we see as part of the glossy, computer-aided, videoed presentation. People are concerned about the integration with bus services, but there is no evidence being presented in the public domain yet about the notion of better integration with bus services — and that is not just about saying, ‘Yes, we’ll have a bus interchange’; it is about saying, ‘How do we actually get people onto buses, leaving the car in the driveway and fully integrating with this service?’.

There is no evidence for the community and no detailed reporting for the community so they can see whether these things have been taken into account. I can understand the community’s angst, because it is an important project and it will be significant in the region.

People are not silly; people actually like to see the detail of what is being proposed in their area. They want to understand that every element has been thought of in some detail and understand how this position was got to. At the moment that is lacking — the community does not understand that. I have had many people express concerns to me about the lack of landscape planning available in the public domain too, so not only do they not know what vegetation is being removed, they do not know what vegetation is being replanted either, and that goes again to the maintenance of that vegetation into the longer term.

There is no doubt that this information should be in the public domain. Good consultation is an open and transparent conversation with the community, and we are not seeing that at the moment. The Greens will be supporting this motion because we think that it goes to an open and transparent government. We think the house has a responsibility to operate as a house of review in relation to major projects like this and we have a role in relation to scrutiny of projects like this that have enormous public interest. With that, I can say again that the Greens will be supporting this documents motion.

Mr MULINO (Eastern Victoria) — As Mr Davis correctly said in his opening speech on this motion, this is a documents motion, and so I will focus my speech on the particular aspect of the degree to which information should be provided to the Parliament and the public at this point. I will talk a little bit about the project, because I think that a little bit of context on that is important in terms of how that affects the scope of information that should be provided, and I will touch briefly on another related subject, which is the consultation process, which I think is closely related to this motion and which Ms Dunn has rightly referred to in her speech.

In terms of the broad context, I would start by saying that we frequently deal with documents motions in this place. It is fair to say that all or most of us agree with the broad principle that, yes, governments should be transparent and that governments should provide information to the Parliament and the public. Where we often disagree is where you draw the line. Now, government members have pointed out, in relation to a number of documents motions, that there are categories of documents, such as cabinet in confidence, commercial in confidence and so forth, that are difficult to provide to the public at points in time. I do not think that is so much the issue in relation to this motion, but it is worth making the broad point that we are all on the same page when it comes to the importance and the value of transparency. So I make that broad,

overarching point before, later on in my contribution, making some observations about the particular elements of the motion that Mr Davis is putting to the chamber.

The second broad contextual point I would like to make is about the project itself. I think it is worth noting the fact that this is a very large and a very complex project. It is one of Australia's busiest lines. The Dandenong line — the Cranbourne and Pakenham lines together — is one of the busiest rail lines in the country already. Not only that, but the population centres at the end of these lines are growing faster than just about any other municipalities in the country. Indeed my electorate office is in Pakenham, an area which is growing by four families a day, and the neighbouring shire, Casey, is also growing incredibly quickly. The reason I raise that is that this is clearly a project that is needed. It is needed not just because we need to increase rail capacity, which this project will clearly do, but because we need to improve the connectivity of the different layers of our transport system, and on this point I agree with Ms Dunn. We need to put in place a solution to increase capacity on the rail line, but we also need to improve connectivity with buses and we need to think about our transport system as an interconnected and interdependent whole. So that is the broad context.

A second piece of context, and this is something that Mr Davis conceded, is that this was one of the central issues at the last election. Mr Davis agreed that the electorate voted for level crossing removal. He said the opposition supports level crossing removal. This has been an issue that has been underinvested in for a long time in our state, and now we find ourselves in a situation where with rapid population growth, which I personally feel is in net terms a positive and a real opportunity for our state — I think it is fantastic that people are moving here from other states and that we are securing a disproportionate share of international migration; I think it is an exciting time for Victoria — clearly it is a time when we need to get moving on transport and other infrastructure solutions. It is important to make the point that the community supported level crossing removal as one of the key planks of the last election campaign.

The reason I raise those contextual points is that this is a vitally important project but it is also a very complicated project. It is complicated because it is a large infrastructure project, because it is brownfields, because it has many complicated engineering components and because it has many complicated social components. The social components include, for example, whether the engineering solution will keep communities divided or whether it will actually allow

communities to be joined up through spaces underneath elevated rails. But if we do take advantage of the opportunity of joining communities up, how do we do that and how do we fund it, as Ms Dunn alluded to? There are a great many complex and interconnected issues.

Not only is it complex but aspects of this project will undoubtedly be contentious in the community. This is going to be the case with any large project of this sort. Clearly the solution to these kinds of complexities is not for government members to sit on their hands. Clearly the solution is for the government to move forward in a measured way, consulting with the community in an appropriate way, to move forward in a way that allows the state to cope with population growth and to move forward in a timely way that allows it to satisfy its election promises.

This government is very conscious of the fact that it was elected with a mandate to fix 50 of the state's most congested and dangerous level crossings within eight years. We are ahead of schedule given the projects that we have already started work on or announced, but this requires an intense amount of effort and an intense amount of budget prioritisation, and prioritising these projects is something that the government is very conscious of. I make all of these comments to provide the context that this is a very important project, that it is a complex project and that therefore it is very important that the government undertakes appropriate consultation with the community.

If members look at the consultation the government has undertaken, it has been extensive to date. There have been urban design workshops with councils, so councils have been key stakeholders in this process. Urban design is a very complicated concept. It deals with issues such as better connectivity for pedestrians, improved safety, the potential for revitalising community — all of these kinds of concepts that are going to be so important for councils. Councils have been involved right from the start in workshops on these key issues. That goes back to the social complexity of this project, but there are also the social opportunities. Many of the most livable cities in the world have elevated rail as part of their transport infrastructure, and these kinds of projects can work extremely well. There can be many benefits for social connectedness and for better land use arising from this. So those urban design workshops with councils have been critical.

There have been workshop-style sessions in a number of communities — Carnegie, Clayton, Murrumbeena, Glen Huntly, Noble Park. There has been the use of

SocialPinpoint, which is a technologically cutting-edge way in which to incorporate commentary from the community but also to make it very accessible for other members of the community. I certainly encourage members of this place and also anybody in the community to take advantage of that facility, which is on the web. I was actually looking at it this morning.

There have been pop-ups at local shopping strips and train stations, and those will continue. There have been trader workshops, and that has been a very successful forum for receiving feedback. There have been newsletters published on a regular basis, and if you look at those newsletters, which are all on the web and public, they deal with key elements of the feedback that has been received from the community on all of these really critical issues. There has been a huge amount of consultation.

Ms Dunn raised a number of issues that she thinks are important. I think many of the issues that she raised have been incorporated into the current consultation process, but I am sure that if some have not been, the government would be open to discussing with her or members of the community ways in which additional pieces of feedback could be taken into account. It is crucial in considering this motion to acknowledge that there has been a very extensive consultation process. That continues, and it will continue throughout the course of the year.

Coming to the particular elements of the call for documents, it is not my job to tell the opposition how to be an opposition, but I will give members opposite my free advice in a moment. I hope that they will have many years in opposition to hone their craft, and I am confident they will. They will become an ever better and better opposition and be able to hold us to account. By all accounts, from what I have seen from them so far, they are well on track for a very long and distinguished period of holding us to account.

This is where I feel we need to look at this motion and ask, 'What is the motivation?'. Is this genuinely a motion that is about holding the government to account, and is it really about giving the public a bit more information so as to allay some of its concerns? Or is it really not so much about opposition but rather knee-jerk obstructionism? Is it really about sensationalising an issue? I would argue that it is very much more about the latter. This is not a fishing expedition. This is getting a world-sized trawler and going out and grabbing every single document that Mr Davis thinks could, should or might in the future be in existence and having it put on his office doorstep so that he and his

staff can trawl through it to, I am sure, selectively misquote from it.

Let us look at this motion and all its various elements. It includes a call for all submissions and all correspondence. This is really quite an outrageous expectation on the part of the opposition, and I believe it actually imperils the whole consultation process. The notion that all submissions made, no matter what the circumstances, would in the future potentially be subject to a motion moved by someone like Mr Davis would potentially seriously imperil the willingness of people to be frank in their submissions. Moreover, in paragraph (4) Mr Davis says that he wants all communications with the community from the Level Crossings Removal Authority made public but they are to be de-identified, without making it clear what that means. It is potentially quite tricky to de-identify documents in a way where it is not easy to deduce who the correspondence is with. Again, that may not be something that people want put in public. Not all correspondence and not all communications are intended to go into Mr Davis's political office to be used for whatever purpose he sees fit.

Mr Davis, in paragraph (8), calls for whatever elements of the business case have been produced. Again, what Mr Davis is trying to create a precedent for is that any documents, even if they are partial documents, should be somehow subject to his interrogation. He would have never when he was in government provided partial documents to the Council — from what I have heard of his behaviour as a minister, he was not willing to provide full documents. But let us look at paragraph (8). The notion is that the government now has to start providing documents, no matter what their level of preparation, to the Council just because Mr Davis has heard a rumour they might exist or thinks they could exist. That is really quite an unreasonable call for documents that I think would have a very deleterious effect on the workings of government.

Mr Davis also calls for all research and all the preparation for research regardless of the stage of that research, regardless of the stage at which it is being considered and regardless as to whether the government has fully formed a view on that expert evidence in the process as a whole.

I think that when you look at the scope of the documents being asked for, it makes one wonder what the motivation for this is. Is this genuinely about trying to inform the community, a community that, again I emphasise, has been consulted with on so many levels and through so many forums and a community that is continuing to engage with the government? Is it really

about that? Or is it the world's greatest fishing expedition, where Mr Davis wants to get any document and any correspondence, whether it is complete or whether it is partial?

This is not a sensible way to debate the role of this chamber in holding the government to account. This is a mischievous motion in many of its elements, and I do not think it is an appropriate way for members of the chamber to consider themselves to be playing an oppositional role. I think some of Mr Davis's intemperate comments in relation to members of the other chamber but also in relation to the issue as a whole show that what he is really about here is, I believe, a sensationalist attempt to demonise this project and not an attempt to work through the public policy opportunities and challenges. That is not where he is coming from. Let us not for a moment kid ourselves that he is trying to work out the best way to use urban design to improve the space under a potential sky rail. Let us not kid ourselves into thinking he is trying to look at world's best practice in relation to how communities could be better connected. Mr Davis wants to get his hands on every single possible document he can for other reasons, and that is critical to bear in mind when one looks at this motion.

This is a motion that is not well drafted. It is not a motion that aligns with some of Mr Davis's sentiments. He says that he is in support of this project, but I seriously wonder whether no matter what solution were put forward he would have played this similar kind of spoiling role, not a holding-to-account role. That is the way I see the wording of this motion. It is a motion that is extremely broad and that would have to make one question how workable it is and what its impact on the workings of government would be.

I stand by this government's commitment to following through on its commitment to remove 50 of the most dangerous and congested level crossings. I think this is one of the key planks of it. The Caulfield–Dandenong rail project is critically important. It has wide support in the community, and I can say, no matter what Mr Davis says about his community interactions, that when I talk to people in my electorate I get extremely positive feedback about improving public transport in this city. This is a key element of this government's strategy in doing so, and I think that is the key thing we need to take away. Improving that solution is what we should be focused on, not politicisation and not sensationalism.

Mr DAVIS (Southern Metropolitan) — I will be brief in summarising. I thank those in the chamber who support this motion. I know that the government

appears not to support the motion, and I will be interested to see whether its members vote against it. What is clear here is that the government has not undertaken the consultation it should, and I will say more about that in the motion ahead.

This has been sprung on the community. There is a lack of information available, and the community has every right to have access to this information. As for the concept that business cases and the work done on business cases ought not be in the public domain, at a time when the government has announced that the project is proceeding it is an extraordinary suggestion to argue that the business case should not then be available publicly. The government ought to put it up on the website. That is, frankly, where it ought to be.

On the assessments of alternate models, the community should be able to see what is going on here.

Mr Mulino interjected.

Mr DAVIS — Indeed the key point here is that the community made a decision to support the removal of level crossings; it did not make a decision to support a sky rail. It did not, and I will say more about that in a moment.

The government has shellacked the community. It has actually come in from the side with a proposal that was not part of the consultation. The community knows it was not part of the consultation, and the community expected that these rail lines would go down. What I have got to say is that the government ought to settle down, it ought to take a chill pill and it ought to step back and provide this information and begin a genuine dialogue with the community — a genuine dialogue that would put all of this information in the public domain.

Let me pick on paragraph (5) — the 3D modelling. At the moment members of the Level Crossing Removal Authority are visiting individual homes. People are shocked and frightened by what they have seen on some of these visits. I spoke to a woman on the weekend whose property will have an enormous pillar just 6 feet — 2 metres — from her back fence. It will cut out much of the light for that property. She has every right to have all of that detail in the public domain before this project proceeds. I think this will inform the community, the government and this chamber, and indeed the other chamber, on the way forward. If this information is put in the public domain swiftly, we can assess these points and make some broader decisions.

It is clear that nobody voted for sky rail, but let the government, if it is so confident of its work and if it is so confident of the merits of these cases, put this information in the public domain. It is in the public interest, and it is in the public interest to see the business case points and to see the financial information and the comparisons. I believe the community thinks it is in the public interest too.

Motion agreed to.

ELEVATED RAIL PROPOSAL

Mr DAVIS (Southern Metropolitan) — I move:

That this house —

(1) notes that —

- (a) Premier Daniel Andrews announced on Sunday, 7 February 2016, that the government was proceeding with a rail-over-road ‘sky rail’ for almost 9 kilometres of the rail corridor between Caulfield and Dandenong as part of the government’s commitment to remove level crossings;
- (b) this announcement was at variance with the community’s understanding of the government’s election commitment and the community has not been properly consulted since the election;
- (c) while this house supports the removal of level crossings, the government has no mandate to remove level crossings with an extended elevated railway option given its visual impacts, potential noise impacts and the lack of community support; and

(2) calls on the Andrews government to —

- (a) listen to the community;
- (b) complete a full environment effects statement;
- (c) ensure key planning powers remain with local councils given the impact of these proposals on adjacent public and private land and the need to integrate other local planning objectives; and
- (d) pursue an alternative model consistent with its election promise which sees rail put under road.

It is now the point to put on the record a number of the steps that have occurred with this extraordinary sky rail that the government is proposing. It is worth putting on the record at this point that prior to the state election the Labor Party, then in opposition, made an announcement that it would remove 50 level crossings over two terms. And given that, I do believe, and I think most in this chamber believe, that the government has support from the community to proceed with the removal of level crossings.

But the government, then the opposition, prior to the election was very clear that these level crossings would be removed by rail going under road. The Project 10 000 document has clear quotes that this was the case. There is in fact video footage of the now Premier, then the Leader of the Opposition in the Assembly, very clearly demonstrating visually that the mechanism that was to be used was rail under road. There might have been small humps here and there with particular locations, but nowhere prior to the election was the concept of a long, elevated viaduct-type system going for many kilometres through established and densely settled suburbs considered by the community or by the Labor Party or put into the public domain.

Let us be very clear about the impact of such a model. This is a 1950s, old-fashioned, cheap and unsatisfactory way of removing level crossings. It is ugly and it is impactful on the community not only visually but also through noise. On this matter the government has been saying, 'Well, the noise will be lesser'. I for one do not believe the government's assertions on this. If you put rail 50 or 60 feet into the air, it is going to boom out over long distances. Those who live near elevated rail now know that that is the case. People can hear that rail many kilometres away. So the impact on the community, on families and on the quiet enjoyment that has been part of many of our established suburbs will be profound. Whatever option the government considers, whatever baffling, whatever attenuation and whatever noise control it puts in place, it is very clear that the government could do better by putting the rail line into a trench and putting it lower than the current proposal for a sky rail.

Let us also be clear that the sound one hears from such an elevated rail will travel very, very big distances. Let me also be quite clear that the government has not dealt with the visual impacts, and these are very large concrete structures. The government is now out consulting on minor details such as the colour of the concrete and where the car parking can be placed underneath the sky rail, but it did not consult on the concept of the sky rail. It is important to put those points about consultation on the record.

The government went through its various focus groups in the community — and these were carefully selected focus groups. There is a strong suspicion that people who live near the railway line were excluded. In fact some individuals were told that, 'You cannot be on the panel because you are too close to the railway line and you have a conflict of interest'. I would have thought having a conflict of interest is the wrong way to describe someone with a genuine interest in having a

monstrous sky rail foisted upon them and their family. I would have thought they had every right to have a role, to have their say and to make their points to the government.

It is important to note that at these focus groups there were a small number of options presented. At some of the focus groups there were four options described to me by a number of people who attended. Some of them had more elevated-type patterns but not, clearly, very long distances. Others had trenches as an option. I note that one describes the trench options that were presented as having razor wire or barbed wire along the edge of those trenches. That of course is not the model that the community would expect. The community would expect a very well finished trench arrangement.

It is not as though the community is unaware of models where this has been done successfully. For a long time the President in this place advocated for Springvale Road to have a grade separation. That model has achieved a good outcome, with the railway underneath the station, at a lower level, and the road going over the top. Recently we have seen a level crossing removal that was funded by the previous government completed at Burke Road. That is a great outcome for the community. No longer are people stuck at traffic lights at Burke Road. Indeed they can now move freely and the trains can move more freely. That is an option with the rail underneath the road. It is not an option with a sky rail or some other option that is intrusive and unacceptable in its impact on the local community.

It is important also to recognise that the impact on local communities of these developments, of level crossing removals, is significant. Local councils have every right and indeed a responsibility on behalf of their ratepayers and residents to advocate for good outcomes. The level crossings are often at the centre of community activity — near shopping centres or near community facilities — and the role of councils is to actually advocate and ensure that the level crossing removal solution that is used in their particular location is a good one and delivers an integrated solution that fits with the other institutions and the other land uses in and around the crossing. If there is parkland, a school or a shopping centre nearby, the level crossing removal outcome must integrate with that and must recognise the need to preserve amenity in those areas and to increase connectivity to ensure that the outcome is a financially responsible one — and I put on record our commitment to a financially responsible outcome — but at the same time looking at the fact that this is actually a long-term outcome that we are talking about here.

This is a 100-year result that we are talking about here, a 100-year and longer outcome that will define and shape local communities for at least that period into the future. If this is got wrong, the communities will suffer for a long time. If we get a suboptimal outcome — if we get an ugly sky rail, an ugly outcome, that is intrusive on the community and impacts on visual amenity — that outcome will be something that this generation, the next generation, the generation beyond and likely the generation beyond that live with. Nobody is going back to tinker with or refix these level crossings if they are done wrongly by Daniel Andrews and his government.

Why is it that at Burke Road we can put the rail down under the road, why is it that in locations in the Bentleigh electorate, in another area of Glen Eira, we can put rail down under road and yet in this area, where we know it is technically possible, we cannot — with a Labor government, a Daniel Andrews government — seem to be able to put rail under road?

Some have said that the reason why the rail cannot be put under the road is that the water table up near Grange Road is high. This is the biggest amount of bunkum that has been heard for a long period. We have seen that the government is advocating a major metro project which will put a tunnel under the Yarra, through the silt, water and all the technical difficulties there. I am not denying that engineering solutions may need to be found in certain locations, but we have very bright engineers. They have been able to do grade separations successfully in all manner of areas. I have no doubt that grade separations could be done on the Caulfield to Dandenong section of the line and that those grade separations could be achieved in a way that is consistent with rail under road over a lengthy distance.

If you think of the shape of these trenches that would be cut in a potentially cut-and-cover option, there may be opportunities to roof some areas of that and to provide greater connectivity. What is clear is that providing the connectivity of the road going over will actually ensure that communities can be brought together successfully.

I think it is important to place on the record some details about the government's election commitments. As I said, key documents like *Project 10 000* and a number of electronic versions of the Premier's statements make it clear that the Labor Party intended or at least claimed to intend to put rail under road. Nowhere has anyone pointed to a sky rail option as being discussed prior to the election. Nobody voted for a sky rail. The point here is that the community should have the opportunity to give consent to these sorts of major projects. They should have the opportunity to

have their say, and hoodwinking the community before the election, as Daniel Andrews appears to have done here, has led to the sort of savage reaction that we are now seeing in many of the communities along the Glen Iris, Monash and Dandenong sections of the line.

I want to say something about the nasty responses that have occurred in the community. There are those who are very close to Mr Dimopoulos in the Oakleigh electorate who have been trolling and attacking many of the community activists, and I think this is frankly disgraceful. I can also point to examples of businesses in the community which have been threatened by Labor people and told, 'If you don't pull down signs and remove petitions, you will be targeted, you will be attacked'.

I will give one example to the chamber of the nasty turn that has been taken with a number of responses from government members and those associated with the Labor Party. Mr Dimopoulos has been very direct with a lot of community members — and in a nasty way. In another example, out in Noble Park one family who live near the railway line chose to paint writing on their fence opposing the sky rail, as they are democratically entitled to do. They were having their say. They felt hoodwinked; they did not vote for a sky rail. Yet now we know that that particular Greek family has received phone calls. These phone calls occur when an elderly member of the family is known to be home alone, and they go to the effect of saying, 'You're against the trains. We're going to fix you up'. These calls have been reported to the police.

Make no mistake: Labor people are out in a very nasty way trying to put the kibosh on those who want to have their democratic say.

Mr Finn interjected.

Mr DAVIS — They are. Many of them are thugs. They are trying to put pressure on individuals who genuinely have serious concerns. Think about that area in Noble Park where the government is seeking that this proposal proceed. I have been informed by a significant number of people about the consultations taking place out there, and as I understand it the government intends to widen the area in which the railway line is confined. It intends to knock down huge stands of longstanding red gums, some of which are well over 100 years old and some of which are claimed to be more than 200 years old. Those red gums will be sacrificed for a sky rail, when in fact a trench in the current area occupied by the railway line could have been a successful outcome. You have to say that that outcome will diminish the amenity of that area of Noble Park,

not only through the imposition of a sky rail but through the loss of significant vegetation. Parts of the corridor between Carnegie and Poath Road will also see significant destruction of vegetation and established trees in particular. That is a community concern, and I have had it expressed to me many times over recent weeks.

Now we know that the alignment is well advanced. The government is beginning to tell people that railway lines will be brought much closer to their houses than they are currently, and the arrangements will impact very severely on a number of people.

The consultation, though, was not of the kind that actually dealt with the idea of a sky rail. The consultation went along the following lines: 'Do you agree with level crossing removal?' — and strangely there is overwhelming agreement across the community about level crossing removal. As I said, the opposition and others in this chamber all support the concept of level crossing removal. Then the consultation turns to the option of rail under road or road under rail, but again these broad consultation sessions that are conducted in local community centres have no pictures of this proposal for a long sky rail that goes for many kilometres. 'What do you think of a long, high, noisy, ugly sky rail?': nobody has been asked that question in the consultations, and the reason is that the government knows the answer will be that the community does not like it.

That is why the government did not take this proposal to the people before the election and that is why it has hidden the consultation all the way through — because it is proposing an ugly, nasty, bad outcome. It is a bad solution for the community, and the fact is the government did not want to offer this at the election. It did not want to say, 'We're going to remove the level crossings but we're going to replace them with a long, high, intrusive sky rail'. Let me tell you: people would not have voted for that, and that is why they now feel duded, hoodwinked and taken for granted — because they were not given that option before the election. They were not told the truth before the election. They were hoodwinked, and that is why the community are angry.

The community is also becoming increasingly angry in Mrs Peulich's area, down along the Frankston line. Other areas along the Frankston line, in the Bentleigh electorate, are getting the good treatment. They are getting the rail-under-road cut option, with a road going over the top. It is true — and I put it on record — that this option may require more time and will cause some greater impact on the community along the way, but the

community also understands very well that you need to break eggs to make omelettes. The community understands that you cannot do these major infrastructure projects without some dislocation, without some disorder, without some impact on travellers and without some impact on the local community. The members of that community do understand that. They support the removal of level crossings and they understand that what comes with that is some impact as the process occurs. But what they want is a good outcome in the long run. They want a good outcome that does not impact badly on the community in the long run.

I make the point further that some of the Level Crossing Removal Authority's (LXRA) activities in recent days have been extraordinary. The individuals and families who have properties quite close to the railway line have sought briefings and the government, through the Level Crossing Removal Authority, is providing one-on-one briefings. But when people attend those one-on-one briefings the Level Crossing Removal Authority comes in with its 3D model. People have said, 'Do you mind if I have a neighbour with me?' The answer is, 'No, you cannot have a neighbour with you'. Some have said, 'Do you mind if I bring my lawyer?', and the level crossing authority has said, 'No, you cannot bring your lawyer. You are not allowed to have a lawyer or an advocate with you'. Some have said, 'Do you mind if I bring an older family member who is experienced in construction?', and the answer is, 'No, these briefings are to be provided to that family alone'.

People have said, 'Do you mind if I take a photograph with my mobile phone of the material that you are showing me?', 'Can you give me a printed copy of the material from the 3D model?', and the answer is, 'No, you are not entitled or allowed to take a photograph of the 3D model'. Let me be quite clear: this 3D model, the government is claiming, is part of its consultation.

Leaving aside for the moment the fact that this is consultation after the announcement that they are doing a sky rail — it is a consultation about the minor detail of whether the paint will be grey or yellow or green or some other colour, and the shape of the concrete — the idea that that consultation would be a formal process and you would not be allowed to take away the relevant documents to examine those documents, to understand the documents, to properly assess the documents, to seek third-party opinions about the documents is extraordinary. We are in a sort of totalitarian moment when the LXRA, that strangely named and obscure beast that it is becoming, is so vociferous that you

cannot take a screenshot of the 3D model that is being offered.

And I have got to say that the 3D model is a shock to many people. When they move the model around and they look up, they see the scale of this sky rail right near their back fence, these massive pillars going up into the sky. And let us be clear about this too; the government has been wandering around and the Premier has said himself in media statements that it will be 9 metres high. Well, I am here to tell the community now that that is actually not the truth. The Level Crossing Removal Authority in its own documents and public consultations in the last few days has been talking about 12.5 metres with a 2.5-metre variance — 12.5 metres is much greater than 9 metres, with a 2.5-metre variance. You could be talking about a height of up to 15 metres. That is a very high imposition on the community.

‘Can I please have a copy of the shadowing studies?’, some have asked the LXRA, that Orwellian-named body. The LXRA says, ‘No, you cannot have copies of the shadowing studies’. Then they say, ‘Can I have a copy of the documents on which you are relying in terms of the vibration and sound?’. The answer is, ‘We’ll see’. No-one has yet been given the sound studies, the contours that must go out a long way, how many decibels at this distance, how many decibels at 1 kilometre, 2 kilometres, 3 kilometres, 4 kilometres, 5 kilometres out from the sky rail. How loud will the sound be when you are 3 kilometres away from the sky rail? Well, the fact is no-one knows. We know that if you are 3 or 5 kilometres away from the current rail, you can on certain occasions hear the trains. But it is mainly on quiet nights. It is mainly at times when the sound travels a significant distance. But if you stick this sky rail up in the air on massive concrete stalks and the sound booms out, I can tell you it will be heard at 3 kilometres, it will be heard at 5 kilometres, and on quieter nights it may be heard at even greater distances than that.

The government says, ‘It is quieter than the current model’. No, that is not the comparison. The comparison is: how much sound is there when it is down in a trench with proper attenuation and baffling, as opposed to how much sound there is when it is up on stalks 50 feet in the air with attenuation and baffling added to that. Which is more noisy — 50 feet in the air or deep in a trench underground? The answer is —

Ms Shing interjected.

Mr DAVIS — No, it actually does not. Equal attenuation and baffling will see lower sound when it is down low rather than when it is way up in the air.

Mr Barber interjected.

Mr DAVIS — But either way, Mr Barber, even if we thought you were right on this, what we want to see are the studies that prove it, and we have not seen those studies as yet; we have not seen them. That is why we have asked through the documents motion today for all of those studies to be put in the public domain.

I have got to say — let us be clear about this — the shadowing studies are in the same category. I notice the LXRA has been giving people some information about shadowing, but it has been giving them information on the equinox day.

Ms Shing interjected.

Mr DAVIS — No, these are one-on-one consultations on shadowing and other matters, but they are actually providing information on the equinox. If your house is going to be overshadowed, you would want to know what it is going to be on the solstice days I would have thought. Would you not have thought that it should be on the solstice day?

I have got to say that I am certainly communicating with my electorate, and I am going to keep putting out communications to the electorate until the government comes clean on its nasty sky rail. This is very important to make sure that people know what is actually occurring, and I will be pushing very hard to make sure that the community gets the outcome that they voted for and the outcome that they deserve.

The government needs to listen to the community. There were nearly 1000 people at the rally on the day the Premier announced his ill-fated sky rail — nearly 1000 people. People were angry. People are agitated. People want an outcome that is not the sky rail. I want to make the point very much here that listening to the community is not just a retrospective listening to the community; it is why we need to take a step back.

On the environment effects statement (EES), Mr Wynne in the lower house was asked, as planning minister, about whether an environment effects statement would occur, and he has not been definitive on whether an environment effects statement will occur. But let me be quite clear. The submission documents that are being handed out at the moment by the Level Crossing Removal Authority make it clear that the submissions made by the community will be

handed to the planning minister and will be part of the formal assessment and consultation process.

So those documents will go — and I think the community needs to be quite clear about what is occurring here — to the government; it is going to take those, and Mr Wynne will make an assessment about whether there is an environment effects statement. Will he make a proper environment effects process a requirement? That is not clear yet, and I say that there must and should be a proper environment effects process. I think that this is a very significant project, and the community has every right.

Now, if the government is going to use the Major Transport Projects Facilitation Act 2009 as its basis, Mr Wynne will still need to make assessments, and those consultation documents — the so-called submissions — need to be very clear that an environment effects statement is required by the community, and I think this chamber should send a very clear message that an environment effects statement is required.

It is also important that many of the powers remain with local councils. Now, we have seen in the case of the level crossing removals in the southern part of the City of Glen Eira that the Minister for Planning has taken greater powers on himself. He has taken powers over significant tracts of land in and around those level crossing removals. Now, those level crossing removals are not contentious in their design, they are not contentious in the way that they are formulated and the community in general support that process in the southern part of Glen Eira. That is a good point.

Mr Dalidakis — You should speak for as long as you can.

Mr DAVIS — Well, you would actually agree with me.

Mr Dalidakis — Because when you stop, I'm going to speak until 5 o'clock.

Mr DAVIS — No, I am not; I am the lead speaker, and I am nearly finished. So there you are. The point is that in that area there the Minister for Planning has taken these powers upon himself and removed them from local councils. I think that Glen Eira and Monash and Dandenong ought to be very clear that they do not want those powers removed in this case. They need to be quite clear that they want to retain their powers, and they need to fight for them to ensure the integration of other local planning objectives and to ensure that proposals on adjacent public and private land are properly adhered to and properly focused on.

I also want to say something about the proliferating sky rail options that this government has. It is clear that the rumbles coming out of the deep part of the bureaucracy are that the government is going to do a sky rail option on the Frankston line and all of those level crossings through Carrum, Bonbeach and Edithvale are to be removed by a sky rail option. That would also be a travesty. It would not be what the community would support. I know from the south ward meeting on Thursday night last week, where I spoke to many local residents, I did not meet a single individual who thought the sky rail option was what they voted for or what they wanted. In fact it was very clear that they had voted for rail to go under road. They had very clearly in their minds models like Burke Road, models like Springvale Road — other models where the rail is under the road and the impact on the community is diminished in that way.

What I would also say is the government appears to be fighting with itself. Many of the Labor backbenchers are finally beginning to grow some spine; many of the Labor backbenchers are now prepared to talk out. I do not know why Sonya Kilkenny from the Legislative Assembly was not at the south ward meeting the other night, but if I was her I would have been at a meeting of that substance in my electorate. I noticed that Mr Richardson from the Legislative Assembly was. I do not think he was having a good time of it, if I can put it that way. I think he was probably looking at that as one of the outings that he would have preferred he had not been at. But at least he had the courage to show up, and he is prepared, I understand, in the Labor Party party room to begin standing up. But he has got to do a bit more than just stand up in the party room.

The reality is that this should be coming to the Parliament as a proper, fully fledged bill to build this sky rail, if that is what the government believes is the way to go. There should be a full bill that the Parliament should be able to vote upon — members in the lower house, members in the upper house — and with full input from the community.

It is very clear, though, that the community is beginning to move very strongly against this proposal. At Monash council last night there was a long and difficult meeting with more than 150 people in the chamber. Labor councillors reverted to form and they voted against the community's interest — in effect to support a process that will facilitate the sky rail. I am well informed there were only two councillors who were prepared to fight against the sky rail in this particular case. You have got to wonder why Cr Perri, as mayor, would not be protecting her community. You have got to wonder

why she is prepared to sell out the community to support the Labor Party.

Honourable members interjecting.

Mr DAVIS — Sell out the community and support the Labor Party in what is a monstrous proposal for Monash. Think about Clayton Road and Centre Road. The previous government's proposal was for those to go down — for the rail to go under the road. Now some of the councillors on the Monash council appear to be determined to support this high option. Think of Poath Road in that area there. Why are some of the Monash councillors prepared to support the monstrous sky rail through that area?

Think about Glen Eira council, which also met last night. I understand that there were more than 350 people at the City of Glen Eira last night, and it is worth reading the motion passed:

That council —

1. Strongly supports the removal of level crossings in Glen Eira.
2. Write to the Minister for Public Transport copied to the Premier, all members of state Parliament (whose electorates —

including Minister Dalidakis —

include the proposed elevated train line between Poath Road and Caulfield station), the *Herald Sun*, the *Age* and the *Leader* newspapers, advocating for no elevated train line through our city be constructed until after a full and genuine consultation is conducted as to whether this is the community's preferred option and until full reports on noise, environmental, amenity and community impacts, vibration analysis, safety, cost-benefit analysis et cetera are made available for full and open public scrutiny.

3. Place this letter in a prominent position on council's website.
4. Request that representatives of the LXRA (Level Crossing Removal Authority) and state government attend a public forum with council on the issue of the elevated train line, and if they consent, that council organises such forum.

I pay tribute to the Glen Eira council. I think there were a number of councillors there who spoke against the motion, but such was the community antagonism, such was the community heat and such was the community advocacy that those councillors, despite speaking against the motion, did not vote against it in the end. They were very, very noisy against the motion early on and very, very angry with councillors who were pushing this motion, but in the end they were not prepared to vote against it.

I think it is important to put on record that at the City of Kingston also this week a motion was passed:

That council write to the state Premier and minister for transport advising that it is council's view that:

1. the Level Crossing Removal Authority to undertake extensive community consultation prior to developing the proposed grade separation treatments on the Frankston line in the City of Kingston;
2. that community feedback be used to guide and determine individual grade separation treatments on the Frankston line in the City of Kingston;
3. that the community be fully informed of all grade separation site constraints and opportunities; and
4. that individual site grade separation treatments be determined with the community prior to the Level Crossing Removal Authority proceeding to tender the Frankston line grade separations within the City of Kingston.

That of course stands in stark contrast to what has happened in the Caulfield–Dandenong corridor. A cabinet subcommittee took a decision that a preferred option was rail over road in a sky rail last year, and the tenderers were informed that the preferred position for this would be a sky rail — and strangely the government has awarded this to Lend Lease. It has not been signed yet but I have to say the Holland consortium has been told, 'You're not on, guys — you've lost', but the consortium from around Lend Lease has been told it has the outcome.

What I am making very clear is that the consultation was not undertaken. It was not undertaken in this case. The community has every reason to be very angry and concerned, and the community I think should expect from this chamber the points that are called for here: that the Andrews government listen to the community, complete a full EES, ensure that key planning powers remain with local councils and pursue an alternative model consistent with its election promise which sees rail put under road. That is what the community wants. That is what the community in Southern Metropolitan Region wants; that is what the community in South Eastern Metropolitan Region wants too. I have met with many people from Noble Park who are very concerned about the impact of this government — —

Mr Dalidakis — Mate, you've never been to Noble Park in your life.

Mr DAVIS — I have. I have been many times, actually. I have been many times, and I have got to say the people in Noble Park are very concerned about the outcome. They are very concerned about the high-

visibility sky rail being put through Noble Park. Let us be clear about this — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmr) — Order! I cannot hear Mr Davis. If that becomes a conversation in the chamber, it is not allowed. This is a debate and Mr Davis has got the call.

Mr DAVIS — Noble Park residents have as much right as anyone else to have a good solution, and the arrogant view of the Labor Party that Noble Park residents can be dismissed and in some way treated as second-class citizens, the idea that people between Caulfield and Dandenong should be treated as second-class citizens and given a lesser outcome because the government thinks it can take their electorate for granted, take their votes for granted, is a travesty, and I think the community is pushing back very strongly on that point. The community knows that in some areas the government has taken a different response, but the community knows that it has not been properly consulted. It knows that it did not vote for a sky rail before the election and it did not — —

Ms Shing interjected.

Mr DAVIS — Well, Ms Shing, just let me read you something here. I have a letter provided to me from a resident and it is dated 25 November, 12.11 a.m. It is an email, 'RE: Mail drop — 50 level crossings'.

Mr Dalidakis — Was it from Karlee Browning?

Mr DAVIS — It was from Steve Dimopoulos, the then Labor candidate for the Assembly seat of Oakleigh. It states:

However, I would be surprised if it is not a lowering of the rail line below the road, as this would make sense for the removal of other crossings along the same path, such as Koornang Road, Murrumbeena Road and Poath Road.

That is what Mr Dimopoulos said in response to direct questions about the model that would be occurring. He said that on 25 November, just a few days before the state election on 29 November 2014. He misled his community. He lied to his community. Let us be very clear about that. He did so — —

Mr Dalidakis — No, he did not. Sorry, that is an outrageous slur.

Mr DAVIS — Well, I'm reading what he actually said. And at public meetings he has been again and again — —

Mr Dalidakis — On a point of order, Acting President, Mr Davis has reflected on a member in another place in accusing him of lying, and I ask him to withdraw.

The ACTING PRESIDENT (Mr Elasmr) — Order! I uphold the point of order. I ask Mr Davis to withdraw.

Mr DAVIS — I withdraw.

The point here is that Mr Dimopoulos said one thing to his constituents at public forums before the election and in private correspondence and now something different has happened after the election. Nobody voted for a sky rail. Nobody was offered that option before the election, and the reason why the government — and the Premier, Daniel Andrews, in opposition — did not offer that option before the election is that it is a stinker. It is an absolute stinker. Nobody wants a 1950s-style noisy, ugly, intrusive outcome. If it were such a good outcome, the government would have offered it before the election, but it did not. It has not even done proper consultation since. It announced it early in February without that proper consultation.

Mr Herbert interjected.

Mr DAVIS — Indeed, it did not do that. That is why the documents motion earlier this morning is important and it is why this motion is important.

I pay tribute to those councils who have been prepared to have the fight and actually advocate against the government on this sky rail. I pay tribute to those councillors who have been prepared to speak up. I note that some councillors were not prepared to speak up.

Honourable members interjecting.

Mr DAVIS — Let us be quite clear: those on Labor's side who would attack the community members who are unhappy with this proposal should not be given credit. They should be prepared to step back and say, 'We got it wrong. The community is right and we should listen to the community. We should genuinely consult with the community rather than trying to beat up the community and trying to attack people who have a different view in the community'. They should do that rather than run nasty internet campaigns against people who are prepared to speak up in the community. That is what is going on here. I urge the community to focus on those Labor MPs. I also urge the chamber to support this motion.

Ms DUNN (Eastern Metropolitan) — I rise to speak on Mr Davis's motion in relation to the elevated rail project, a matter that has certainly captured the attention of the house this morning.

In terms of the motion before us, firstly, I want to talk about consultation and what makes good consultation, because it seems to me that the situation that we are seeing unfold in the south-east of Melbourne is in fact a result of very poor consultation. Information sessions are not consultation. Consultation is a genuine and authentic conversation with your community. Consultation is about letting people have an opportunity to influence outcomes and decision-making. To call information sessions consultation makes a mockery of what a genuine conversation with the community is. Given what the Greens have ascertained to date we are very concerned that there has not been a genuine consultative process at all. In fact there has been a lot of telling the community what will happen, rather than supporting the community with detailed information as to how that decision was made. So, of course, we see enormous angst out there about that. That angst does not necessarily mean opposition to elevated rail and it does not necessarily mean support for elevated rail. But what it does indicate is that people want to know more. People want to have the information in front of them to make up their own minds, and at the moment they cannot do that.

We have had extensive conversations with the community to date over this issue. I want to give the house a bit of a snapshot of some of those conversations. I am certainly not going to read every last little bit of feedback; a lot of it is actually repetitive, with people saying the same thing to us. On a particular day when we talked to local community members from the Carnegie, Clayton, Hughesdale, Murrumbeena, Oakleigh, South Oakleigh, Springvale and Noble Park areas these are the sorts of things they said to us. They said residents are very concerned about the noise in relation to the proposal and they cannot get any sort of detailed information on the implications of noise and what that means to them. One person said:

Those people who did attend the 'consultation' sessions are adamant that they were led to believe the line would go under the roads and that the current plan was only ever presented as one option amongst many.

Another said the government:

... has undertaken no community consultation at all ... council and residents impacted by this only being advised on the Saturday night before they announced it on Sunday morning.

Another said his father:

... lives just on the railway line and was never consulted! ... He was sent pamphlets in English only, so his elderly mother was unable to read them.

It has been a constant in the feedback that we have received in relation to this that doorknocking and pamphlets were only provided in English so there was no consideration of languages other than English as part of that process. I am not even sure whether I would call it consultation, because I do not believe that telling communities things is consultation. As I said earlier, consultation is a conversation where people have an opportunity to influence decision-making. Telling people what is going to happen is information in itself, but it is not consultation.

In the particular session we held, 70 per cent of the people we spoke to said they had not been consulted. In fairness, 8 per cent said that they had been consulted. It seems that there is a bit of an ad hoc arrangement going on, because one person we spoke to actually said the information was available in English, Vietnamese and Cambodian. But that was only one person. Consistently we heard that all the information has been provided only in English.

A person from Clayton South said that the flyer he had received:

... didn't mention elevated rail and was in English only.

Residents were presented with four options that looked at rail under road or road under rail. There is a general degree of frustration that:

... the government is consistently claiming they consulted us. They did not consult us or ask for any input at all, they simply told us what they have planned.

And I think that captures the really core issue around consultation and when you do not consult and you treat the community with contempt. That is what we see happening and is what does happen. I say that with many years of experience in local government, where it is absolutely critical to get consultation right if you actually want a smooth road to major projects.

To move on to other things the community has said, one person:

... found out through the media and not happy about the lack of information.

Another person said:

Like everyone else we were doorknocked the Saturday before the Sunday announcement ... why hide it? We went to

several meetings before the announcement and sky rail was not presented as a preferred or even as an option.

Another comment:

I live on the train line in Hughesdale ... two women knocked on my door at 7 that night to give me a brochure about the formal announcement the government was going to make in the morning. They couldn't answer any questions but just replied I had to wait for the community sessions. And that sums up the whole consultation process of the past seven months!

People have indicated concern in relation to the river red gums in the Murrumbidgee region. They are very concerned about the native vegetation impacts and also other significant trees along that line and how they will be impacted. Their feedback to me has been that there are local governments that have not even seen the elevated rail proposal in any great detail.

The comments go on, and believe me, they have been extensive. There have been many, and they have been consistent in their messaging, such as:

... public spaces will end up as ... weed patches and car parks ...

So people are concerned about what actually happens to those spaces under elevated rail, who maintains them, what they look like and who pays for them. Another person said:

I'm strongly in favour of the project, but am concerned about futureproofing.

And that is around integrating express or freight lines and how the regional rail connects in with the metropolitan service.

Another person said:

Did they release the cost-benefit analysis of above ground versus below ground?

There are so many questions in relation to this project, but sadly what is missing is answers for the community in relation to this project. I think if there were answers for the community, they would in fact have far less angst because they would understand that their concerns have been thought about. They are not random concerns. They are not concerns that are really localised to that household. They are broad concerns which broadly concern the community as a whole, so it is important to have that sort of information available to it.

In relation to the earlier motion that Mr Mulino spoke to, he talked about an extensive consultation process and said that the government had consulted on so many levels in so many forums. Well, from my perspective

what I and my colleagues have heard out there in the suburbs is that there has not been consultation. There has not been extensive consultation and there might have been a whole lot of meetings but there has not been consultation. I think that the critical element to remember is this: if we are actually genuine about consultation, let us have the genuine conversation.

According to an article in the *Australian* yesterday, it would seem that the consultation has not even occurred in the Andrews government's own cabinet. It states:

Disunity has flared within Daniel Andrews's Labor government amid revelations the sensitive decision to elevate a rail line to save costs on level crossing removals did not go to cabinet ...

So it would seem to me, if you believe those comments, the core of this is a lack of understanding of consultation and what consultation means.

I had the pleasure on the weekend of visiting Ms Springle's electorate of South Eastern Metropolitan Region, where I attended an information session held by the Level Crossing Removal Authority. It was a good opportunity to ask many questions, but I did make some observations in relation to that session. I will refer to the sorts of things that community members out in Noble Park were keen to understand more about, were keen to have more knowledge of and were very frustrated by the fact that that information was not available to them as part of this session that was held. The first one was around traffic flow: members of the public want to know what the implications of this infrastructure will be on local traffic movements. They want to understand whether there will be the need for any traffic-calming measures and how traffic may be reconfigured as part of this construction process, but that information simply was not available to them.

The fact that that information was not there only leads to frustration in the community because people start to get suspicious. It is only human nature that when you cannot find out what you want you start to wonder, 'What are you hiding?'. I would think there would be no issue with having this as public information and in fact it would serve to assist members of the public in weighing up whether they believe this project is a good project for their community.

In relation to noise, of course there is a lot of concern around noise and the impact of noise generally. There was a one-page flyer at the information day, and quite frankly that did not cut it for community members who were there that day. They want the detailed noise studies. They want to understand how the noise emanates from the train and how that will be

attenuated. I know that regarding the one-pager that was presented on the day, although it is probably within the principles of 'Keep it simple', people actually want the detail, and particularly those people who live along the line who will feel quite acutely the impacts of that noise. They want to know how that noise is going to be attenuated. They want to know what that will mean for them and for where they live, and that detail simply was not there.

There were concerns about vibration of the rail line, and it is the same thing again: they want to know how that will be mitigated and what that means for them, particularly those located close to the line. Unfortunately that information was not available at the information session in Noble Park either.

Residents wanted details on how visual amenity will be treated, the impact of this sort of infrastructure and what that means in terms of the character of their neighbourhoods, but sadly that information was not available to them. There was some information around some computer mock-ups of what it would look like, but people wanted the detail. It was impressive, and I might say Ms Springle has a very switched-on community because the residents actually wanted to get to the detail of what is going on. They did not want a glossy photo, they wanted to understand how that glossy photo came to be, what makes that up and what is underpinning that glossy photo. Sadly, there were no details on visual amenity and how that will be dealt with, aside from those glossy visualisations.

There is no business plan available for the community to look at. Members of the community were very keen to look at a business plan in relation to this project but, alas, that was not available to them either. There were a lot of frustrated people on Saturday morning. They took time out of their Saturday to go to this information session and, sadly, did not get the information they were looking for. Of course that just leads to even greater frustration, and from my local government days I know that you really do not want members of the community walking out of a meeting feeling frustrated if you can help it. Information and knowledge is always the key to a strengthened and empowered community.

On the day people wanted to understand how the 11 MCGs of open space was calculated and what that actually means. They wanted to understand how the sky rail will be built, what it will look like, who will maintain it and when it is going to happen. Sadly, there was no detail in relation to that. Once again there were some glossy photos and representations of what it could be, but no detail to give certainty as to how that would be arrived at. Members of the community then wanted

to know about the budget in relation to this and what would be applied, along the line on a suburb-by-suburb basis, to this particular project, but that information was not available to them. People who live close to the line were very concerned about solar access, sunlight and shadow diagrams. Sadly, that information was not available to them. Members can see there is a bit of a consistent path here in terms of information seeking and the same answer, that there was scant information but not the detail that the community is seeking in relation to this.

There was concern about the bike paths and configuration along the track, because it would seem in many areas along the track, particularly when that cycle path reaches an activity centre, that cyclists are to dismount and walk their bikes through the activity centres and then get back on their bikes again and continue on their way. We know that is not a good outcome for cycling and active communities. Cyclists there on the day expressed concern about that and wanted details on how that design got to that point, but that was not available to them. There were concerns, should the project go ahead as elevated rail, about tracks that are left underneath that. There was a lot of scepticism about who would in fact be lifting those tracks and when they would be lifted.

There is quite a degree of scepticism in relation to seeing the delivery of the promised open spaces and community infrastructure under the elevated rail. That went on to concern about local governments being lumbered with the task of having to build the structures under the elevated rail. People are very concerned about what their rate dollar is spent on. It is an acute issue for them, and of course it should be. They are concerned that a state government responsibility will be passed on to the local government areas. What that means is that it will be passed on to them, so they are very concerned about how that will pan out. I have to say that I had two different answers to the same question on the day I attended the information session, so it would either be that there is no clarity around that at a government level or that it has not been promulgated to the staff of the level crossing authority, because I did get some mixed messages on how that would play out.

People were concerned about car parking. It is an enormous issue in relation to our local railway stations, but by the same token they also did not want to see swathes of land given over to car parking when there was an opportunity for other sorts of infrastructure to be in place. There was no detail in relation to a car parking strategy around the elevated rail proposal.

Lastly, in relation to the Noble Park information session only, people were very concerned about vegetation removal, replanting and the landscape plans in relation to this project. They wanted to be sure that the beautiful, scattered old trees that exist along the line are retained, but they also wanted to ensure that there were enhancement works in relation to planting. As an aside again — they are acutely aware of who pays for what in Noble Park, I can assure Ms Springle — they did not want their local government to be burdened with the cost of that in an unnecessary way, so there were lots of questions about that, but sadly there was no detailed landscape plan available for them to look at, interrogate and feel comfortable about.

I might just add, while I am talking about consultation in Noble Park, that Ms Springle is in fact a very proud resident of Noble Park. She lives, she tells me, within 400 metres of the railway line. Her own summation of the consultation and her exposure to the consultation is that she has received no flyer and she has received no doorknocking; she has received nothing at all in relation to it. So that is a firsthand account from a Noble Park resident — a very proud Noble Park resident. I must say that Ms Springle is acutely aware of the issues, but she was not made aware of them through a doorknocking or pamphlet-dropping exercise.

A range of issues have been brought to our attention through local government. They span issues around the crime prevention through environmental design analysis. Local government wants to understand whether that is being done; it wants to be sure that that has been looked at, particularly around any alcoves that might be created where the line ascends or descends. Local government wants to be sure that local schools along the line have been consulted and whether there has been a conversation with them about the open space that could potentially affect the schools. It wants to know if the police have been consulted regarding the design, and whether there is any antisocial behaviour that could be mitigated through the design. It wants to understand the net increase in car parking spaces and more detail around car parking. It wants to understand what graffiti prevention techniques have been proposed as part of the proposal. It wants to know how much funding there will be for open space improvements under the line. This is all in the context of local governments facing significant cuts to their budget. The City of Greater Dandenong is looking at a \$3 million shortfall in anticipated funding next year. Someone is going to have to carry the can for that, and local government, rightly, is very concerned that it will be left carrying the can and will not have the ability to do so.

Local government is interested to learn what will be the increased ongoing maintenance cost of new community facilities and open space under the line. It is lovely to entertain the thought of new community facilities, and certainly communities on the Cranbourne and Pakenham lines are screaming for new infrastructure, but with that new infrastructure, of course, comes maintenance costs into the future, so it is important to have that conversation.

There has been no clarity for local government around how the future third and fourth lines are to be catered for and how that integrates with the solution chosen for Springvale station. There is reference to the cost-benefit analysis of underground versus elevated rail solutions. Council is rightly questioning whether diesel trains impact on the solution choice and how. In fact that was a conversation that also came up as part of the Noble Park information session that I attended.

There is a lot of concern about local traffic and traffic congestion and how that will work, and in particular there has been the suggestion that more space for pedestrians will be provided as part of the project. There are concerns around the bus interchange and the design for that. With the tension between car parking and bus interchanges, will that in fact eat into the open space that is being entertained as part of this proposal? What is the plan in relation to taxis and how they will interact with the station? What is the impact of future residential apartment developments along elevated rail? Will greater heights be encouraged or discouraged, or will those matters be left in the hands of the local planning authority, which is local government?

Local government questions the data that supports very low sound barriers to reduce the noise. They want to understand the evidence in relation to that, and they want to know why the barriers are not higher, like you would see along freeway projects. These are reasonable questions for local government to ask, and at this point it actually does not have the answers to them. I would have thought that at this point local government would be across all of those things, and that there would have been a longstanding consultative process with local government as the local authority in the area.

Local government is concerned about colours, materials and geometric designs. It wants to understand whether any of the visual elements presented reflect the final visual treatment, because at the moment what we are seeing in those glossy computer graphics is just straight-out concrete. Local government really does have concerns about the visual amenity of the design. There is no clarity at all around whether there will be better treatment in relation to that straight-out concrete

design. Local government is concerned about the mock-ups that are on display at the moment —

The PRESIDENT — Order! Ms Dunn will have the call on the resumption of this debate.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Safe Schools program

Dr CARLING-JENKINS (Western Metropolitan) — My question is for Mr Herbert, the minister representing the Minister for Education, and it relates to the Safe Schools program. Earlier this month Cella White withdrew her children from Frankston High School over concerns about this program. She had concerns that her son, who has an intellectual disability, was receiving confusing messages about transgender issues and concerns about the safety of her daughter, who is blind and who would feel unsafe, not knowing if boys were choosing to use the girls bathrooms at school, following the teachings of this program.

I understand that the needs of different groups need to be handled delicately. It is my concern that children with disabilities and their parents are not being adequately consulted, which means that their needs are, again, coming in second to the perceived needs of others. Can the minister outline for me why parents — all parents, but particularly parents of children with identified special needs — are not being given the opportunity to view, be informed about and provide feedback on the Safe Schools program prior to its implementation?

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question. It is fair to say that absolutely everyone would agree that all students deserve to live in a safe environment free from bullying and discrimination regardless of their race, background and sexuality. I think anyone who has been in this chamber knows that Dr Carling-Jenkins has a strong interest and passion, one would say, for supporting students with disabilities and their families.

In regard to the Safe Schools Coalition, this program has been running since 2010. It has been funded by state and commonwealth governments, and it has generally received full bipartisan support over those years. The government is committing an extra \$1 million over four years to expand the program to all secondary schools, and it is doing this because we know that about 11 per cent of young people experience feelings of same-sex attraction and that

approximately 4 per cent are gender diverse. We also know that 75 per cent of those young people — a shocking statistic, really — experience verbal or physical abuse and that 80 per cent of this abuse occurs within schools. The Safe Schools Coalition gives schools access to resources for students and teachers that help schools make an assessment of how safe their schools are for all students and how to build a more inclusive and tolerant school system. That is just a little bit of background.

In regard to the specifics of Dr Carling-Jenkins's question, of course, it is a question not just about the Safe Schools Coalition but about a much broader issue of how schools and governments communicate with parents and children, particularly children with intellectual disabilities, in relation to school programs. Of course all parents love their children; they send them to school and someone else is looking after them, so they want to know what is happening. I think that is a fair thing. I am advised, though, that through the Safe Schools Coalition schools and parents are supported to consult in relation to the individual needs of students and parents, and that many specialist schools and schools that enrol children with disabilities are currently being supported to do this. However, on the actual issue of the extent of that consultation now and in the future and that support, I will refer that on to the Minister for Education, because I know the member wants a detailed, more specific answer than I can give at this moment on that particular issue.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his answer, and I appreciate his taking on notice the specific concern around what consultation parents of children with disabilities will be given in the future. I wonder too if I could just note that last year the Minister for Education stated in relation to Safe Schools that Victorian government schools are able to make their own decisions on which programs they would like to use. However, it is my understanding that Safe Schools will become mandatory in 2018, so I wonder if, on taking this on notice, the minister could also explore with the Minister for Education how Victorian government schools can make their own decisions — which would include, I would think, consulting parents about the programs they would use — when this program becomes part of a mandatory rollout, again focusing on children with disabilities.

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her supplementary question. It is fair to say that the

Victorian school system is not a big central octopus with a big government department actually holding all the levers of education. We are a diversified school system. We do have many aspects — —

Honourable members interjecting.

Mr HERBERT — We do. We have all supported this. It is not party political. We understand the importance of school councils and of local decision-making in a lot of these things, but I guess it is fair to say that schools are different. I was talking to a parent just before question time really about Eltham High School, a school that was in my old electorate when I was in the other place. It is a great school. It has very inclusive programs, and it genuinely has a great endearment with students in that it treats everyone as equal and respects different views and different capacities. It is in the Safe Schools Coalition. This person was saying that she has actually discussed this issue with her child and there were no issues at that school. But that is Eltham High. I know schools are different.

I will refer the matter of course more specifically on to the minister, and I am sure he would be happy to give an answer given that our government is fully supportive of this program. It is an important program, and we want to make sure it works well.

Thomson River fishway

Mr BOURMAN (Eastern Victoria) — My question today is for the minister representing the Minister for Environment, Climate Change and Water in this place, Minister Jennings. The Horseshoe Bend Tunnel is a tunnel created in 1911 and 1912 to divert water from the Thomson River for alluvial gold mining. The tunnel was heritage listed in 2002. Recently there have been plans floated to create a fishway for the grayling, a native fish. As I understand it, the grayling cannot go past the tunnel and, for reasons I cannot ascertain, cannot go through the tunnel, which is full of water. Add to this a report from 2010 from some campaigners who placed an underwater camera in the area. They did not observe any grayling at all — a report consistent with a study in the 1970s. The final piece of the puzzle is that about 18 kilometres upstream is the Thomson River dam, which clearly presents an obstacle for the grayling by virtue of a huge wall. I understand that the Horseshoe Bend Tunnel is managed by the Department of Environment, Land, Water and Planning. My question is: has a full and independent impact study been done on all environmental impacts on the area, and if not, will one be done?

Mr JENNINGS (Special Minister of State) — I have a distinct impression I am going to be a bitter disappointment to Mr Bourman because whilst I may, from his detailed question and knowledge on this subject, now know that grayling are somewhat camera shy, I do not know many other aspects of this issue. I am certain that my colleague the Minister for Environment, Climate Change and Water has knowledge of this important program and I am certain she would be itching to provide that information to the member, but I am unable at this point in time to share it. On that basis I will have to respond accordingly.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for his answer, and I would love to grab a briefing. Given the apparent lack of grayling observed now and back in the 1970s, and taking into consideration the Thomson River dam, what is the quantifiable result expected from the change to the tunnel?

Mr JENNINGS (Special Minister of State) — I could probably extrapolate from my previous answer to make it very clear that I am grayling riffing on this matter, but I will now seek further quality advice that the member is actually seeking from my colleague.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture: is the minister prepared or able to confirm if any new contracts have been or will be signed between VicForests and Allied Natural Wood Exports in relation to timber supply from Victoria?

Ms PULFORD (Minister for Agriculture) — I think the whole chamber breathes a sigh of relief that we are back to our favourite old topic. President, with your indulgence, I will take the details of this on notice. I am loath to get into any contractual arrangements which may be commercially sensitive in nature, so I will provide an answer to Ms Dunn's question by tomorrow.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. My supplementary question is: now that the forest task force has commenced its work, what actions will the minister take to ensure that any timber supply contract signed post the task force's commencement does not lock the people of Victoria into future compensation claims?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her further question, which is much broader than the initial question, which was around a specific contractual arrangement. This is now a question about all contractual arrangements. VicForests manages a great many contracts — it is very much part of what it does — if my memory serves me correctly, dozens and dozens of contracts for different durations and for different supply agreements. Some are quite small and discrete; some are much more significant and longer term.

What I would say to Ms Dunn is that the government is supporting the work of the task force. It has set itself an ambitious timetable. I understand the task force members are working very hard to build a consensus on these issues in which Ms Dunn has such an interest. VicForests is playing a very important role in supporting that work, and it will continue to do so.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. Last week the Minister for Environment, Climate Change and Water in the other place made comments on ABC radio that ‘the government is disappointed to see that rare and threatened species may have been impacted by harvesting operations’. She was referring to logging in the Kuark forest, East Gippsland, in a logging coupe where 15 greater gliders were located by citizen scientists. In the same interview VicForests communication manager said, and I quote:

VicForests wouldn’t have found them ourselves in that particular site.

He went on to say, and I quote again:

We’re now reviewing our overall approach to targeted preharvest fauna surveys.

Can the minister advise how these comments accord with her assurances to the house in the last sitting week that:

VicForests complies with all of the arrangement that exists to ensure that our timber industry conducts the work that it does in a way that is compatible with environmental values.

Ms PULFORD (Minister for Agriculture) — Strict regulations exist to protect the environment and the activities of the timber industry. Species-specific rules already protect many threatened species and other sensitive forest values. VicForests needs to comply with these specific rules and undertakes risk assessments in preharvest surveys to ensure this is the case. VicForests has a culture of ongoing improvement

and is very committed to ensuring the protection of our threatened or protected species because it too, I believe, is committed to a sustainable industry going forward, as indeed is the government.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I thank the minister for her answer. I ask the minister: what are her expectations and how will she ensure VicForests meets its obligations in its overall approach to prelogging fauna surveys?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her further question. There are arrangements in place that VicForests complies with. If there is reason to believe these need to be improved, then my experience is that VicForests is always willing to improve them, but the arrangements that exist now to protect threatened species are complied with by VicForests. It is undertaking, as part of its work on a daily basis, important work in support of the Leadbeater’s possum recovery and the protection of the environmental values that Ms Dunn holds so dearly.

Solicitor-general

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Leader of the Government. In 2014 the now Premier relied on legal advice from Richard Niall, QC, to claim that the east–west link contracts were not worth the paper they were written on. That advice has now cost Victorian taxpayers more than \$1.1 billion. Can the minister confirm that the Richard Niall, QC, who provided that advice on east–west link is the same Richard Niall, now solicitor-general, who is advising the government on the Ombudsman’s jurisdiction in the Labor staffing rorts matter?

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for his question. It is a very good try, but I can assure him that in terms of any advice that is provided by the solicitor-general the government has great confidence in the reliability of that advice and the professional acumen of that advice. And I can assure the member that in the legal advice that Mr Niall may have provided the opposition at the time, at no time did the phrase that the member has referred to occur in that legal advice. That was the interpretation that the opposition made of that advice.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his response. It seems that the government’s interpretation of

Mr Niall's advice in the past and perhaps the present is somewhat wanting. Nobbling the Ombudsman's investigation into staffing rorts may be in the political interests of the Labor Party, but it is not in the public interest. Given Mr Niall has previously acted for the Labor Party in its political endeavours, how can Victorians have confidence that there is no conflict in Mr Niall advising on a matter where the public interest and the Labor Party's interest are at odds?

Mr JENNINGS (Special Minister of State) — At the kernel of Mr Rich-Phillips's question is a legitimate question. I have no doubt about it that it is a legitimate question. The people of Victoria need to have confidence in their statutory office-holders, including the solicitor-general, in the reliability of their professional advice, in their actions being undertaken without fear or favour and in their ability to acquit their responsibilities. So it is a totally legitimate question from that perspective.

My response to that is that the government is absolutely confident that the solicitor-general will be able to demonstrate through his tenure that he fully acquits the expectations of the Victorian community in that regard. I have absolutely no doubt that in fact the solicitor-general will be able to acquit his responsibilities. The first issue that has been drawn to attention in his advice is actually about trying to protect the Victorian statute, and the Supreme Court will make a determination about whether his advice is correct or not.

Ombudsman jurisdiction

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is again to the Leader of the Government. Yesterday the minister advised the house that the Attorney-General was taking responsibility for seeking to join the Ombudsman's matter before the Supreme Court. Given the Attorney-General is taking responsibility, why is the matter being run from the minister's department, the Department of Premier and Cabinet, rather than from the Attorney-General's department or the Victorian Government Solicitor's Office?

Mr JENNINGS (Special Minister of State) — I do not think that the member's question is in fact one that is actually relevant to this matter. The government, through the central agency, procured the advice from the solicitor-general in the first instance, and I volunteered that to the chamber two weeks ago. In fact the advice was secured on the basis of its being sought by the Department of Premier and Cabinet. It was the client that sought the advice from the solicitor-general. It continues to be the client in relation to providing the

advice across the whole of government. The Attorney-General is the first law officer in Victoria and has a direct relationship with the solicitor-general in relation to commissioning or accepting the solicitor-general's recommendation that the state of Victoria should either be joined or intervene in this matter, depending upon the selection of the Supreme Court itself.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer, but the question did not go to the engagement of the solicitor-general or his advice on the matter; the question went to the issue of participation in the matter before the Supreme Court, indeed the affidavit that was filed on behalf of the government by the Department of Premier and Cabinet rather than through the attorney's department. So I ask: was the minister or his office or the Premier's office consulted on the affidavit that was filed by the Department of Premier and Cabinet ostensibly on behalf of the Attorney-General?

Mr JENNINGS (Special Minister of State) — The folly in Mr Rich-Phillips's question is the supposed authority of the Attorney-General. I conveyed to the house yesterday that the Attorney-General acted with the authority of the government and continues to act with the authority of the government in relation to this matter. So the assertion within the supplementary question is invalid.

Food safety

Mr DRUM (Northern Victoria) — My question is to the Minister for Agriculture. With her plans to deregulate the sale of meats at farm gates and farmers markets, what actions has she taken as minister to address the Victorian meat industry's concerns that relaxing these food industry safety rules will dramatically increase the risk of contamination events and in turn destroy Victoria's reputation as a safe food exporter?

Ms PULFORD (Minister for Agriculture) — I thank Mr Drum for his question. The decision to change this regulation came about as a pretty direct consequence of representations from the industry about the current arrangements being inadequate. So I think Mr Drum might be off on the wrong tram there a little bit. But what I would certainly assure Mr Drum and the house of is that the preservation of Victoria's excellent reputation as a place of high-quality and safe food must always be first and foremost in our considerations, so we will proceed to this change very cautiously. We will

thoroughly assess any risk and we will do so consulting with industry.

It is worth pointing out, just by way of example for Mr Drum's benefit, that the kind of packaged meat we are talking about is meat that has been processed in an appropriately regulated processing facility — in a PrimeSafe-approved processing facility. At the moment that meat can be sold at a farmers market and it will also be able to be sold at the farm gate. So it is not a dramatic change but it is an important change for our thriving food industry and particularly for small businesses in Victoria.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for her answer. As the minister knows, Victoria has just experienced a serious food contamination and recall event with a salmonella outbreak at a vegetable producer. This event prompted the World Health Organisation and the UN to issue a joint warning, and it made headlines in countries including China, Thailand and Malaysia, which are important markets for a range of Victorian food exports. What advice has the minister received from PrimeSafe about deregulation of meat sales at farm gates and farmers markets creating food safety risks that would jeopardise Victoria's \$2.2 billion meat export sector?

Ms PULFORD (Minister for Agriculture) — I thank Mr Drum for his supplementary question. PrimeSafe plays a really important role in providing a safe food system for Victorian meat and seafood products for consumers. It of course interacts with the food regulators. It is important that we have consistency in regulation and that the costs to businesses are managed. PrimeSafe has recently undertaken a review. There is a reasonably newly appointed board that has reflected on some areas where perhaps PrimeSafe might improve its relationship, particularly again with small producers and small business.

Mr Drum — President, the clock has gone off. I am just wondering if we could have the clock reset so the minister could answer the question about advice she has received from PrimeSafe.

The PRESIDENT — Order! The clock was not on. The minister, to continue.

Ms PULFORD — This is a change that I have asked PrimeSafe to reflect on. This is a change that is all about fostering innovation and growing opportunities for small business and therefore employment in our food and agricultural industries —

something you would think the coalition would be in support of. But again I provide Mr Drum with the assurance that food safety will of course always come first.

Protective services officers

Mr O'DONOHUE (Eastern Victoria) — My question is to the Leader of the Government. The Auditor-General today has found that the program to roll out protective services officers (PSOs) on our railway stations, conceived and delivered by the coalition, improved perceptions of safety of the train system at night and increased detection and reporting of crime. I note advice given to the then government in October 2014 that all designated railway stations would have PSOs by the end of calendar year 2015. Why has the Andrews government failed to meet this timetable, adding PSOs to just seven railway stations in calendar year 2015, leaving Victorian commuters still at greater risk?

Honourable members interjecting.

Mr JENNINGS (Special Minister of State) — In fact through interjection I was actually made more aware of the situation than I might have been otherwise, on the basis of commentary and discussion that actually may have taken place recently in the Public Accounts and Estimates Committee on this matter, as I was informed as I was getting to my feet. Nonetheless, the Auditor-General's report, as I understand, today has indicated support for the program. The incoming government supported the program and the incoming government continues to support the police portfolio through resources in a variety of ways. The rollout of PSOs, the rollout of custody officers — as we have actually discussed before — and the additional police resources continue to be a priority of this government in accordance with its election commitments.

The scheduling of police command in terms of determining its workforce issues is a matter that the police I understand take very seriously in terms of their degree of independence. Their responsiveness to government settings, their responsiveness to community concerns and the priorities that they set in relation to resourcing allocation I understand most importantly lie in the hands of the police commissioner. On that basis it would be probably unwise for me to go too far into that domain. If there is any additional information that may be available to the member, I imagine that it could be secured through the police portfolio. So I am anticipating what further requests may come to me later, but beyond my speculation I would leave these pretty much to police command and

those who make the resourcing allocations within the police portfolio.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for the answer. Perhaps in consulting with the acting police minister can I ask the minister to seek a guarantee that all 216 train stations designated as part of this program will receive PSOs and a date by when this program will be completed?

Mr JENNINGS (Special Minister of State) — President, I would make that reference to the acting police minister in accordance with the request from Mr O'Donohue, but I have been encouraged to inform the house that you can check the Hansard transcript from last week's Public Accounts and Estimates Committee hearings where the police commissioner has already addressed these questions.

Minister for Small Business, Innovation and Trade

Mrs PEULICH (South Eastern Metropolitan) — My question is to the Leader of the Government, representing the Premier, and I ask: given the inappropriate ministerial conduct of the current Minister for Small Business, Innovation and Trade at the sky rail consultation in Hughesdale on 13 February, could the minister advise what action has been or will be taken to fully investigate the minister's alleged abusive conduct, which was also filmed and appeared in media publications?

Mr JENNINGS (Special Minister of State) — I thank Mrs Peulich for her question. Whilst I have heard of this matter and I have heard of the existence of some footage, although I have not seen it myself, I certainly know there has not been drawn to the government's attention the need for any action to be taken in relation to the minister's actions in accordance with what might be seen in many people's eyes to be a legitimate intervention in relation to providing for a harmonious environment within the setting, as I have been informed. I think if the member is suggesting either that scrutiny should be applied to it or that there is community concern about that, I am sure we will review this matter, but at this point in time it has not been drawn to my attention that there is any ongoing requirement to do so.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I thank the minister for his answer. Page 14 of

Mr Eccles's report into the former Minister for Small Business, Innovation and Trade states:

Under clause 2.2(iii) of the code, ministers in the carrying out of their duties, must ... ensure that their conduct representation and decisions ... are consistent with the particular responsibilities of their office.

... The Premier may require a minister to resign if he is satisfied that a minister has breached or failed to comply with the code in a substantive and material manner.

In view of the minister's answer that he is aware of the matter, I ask: did the Premier or the Special Minister of State, as the Premier's representative, speak to Minister Dalidakis about his conduct, and if not, why not?

Mr JENNINGS (Special Minister of State) — There is a bit of a crossover there in terms of the Premier's responsibilities, which are clearly distinct from my responsibilities, and a blurring of the Premier's and my responsibilities in the member's question, and an in-built assumption that all of the actions, conversations and considerations of the Premier I am mindful of. I happen to be mindful of a few of them. I can volunteer to the member I am mindful of a few of them in terms of his actions, his thoughts and his intentions, but not all of them. I have not had such a conversation with the minister, but whether the Premier and the minister have had a conversation about these matters I am not aware — nor should I necessarily be aware of that.

Written responses

Mrs Peulich — On a point of order, President, in view of the answer and given that the minister is a representative of the Premier, I ask that you ask the minister to provide an answer to part 2 of the supplementary question.

The PRESIDENT — Order! In respect of today's questions I would ask for the following further written responses.

Minister Herbert has undertaken to provide some information through the Minister for Education in regard to the consultation processes that were referred to by Dr Carling-Jenkins in her question, and given that that involves a minister in another place, that is two days.

Mr Bourman has put both substantive and supplementary questions to Mr Jennings in respect of the Minister for Environment, Climate Change and Water's portfolio, and given that they were significant matters of detail and the information was not to hand

and could not be expected to be to hand today, the minister has undertaken to follow up with his colleague, the Minister for Environment, Climate Change and Water, and provide written responses to both the substantive and supplementary question posed by Mr Bourman. Again that is two days, as it is to a minister in another place.

The Minister for Agriculture has undertaken to provide a written response to Ms Dunn in respect of her first substantive question in regard to VicForests. That is due in one day.

Mr Rich-Phillips's second question to the Leader of the Government in respect of the filing of the affidavit to the Supreme Court has given me some cause for consideration of whether or not to seek a written response to those matters. I am mindful of the fact that this is an issue that has certainly been of interest to the house and in fact has required me to pursue a certain course of action, and I have certainly undertaken to be totally transparent in terms of pursuing the house's instructions in that matter. I have therefore given some consideration to the two questions, both the substantive and supplementary, posed by Mr Rich-Phillips. I would advise the house that I did ask Mr Ondarchie to just check with Mr Robert Clark, a member in another place, who is a former Attorney-General, as to whether, in his memory, there had been this sort of approach to a matter going to the courts.

The context in which I asked Mr Clark's advice or comment was not because he is a member of the opposition but more because he has been here since 1988. He is therefore the longest serving member and has been through periods as a parliamentary secretary as well as being the first law officer of government. Therefore in my view he would have knowledge that would span in greater depth and also duration than mine.

In that context I am mindful of the fact that it is therefore unusual, I believe, for the Department of Premier and Cabinet to actually lodge the affidavit to join a Supreme Court action rather than the Attorney-General. There is some confusion in my mind, which is raised by these questions, as to whose responsibility it is for pursuing these matters, because as I also recall, and it is posed in today's question, the Attorney-General we were told yesterday was taking responsibility for the legal proceedings, and yet the affidavit seems to have been signed by another officer out of the Department of Premier and Cabinet.

In terms of just achieving clarification on these matters, which I think is important to the house, I would ask that

we have a written response to both the substantive and supplementary questions posed by Mr Rich-Phillips in regard to his second question of the day. I think one day is sufficient for that one.

In respect of Mr O'Donohue's questions on the protective services officers and the matters relating to police manpower, both the substantive and supplementary questions I would ask for a written response on, which in fact was volunteered by the minister at any rate. Because that is a minister in another place, that is two days.

Mrs Peulich has asked me to consider seeking a written response in respect of her supplementary question. Obviously the minister satisfied the fact that he had not spoken to Mr Dalidakis about the concerns that Mrs Peulich had expressed in the matter she brought by way of a question today. Mrs Peulich has asked me to consider seeking the same sort of response from the Premier, and I accept that it is unlikely that the minister here today could answer on behalf of the Premier because he is not to know whether or not the Premier has had such a conversation. I would invite a written response to that matter as well in respect of whether or not the Premier has spoken to Mr Dalidakis. It might well have been short-circuited if we had asked Mr Dalidakis.

Mr Jennings — Just to assist the chamber, President, I think your reliance on the memory of Mr Clark probably has not assisted the chamber greatly in relation to this matter. I want to just make it very clear that I am absolutely certain — I could probably provide evidence of this fact — that solicitors within the Department of Premier and Cabinet have acted in this fashion in previous administrations and in fact it is not untoward for solicitors within the Department of Premier and Cabinet to act on behalf of any minister within the government, and in particular in this instance the Attorney-General. There is nothing to be seen here.

The PRESIDENT — Order! Can I indicate that the only reason why I raised Mr Clark was again for transparency, so that people were aware of the fact that I had sought that information from him based on his memory. But I totally accept what the Leader of the Government says: that in fact there may well be instances that Mr Clark is not aware of and that have escaped my attention in the past. I accept, in the spirit in which Mr Jennings has contributed those remarks, that in fact it is quite possible that this is not an unusual process or a process certainly without precedent. I certainly do not make any construction further in terms of what it may or may not mean, but I think a written response will actually provide some clarification. I

thank the Leader of the Government for those comments and accept them in the good faith in which they have been provided.

Mr Drum — On a point of order, President, just in relation to the supplementary question that I asked the Minister for Agriculture, it was quite specific in relation to what advice had she received from PrimeSafe about the risks associated with a deregulated meat market and I was wondering if I could get that advice she had received from PrimeSafe, maybe in writing within a couple of days.

The PRESIDENT — Order! From my point of view, the minister did actually respond to that question in terms of indicating the government's concern about the integrity of the system and ensuring there was food safety. Perhaps she did not explicitly mention advice that she had received, but I think whatever advice she had received certainly informed the answer she provided to the house. On this occasion I will ask the minister if she may consider a written response to the supplementary question tomorrow, specifically about that advice matter, but in many ways I do believe that the minister actually was responsive to the question. I am not sure that a written response will elicit much more information, but I will provide that opportunity on the member's behalf.

CONSTITUENCY QUESTIONS

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question is for the Minister for Planning. It concerns a change of zoning in Lalor from general residential zone 1 to neighbourhood residential zone 1. I ask this on behalf of constituents Mr Dzioba, Mr O'Brien, Mrs Sharma, Mrs Cummins, Mr DiFabio and others who find their properties are being affected by the stroke of a pen by the Minister for Planning. Yet they seem to have support from the local member, Bronwyn Halfpenny, the member for Thomastown, who has printed this notification to local residents about the change in zoning and the concern about what effect it might have not only on their property value but on what might happen afterwards. These properties are alongside key infrastructure — alongside the railway line, alongside a main road — and these residents are wondering why the minister, by a stroke of a pen, has decided to change their zoning. I seek from the minister a response so I can explain to these constituents and others why he has changed this arbitrarily without any consultation with them.

Western Victoria Region

Ms TIERNEY (Western Victoria) — My question is to the Minister for Training and Skills. In recent years we know there has been a crisis in the jobs and skills area in western Victoria, in part stemming from cuts to the Gordon Institute of TAFE in Geelong and the South West Institute of TAFE in Warrnambool, Portland and Hamilton, coupled with the decline of the manufacturing sector. So I ask, what has the government done to help the TAFE sector to once again grow and flourish in western Victoria? Have we yet seen any tangible outcomes in terms of employment or economic growth stemming from renewed investment in TAFE and job creation in western Victoria? Furthermore, are there any additional incentives in place to help apprentices learning a trade to deal with cost of living pressures and to meet the day-to-day expenses of becoming a skilled professional?

Southern Metropolitan Region

Ms PENNICUIK (Southern Metropolitan) — My constituency question is for the Minister for Creative Industries and relates to the annual St Kilda Festival. The City of Port Phillip has hosted another fabulous festival this year, kicking off with Yalukit Wilum Ngarree showcasing Indigenous arts and music, and the Live N Local program in various local venues in the week leading up to the main festival day. I attended the council's opening event on 14 February, at which the minister spoke of the significance of the St Kilda Festival to the Victorian events calendar. My question to the minister is: apart from essential support from Victoria Police, Ambulance Victoria and Public Transport Victoria, what financial support did the government provide to the St Kilda Festival?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. By 7.30 each morning the Tullamarine Freeway is often blocked from one end to the other. Indeed, it is often blocked well beyond the airport — right back to the township of Bulla. The Western Ring Road is its usual sluggish self, and the Deer Park bypass is often a write-off. The Calder Freeway staggers into the Tullamarine merge, and the West Gate Freeway is a mass of brakelights. Melbourne's west is being strangled by traffic congestion. Now that Infrastructure Australia has stated the obvious and declared the east-west link an urgent priority, will the minister heed that advice and give motorists from Melbourne's west some hope of relief by reconsidering

the government's decision to scrap this much-needed road?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to Jaala Pulford in her role as the Minister for Agriculture. Only last week I was at the opening of the new premises of the Norwood Sporting Club. I want to congratulate the council and the sporting club and even the previous government; I am a big enough person to mention the good work that it did to establish that particular facility. The exciting thing about the facility is there are a number of groups going to be using it. One of them is the local fishing club. After having a conversation with club members, I would ask the minister if she could let out details of the next round of fishing grants that may be available to support clubs to establish and to flourish. I understand that there are Stronger Fishing Clubs grants coming out soon. If she could give people details around that, that would be fantastic.

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Public Transport in the other place. In September 2015, some five months ago now, the government was forced to announce that it will seal the gravel car park at Huntingdale railway station and finally paint proper line markings. My question is: what, if any, budget allocation has been made for these works, and when will works actually begin? Or will commuters suffer through yet another winter of mud and parking chaos at Huntingdale station?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Roads and Road Safety. Beaconsfield Parade is a busy road corridor that has thousands of car and truck movements along it each day. Along Beaconsfield Parade there are a number of surf lifesaving clubs, including the South Melbourne Life Saving Club. I understand that Albert Park Primary School is using the beach as a pop-up playground and that due to pressures at Albert Park College the South Melbourne Life Saving Club building is being used for classrooms.

According to the VicRoads website school speed zones are designed to improve safety for schoolchildren by lowering the speed of traffic near schools. School speed zones on roads with a speed limit of 60 kilometres an hour or higher are time based; school speed zones of

40 kilometres an hour are in effect from 8.00 a.m. to 9.30 a.m. and from 2.30 p.m. to 4.00 p.m. on school days. However, there is no such speed zone around the South Melbourne Life Saving Club when it is being used as a school. My question to the minister is that he provide to the house why this facility does not have a designated school speed zone, as other Victorian schools are required to.

Northern Victoria Region

Mr DRUM (Northern Victoria) — My constituency question is to the Minister for Public Transport, Jacinta Allan. It has to do with her pre-election promise of metro rail for Bendigo. Prior to the election there were a range of promises made for Bendigo and its metro rail project. Early in 2015 more press releases were put out by Jacinta Allan and Maree Edwards in the Legislative Assembly espousing how this new project was going to revolutionise rail travel in Bendigo. Early in January this year we had new bus timetables and train timetables released, but as yet, despite all of these press releases and all these announcements, nothing has taken place that in any way resembles the pre-election commitments surrounding metro rail. My constituency question to the Minister for Public Transport is: when is Bendigo going to receive the services that were promised under the metro rail project before the 2014 election?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My question today is for the Minister for Local Government. Recent legislation in this chamber allowed the Victorian Electoral Commission (VEC) a monopoly on the provision of local government elections. I note also that the VEC has increased the charges for local elections by up to 30 per cent — a very significant hit on councils at a time when they are suffering through a period of rate capping. It does not seem to me that it is right or fair to cap rates where the government is ramping up charges by state government instrumentalities through what is effectively a monopoly by the VEC on these matters. What I ask the Minister for Local Government to do is to investigate why this surge in charges has occurred at the VEC, the impact on local council elections at the end of the year, and the impact on councils in the situation of rate capping under her arrangements.

ELEVATED RAIL PROPOSAL

Debate resumed.

Ms DUNN (Eastern Metropolitan) — To pick up where I left off, I was talking about a range of concerns that have been brought to my attention from local government given the prospect of elevated rail through their municipalities. I will continue down that path. There was concern from local government around the computer-generated shots of community; there were many significant and critical areas of their communities that were not part of the montages available, and available to date.

In a particular instance cited to me on what is a significant road in the Noble Park area, that being Chandler Road, there was only a mock-up of one direction along Chandler Road, which might have been perhaps the most sympathetic. The community and council of course want to see the whole picture, the entire perspective, in relation to what elevated rail and Chandler Road may look like, and I think it is reasonable for local government to have a 360-degree view of what this project will look like in its municipality.

Local government is concerned about the next round of consultations. It will highlight what can be changed and what cannot be changed. That is an important question to ask because it gets back to the whole nub of what is genuine community consultation. Is there in fact an ability for the community to influence outcomes and, with that, for the council to influence outcomes — or are they just going to be told, ‘This is what’s happening and this is what we’re going to do’? So it is a genuine question that it has on its mind.

Local government is concerned about the modelling and the impact on shopping strip centres, particularly if there are obstructions in relation to the elevated rail structure. How do embankments, concrete pylons and elevated structures integrate with shopping strips? There is no detail being given to councils on how that would work and what it would look like, and it goes back to the core issue — that the detail of what is an incredibly complex project that is being entertained is simply not available for people to really interrogate and understand what is being proposed.

Local government also has concerns around what vegetation will be removed — particularly trees, whether they be exotic trees or native trees — for the elevated rail itself but also in relation to the addition of the commuter parking. Will we see vegetation losses in relation to that as well? As I have articulated from the

Noble Park information sessions, that detail — that vegetation and landscape plan — is simply not available to the community or to local government, so rightly they are concerned about that.

It was extraordinary, I guess, to listen to some elements of Mr Davis’s contribution in relation to this — I believe he talked about elevated rail as being cheap, ugly and noisy — because when Mr Davis was in government it produced the Rowville rail reports and in fact recommended elevated rail as part of that project and seemed quite keen on elevated rail at that time.

Mr Dalidakis — Seventeen metres high.

Ms DUNN — I do believe in some places, picking up the interjection, 17 metres was contemplated as part of the Rowville elevated rail proposal. I think the community of Rowville would be very happy to have a rail line, because it has waited since 1969. It is extraordinary to hear that it has turned into something cheap, ugly and noisy, when in fact it was a legitimate proposal in relation to Rowville rail under the previous government.

My colleague Ms Hartland, who sat through some of the debate — —

Mr Dalidakis interjected.

The ACTING PRESIDENT (Mr Ramsay) — Order! I ask Mr Dalidakis to let Ms Dunn finish her contribution — probably not before lunch, I suspect — or at least allow her to be heard. Ms Dunn, to continue.

Ms DUNN — Thank you, Acting President, and I am on the downhill run. I know that the lunch bell is nearing. In relation to Ms Hartland — right on the bell! — she sat through some of the debate this morning and found the contributions of Mr Davis amazing and hypocritical, because what Mr Davis is highlighting as a flawed process in relation to this proposal for elevated rail is exactly the same process the former government followed in relation to the regional rail link and particularly how that government of the day treated the residents of West Footscray, Deer Park and Sunshine.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Ms DUNN — Resuming where I left off in part 2 of my contribution, it was in relation to the former government and Rowville rail. At the time the report that was handed down recommended an elevated rail made of precast concrete in a viaduct for many sections of the line. So it is interesting to see this change of heart from the opposition in relation to elevated rail

generally — that it is now referring to as cheap, ugly and noisy. It seems it would have been fit for the people of Rowville. However, sadly for the people of Rowville their aspiration for a rail line has not been met. It continues to be infrastructure that is very much needed but still, unfortunately, not committed to.

In terms of Mr Davis's motion and what he suggests, the Greens are most concerned about the consultative process. We think it has been inadequate consultation. We are aware that this project, whatever the shape of it, needs to last for decades, so it is really important that we get the implementation right, because it could create other issues for the community into the future. The Greens will be fighting for proper consultation so the best outcome can be negotiated for public transport users and the local communities. We understand that communities are up in arms. They have not been properly consulted, and from all that we have heard and all of the conversations we have had we can see that they have not been properly consulted. I am not going to go back to what proper consultation means; I think I probably covered off on that in the initial comments of my contribution.

Both the community and councils are angry, and quite frankly that is what happens when you do not properly consult with communities. When you treat communities with contempt this is the sort of response you get. It is contemptuous to not provide them with the full raft of information they need to properly understand such a major project as elevated rail. We are concerned that this is a tick-the-box exercise. It is not a proper consultative process. For that reason we will not be opposing this motion of Mr Davis, and we hope that lessons are learnt and that we start to see proper consultation in relation to this so people can make decisions based on real evidence in front of them.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise to speak, not surprisingly, against the motion of Mr Davis, a motion that, again unsurprisingly, has been put together by one of the most hypocritical members of the opposition in an attempt to try to do as I say but not as I do. In fact I will get onto that in particular in a moment.

Let me firstly deal with the range of issues that Mr Davis raised in his contribution, if I can call it that. It certainly was not his finest hour in this chamber. What I will say is that Mr Davis started his contribution by implying that this government had misled the community prior to the last election, which it had not. In fact by using those words Mr Davis would be considered by some to be a lying weasel himself. In fact — —

Mrs Peulich — On a point of order, Deputy President, that was unparliamentary, and it reflected on a member in this house in a way that can only be done by direct motion. I suggest that you ask him to withdraw and apologise.

Mr DALIDAKIS — On the point of order, Deputy President, in fact what I said was that as a result of his contribution it may lead some to consider that he is a lying weasel. I did not in fact impugn Mr Davis or imply he was a lying weasel, although if the cap fits.

The DEPUTY PRESIDENT — Order! That is not appropriate, and I ask Mr Dalidakis to withdraw.

Mr DALIDAKIS — I withdraw. As I was saying, some people would be led by Mr Davis's contribution — or rather be misled by Mr Davis's contribution, because in fact prior to the last election the then opposition did go to the electorate with a policy of removing our 50 most congested and most dangerous level crossings. In fact since we came to government that is what we have gone about doing. I will deal with a range of the assertions made by Mr Davis in his contribution, but just to be clear, he made a contribution in relation to car parks at the level crossings that will be removed. But I find it somewhat odd that Mr Davis would express an interest in car parks at train stations, because Mr Davis does not actually use public transport.

Mr Davis — He does actually; he uses it regularly.

Mr DALIDAKIS — So I do not know why he has such an interest.

Mr Davis — I am a huge user of it.

Mr DALIDAKIS — I find it somewhat interesting that Mr Davis would like to do that. Nonetheless, obviously the truth is somewhat inconvenient for those opposite. The chiropractor from Kew is manipulating once again. Unfortunately he is not qualified as an engineer. He is not qualified in any way, shape or form to try to critique the work that has been done by professionals in a way that denigrates them as professionals and denigrates the work that they have undertaken on behalf of the government in meeting its election commitments but also in providing a public policy that is actually to the betterment of the community.

It is to the betterment of the community in relation to all aspects from congestion to obviously the dangers associated with level crossings and the tragic deaths that have occurred of both pedestrians and the occupants of motor vehicles, and also of course from an

efficiency point of view. Because as we have seen, the boom gates at some of the level crossings are down for a significant period of the 2-hour peak, which makes it very difficult for people to get about their business, whether it be small businesses, medium or large businesses, employees trying to get to work or in fact parents trying to get to schools. There are a whole range of factors and reasons why removing these level crossings is important as a public policy pursuit.

The shadow minister that has obviously led the local campaign against the level crossing removal project, Mr Davis himself, has used and abused the good graces of the local community in an attempt to play pure politics with this issue. That is not a surprise of course; this is unfortunately at times the game that we are in, where the politics of an issue will take over from the policy pursuit of the issue. Unfortunately we have seen Mr Davis do just that with a range of people, including, may I say, Karlee Browning, who Mr Davis had put a great deal of store in to begin his campaign until it was found out that she was a potty-mouthed individual and was abusing people left, right and centre, leaving somewhat disgusting voicemail messages. Now all of a sudden Mr Davis has retreated from using Ms Browning as the local campaign activist; she has just disappeared. Apparently, Mr Davis has chosen — —

Mr Davis — On a point of order, Deputy President, the member is attacking members of the community without justification. The person in question was very active at Glen Eira last night, and Labor members voted the wrong way in some councils last night.

The DEPUTY PRESIDENT — Order! That is not a point of order.

Mr DALIDAKIS — As I was saying, Mr Davis tried to use Ms Browning to head this campaign in the local community, but he had not done his due diligence on using her to front the campaign and unfortunately, as the news report with Mr Donohoe on Channel 7 showed, she left some quite abusive voicemail messages for other members of the community that did not support her position. So Mr Davis has chosen to remove her from his local campaign. He has replaced her with the local Liberal thug Theo Zographos, who at the most recent public consultation that I was able to attend for a period of time was going around taking photos and film of people who were speaking to both myself and other members of both the Level Crossing Removal Authority (LXRA) and the government at the hall. In fact he was doing so without any request for permission from the people. This is normal fare for the

Liberal Party — underhanded tactics to try to somehow intimidate local people from engaging with us.

Mr Davis interjected.

Mr DALIDAKIS — Might I add, quite contrary to the comments of Mr Davis, that the people who did engage with me at that forum were both very respectful and engaging with me on some of their concerns. Some of them did actually support the proposal that the government has put forward.

Mr Ondarchie — What did the business community say?

Mr DALIDAKIS — Mr Ondarchie should be careful what he asks for. When he asks questions to which he does not think he knows the answers he should be very careful, because we will get to the business community in a moment. Because I spoke to a lot of the local traders there, I can tell Mr Ondarchie that there is a lot of support for the proposal. Deputy President, I will tell you why there is support for the proposal: because it actually minimises the disruption to local traders. In fact it does not have to have the same level of disruption as has been experienced by some traders in other areas, where we have had to close roads for extended periods of time, as we did with rail under road.

That gets me to another appalling use of parliamentary privilege by Mr Davis, which was his desire to attempt to attack and smear Stephen Dimopoulos, a member of the Legislative Assembly, who has represented his community with a genuineness and a desire to assist them and provided an open environment in which he has gone around and offered to meet with every single member of his community that requests a meeting. That has been his commitment — —

An honourable member interjected.

Mr DALIDAKIS — No, that has been his commitment, and he has offered to do that. He has also offered to provide one-on-one meetings between the Level Crossing Removal Authority team and any of the local members of the community. This behaviour by Mr Davis to try to use parliamentary privilege to smear and attack another member of this place is really quite appalling. The unfounded attacks, smearing the Labor government, using the word 'nasty', using the word 'thugs', using the word 'smearing', without any proof whatsoever seems to be the modus operandi of those opposite, and it is no surprise that they are in opposition. It is no surprise that they are in opposition given the tactics they use, because people expect more.

People expect policies, and people expect us to solve the problems that they face. In fact that is exactly what we are doing, and the unfortunate problem that we have got is that Mr Davis has used a means in this chamber that is not becoming of a member of this place. The reason why he has done that is that he has no proof. So he gets up in this chamber and makes a whole range of allegations about the conduct of Mr Dimopoulos, but he has got no proof. He calls the Labor Party a party of nasty people, of thugs and of people who smear. He does not have proof of any of this; he just uses his words across the chamber. He also, by the way, supports Liberal Party members like Theo Zographos going around a hall trying to secretly tape, film, take pictures of and intimidate people. He supports this kind of weird stalking behaviour — —

Mr Davis — On a point of order, Deputy President, the member is attacking a councillor in the community, Cr Zographos, about an incident that occurred, and it is my understanding that that matter has been the subject of a police report and that Mr Dalidakis himself is the subject of that police report, I am informed. I have no idea what the police will do with that matter. That is a matter for them, but the subject of a police report is probably not something that we should be discussing in great detail in this chamber.

Mr DALIDAKIS — On the point of order, Deputy President, this is all innuendo, and I can absolutely tell you that at no stage have I been contacted by anybody in relation to such an allegation. It is another attempt by Mr Davis to smear me, and he should withdraw.

Mr Davis — On the point of order, Deputy President, I am informed that a police report has been made about the incident and that Mr Dalidakis is the subject of that report.

The DEPUTY PRESIDENT — Order! There is no point of order. Mr Dalidakis to continue, but prior to continuing I ask that there be a lower level of interjection. It is making it very hard for Hansard.

Mr DALIDAKIS — Thank you, Deputy President. Mr Davis, again in his earlier remarks, which I am just at this point dealing with, seems to know better than everyone, which is no surprise, actually. I am surprised that Mr Davis is yet to receive a Nobel Prize, such is the level of his intelligence. He knows better than everyone. He knows better than engineers, he knows better than our government architect, he knows better than the Victorian Employers Chamber of Commerce and Industry (VECCI), he knows better than the RACV and he even knows better than sound engineers. This man has such depths to his professional make-up that I

am genuinely surprised that he has limited himself to the Victorian Parliament and is not working for the United Nations solving the problems of the world. Earlier today we heard the ramblings and incoherent thoughts of a member of Parliament who has been here for too long, a member of Parliament who thinks that he can get up and just make some kind of quick grab attack without foundation, in an attempt to try to further his own political standing at the expense of good public policy.

Mr Ondarchie — On a point of order, Deputy President, for the last 9 minutes the member on his feet has spoken about a member of the opposition and not once mentioned the motion before the house. I ask you to bring him back to the motion.

The DEPUTY PRESIDENT — Order! I do uphold the point of order, and I ask Minister Dalidakis to come back to the essence of the motion.

Mr DALIDAKIS — Thank you, Deputy President. In fact I will do that very shortly, but again I seek your indulgence slightly as I deal with some of the very direct comments Mr Davis made in his contribution in relation to this motion before the house. That is what I am trying to do, to in effect have an opportunity to provide that response.

One of the funniest comments that Mr Davis actually made was in relation to the Level Crossing Removal Authority itself. Mr Davis got up and in fact used the word ‘Orwellian’. He claimed that the LXRA was somehow an Orwellian-named body. Let me tell you, Deputy President, I cannot think up a more appropriate name for a body to do the work than Level Crossing Removal Authority. I find it interesting, and I wonder what he would have wanted to call it? Dr Seuss’s Merry Band of Merry Men? Did he actually want to call the LXRA Dr Seuss’s Merry Band of Davis Sycophants, or did he want to call it by some other name? The Level Crossing Removal Authority is a very clear and distinct name.

Mr Ondarchie — On a point of order, Deputy President, I remind you that the member is now flouting your ruling. You directly asked him to come back to the motion, and he has again reverted to launching a personal attack on a member opposite. I ask you to direct him to come back to the motion.

The DEPUTY PRESIDENT — Order! I ask the minister to direct his comments to the motion.

Mr DALIDAKIS — As we move towards that, let me say that one of the claims in the motion, and one of the claims that Mr Davis made in his contribution, was that he attacked the government in relation to the level of consultation that it has undertaken. Let me remind Mr Davis that the level of consultation we have undertaken is significantly greater than the level of consultation those opposite undertook on the east–west link when they were in government. That is an inconvenient truth for those opposite, who unfortunately like to deal in half-truths in an attempt to attack what is a good public policy.

Let me move onto the issue of the actual proposal that is currently before the chamber. One of the things that Mr Davis spoke at length about was the height level. Before Mr Ondarchie deems it necessary to call another frivolous point of order, let me point out that Mr Davis, at paragraph (5) of motion 224 that he moved earlier today, refers to the modelling shown to residents in relation to the actual project before us. Mr Davis admitted during the contribution of the previous speaker, Ms Dunn — by way of interjection, I might add, because *Hansard* may not reflect it — that the previous government did indeed have a plan for an elevated sky rail, in fact in Rowville. The thing that was really most amusing about Mr Davis’s contribution from the sidelines when Ms Dunn raised this issue was the fact that he claimed, across the chamber, that the coalition did not do anything. That might actually be a reason coalition members are in opposition: they did nothing for four years in government. They did not build anything and they did not try to. They did not do anything; they had studies.

The coalition’s plan for elevated rail in Rowville was in some parts 17 metres high, dwarfing the 12-metre height limit that has been discussed previously in relation to the sky rail proposed for the Dandenong-Cranbourne-Pakenham lines. In fact the Rowville sky rail plan was for a structure 17 metres high, from ground level to track — this information is now publicly available, and I suggest people go and seek it out — and for a 6-kilometre elevated rail line. As I said, it was to run through the eastern suburbs.

The reason the coalition did not proceed with this was that it decided it needed to do the Melbourne Metro rail project before it could start on this. The coalition did not reject this project out of hand because it thought it was a bad idea; it rejected it because it had a desire to do something else, and then in fact it did not do that either. But the coalition decided it would put something else in place first. It was disingenuous of Mr Davis to have suggested earlier by way of interjection that the reason the coalition did not do it was that it rejected it.

It did not reject it at all. It just decided that it had to put something else in its place to begin with. Mr Davis might like to talk a lot, but unfortunately the facts speak for themselves in a way that is inconvenient for both him and the opposition. Unfortunately the facts themselves will come to light, and we are seeing that right now.

What we have been able to demonstrate for the benefit of those here in the chamber and for the benefit of those who will read *Hansard* is that we have an opposition that is good at opposing but not good at actually supporting. We have a coalition that is good at supporting a sky rail when it is in government, but good at opposing a sky rail when it is in opposition. We have an opposition that decides that what is good for the goose is not good for the gander, and most importantly we have an opposition that has run a purely political campaign to oppose a public policy that we went to a state election with, a public policy that was welcomed by Victorians across the board, a policy that was embraced by people across the board and a policy that is supported by major organisations, such as the RACV.

In relation to this, I will read for members the RACV media release of 13 January. The reason I wish to read this is that it very clearly states, in complete opposition to what Mr Davis has presented to this house, that rail over road was an option that was provided to the community during consultations. Despite the fact that Mr Davis in his earlier contribution attempted to imply that in fact no such consultations took place, this media release from the RACV actually proves that consultations did take place and that rail over road was in fact an option. Let me read this media release, which quotes Brian Negus as having said:

Elevated rail is used successfully around the world and the concept of a so-called ‘sky train’ to replace level crossings could be feasible at a number locations in Melbourne.

Brian Negus also said:

RACV believes there is not necessarily a one-size-fits-all solution to level crossing congestion. It is critical that all the options are thoroughly investigated ...

The media release states:

... RACV ... supports the state government’s decision to explore all options ...

Funny that — all options! The RACV in its media release actually included images of an elevated rail option. This is very inconvenient for Mr Davis, given his earlier contribution. It is very inconvenient for the opposition as it goes about running its scare campaign down in the Southern Metropolitan Region. But it does

not to stop there. The Victorian Employers Chamber of Commerce and Industry (VECCI) also came out and welcomed the announcement. It said:

Importantly, the elevated rail design allows for construction work to be undertaken with minimal disruption to the existing train and road networks.

This is very important, because the minimal disruption is not just about the residents. It is not just about the traveling public or the commuting public; it is also of course very important to the people who are trading — the owners of local businesses. It is very important. Contrary to Mr Davis's suggestion that owners of local businesses are up in arms, in fact they are not, because when I have spoken to them, they have very clearly said to me that anything that minimises disruption is something they would welcome.

It was not just the RACV and VECCI that spoke about it. Let me also quote for members from a media release of the Office of the Victorian Government Architect (OVGA), which Mr Davis has previously tried to quote from as not supporting the sky rail. I will try to be relatively quick with this, but it is important to get the detail into *Hansard*. The document states:

In 2014 —

under the previous government —

the Office of the Victorian Government Architect ... prepared a paper entitled *Level Crossing Removals — Lessons Learned ...*

It then goes on to say:

At the time we stressed several key messages ...

At the end of the media release it states:

The proposed design for the Caulfield to Dandenong project shows a serious commitment to design quality. The concept reflects quality international benchmarks with a cross-disciplinary, integrated design approach that combines a vision for state-of-the-art transport infrastructure with enhancement of the public realm. The success of the project is contingent on a commitment to the quality, amenity and custodianship of the project as proposed in its entirety.

On this basis —

and this is the critical point —

the OVGA supports the proposed solution for the Caulfield to Dandenong level crossing removal.

That is quite contrary to Mr Davis pretending that the architect does not support it. The Office of the Victorian Government Architect has in fact shown very clearly that it has been included in the design, that it supports the design and that it thinks it is world's best

practice. That is something that is certainly very important for us to acknowledge in this place, because unfortunately Mr Davis and some of his colleagues in this place and others have attempted to distort what is actually the view of the Victorian government architect.

Mrs Peulich interjected.

Mr DALIDAKIS — A quality contribution. Well done.

Mr Ondarchie interjected.

Mr DALIDAKIS — It was an assessment of Mrs Peulich's contribution from across the chamber. It was a quality contribution, which is no surprise, because she has only showered herself in glory since becoming a member of Parliament, especially within the Indian community — but we will leave that for another day.

What we have before us is in fact a policy whereby the nine level crossings that are to be removed along the Dandenong-Cranbourne-Pakenham line will in fact be removed — some of the most dangerous and congested level crossings, where boom gates are down for up to nearly an hour and a half of the 2-hour morning peak. That is a significant amount of disturbance that stops people from getting to their local traders, stops people from getting their children to school and stops people getting themselves to work, all because the opposition now wishes to pretend that it supports level crossings but does not and is trying to hide behind this fig leaf that it does not support the policy before us when in fact, as we saw and demonstrated, it wanted to support a sky rail that was 17 metres above the ground in Rowville. It is an inconvenient truth but a truth nonetheless.

Nevertheless, they never let the facts get in the way of their story. The Liberals have been caught out, unfortunately, but that is the way for Mr Davis and his colleagues. They try to make one claim but cannot actually back it up, and when they get found out about that, like they were with Ms Browning's conduct, they then try to move her, hide her and move her on and get somebody else to try to then run the local community campaign — and all because Mr Davis thinks he has got a shot of once again taking the leadership of the opposition from Ms Wooldridge. He thinks that he has a chance to use this to elevate himself politically at the expense of Ms Wooldridge. He thinks he can use this politically rather than look at the policy we are debating here.

Mr Ondarchie — On a point of order, Deputy President, I remind you that this is now the third time

Mr Dalidakis has taken the opportunity — against your ruling — to move away from the motion. Convention says when that happens it would be appropriate to maybe refer this to the President, because he has now flouted your ruling on a third occasion, and I seek your action on this.

The DEPUTY PRESIDENT — Order! This has been a very wideranging debate, but I remind the minister that he needs to be dealing directly with the motion.

Mr DALIDAKIS — Thank you, Deputy President. Again, I was referring to the motion. I thank you for your advisement because what Mr Davis has got in his motion is a range of, as you have correctly stated, broad matters, including but not limited to the very beginning of this motion, where he talks about wanting documents that were ‘created or referred to’, ‘not limited to ... sound and vibration’, ‘directions given to research organisations’ — that is not something I can comment on, because I do not deal with any of those types of organisations, if they exist — and ‘details of submissions and comment either for or against elevated rail’. Deputy President, I drew your attention, in fact, to that. It is item (3) of the motion, which says ‘details of submissions and comment either for or against’.

Mr Davis — On a point of order, Deputy President, as I understand it — and I moved the motion standing in my name — we are now debating the motion that is no. 227 on the notice paper, but the member is speaking on no. 224 at paragraph 3. It seems surprising to me that he is actually speaking to the wrong motion and the wrong paragraph. A simple error, perhaps, but either way he is not on the motion.

Mr DALIDAKIS — On the point of order, Deputy President, I thank Mr Davis for drawing that to my attention. They are similarly worded and look at the same issues, so it was easy for me to confuse and conflate the two. I thank Mr Davis for drawing my attention back to motion 227. By the way, all my comments in contribution to the *Hansard* thus far are entirely appropriate and related to the motion.

The DEPUTY PRESIDENT — Order! As I understand it the minister has been brought back to motion 227, and he will continue.

Mr DALIDAKIS — Thank you, Deputy President; I appreciate that. For a change I welcome the opportunity to relate, if Mr Davis so wants me to, my earlier 31-minute contribution once again to motion 227 along with 224. But let us deal, of course, with motion 227 and the fact that Mr Davis wants us to note

that the Premier is committed to removing these congested and dangerous level crossings. In fact I appreciate Mr Davis’s assistance in trying to repromote the policy of this government to actually get Victoria moving again. Of course it has been a desire to get Victoria moving again from the day we were elected to Parliament, because under the previous government things had stagnated and in fact gone backwards. Under the previous government, when it was elected to government the unemployment rate was 4.9 per cent, but when we took over it was nearly 7 per cent.

Mrs Peulich — On a point of order, Deputy President, this has got nothing to do with the motion, and the member is continuing to flout your ruling and is basically using this debate to simply attack the opposition, unrelated to the subject at hand, which is sky rail.

Mr DALIDAKIS — On the point of order, Deputy President, I was noting in fact that in those comments and contributions the opening part was to acknowledge that Premier Andrews is attempting to get the state moving again. Yes, I took a little bit of leeway to talk about why Victoria had become stagnated and gone into regression, but I was actually noting that in reference to the fact that the Level Crossing Removal Authority was actually an election commitment.

The DEPUTY PRESIDENT — Order! On this occasion I believe that Mr Dalidakis was dealing with the motion in a broad sense and it was not like the other examples that have been pointed out, but again I ask him to deal with motion 227.

Mr DALIDAKIS — Thank you, Deputy President, and I appreciate your guidance. So we can look at paragraph 1(a), which obviously acknowledges that this government wants to actually get on and do what our commitment said we would do, which was to remove the 50 most congested and dangerous level crossings. Those opposite are trying to stop us because they would rather have nothing happen than have something good for the community happen. They would rather us go backwards because we are a Labor government than go forward because we are a Victorian government.

They put themselves as Liberals first and Victorians second at each and every opportunity they have. Their attempt to campaign against this public policy is yet another example of their desire to talk down the state, talk down communities and talk down progress. It is an attempt to actually attack the government for simply doing what it said it would do — remove the level crossings. If you look at paragraph 1(b) where it talks about this being ‘at variance with the community’s

understanding', in fact Mr Davis is being very cute with his words — very cute indeed. The fact of the matter is that our election commitment was to remove 50 level crossings. We always said that how we would remove those level crossings would be left to engineers that had a far better and far greater level of professional understanding than in fact we had as — —

Mr Davis interjected.

The DEPUTY PRESIDENT — Order! Mr Davis is not in his place.

Mr DALIDAKIS — What we have gone about doing is to take the best possible advice. And in this instance the advice has suggested that undertaking an elevated rail corridor is in the best interests of the local residents, it is in the best interests of those in the local community, it is in the best interests of the local traders and it is the best interests in fact of everybody, including the travelling public because of course as a result of the elevated sky rail option there will be almost minimal disruption to the travelling public, because the construction can occur in parallel with the existing rail network before it is effectively made redundant once the project is completed. And at the same time we can say that the proposal is not as grand as the 17-metre-high proposal that the Liberals had when they were in government for the Rowville project.

Again, this is an inconvenient truth for those opposite who wanted to build an elevated sky rail that would have been up to 17 metres high from the ground level to the track. That is significantly greater than what is being proposed by this government in relation to its sky rail. It is significantly greater than what we are proposing and yet they want to use terms in relation to our 12-metre-high sky rail policy proposal like 'this kind of concrete abuse in the sky', which I think is similar to the term that Mr Davis used. In fact they have been caught out and it is unfortunate.

Mr Davis — We didn't do it!

Mr DALIDAKIS — And again Mr Davis is trying to interject not from his place and say, 'Oh, but we didn't do it'. Yeah? Well, that is why you are in opposition, because you did nothing when you were in government — not a thing, nothing, nada, zilch, zero. You did nothing, which is why you are in opposition. Here we have a government that is getting on with the job of implementing its election policies. It is unashamedly implementing them, and the sky rail proposal is far less at 12 metres high in some parts than

what members opposite had proposed at 17 metres under their Rowville proposal.

What we can see is that in fact there is a great level of actual support believe it or not, other than inside the Liberal Party in the Oakleigh-Hughesdale-Carnegie-Murrumbeena corridor. They are areas that I not only represent but frequent on a very regular basis because I live only a few short kilometres from there. I go there. My family and I eat there. We play there. My daughter is a member of a netball team at Murrumbeena. We go there on a very, very regular basis. We speak with people a lot. We speak with people who live in that area.

I speak with traders in that area because I am a local and I am a member of their community. And I can tell you that the claims of those opposite are extremely overblown, and they are being found out. Just like they were found out for using Karlee Browning as the community spokesperson when Brendan Donohoe got a copy of that potty-mouthed, foul tirade of abuse directed at somebody who did not agree with her in relation to supporting our project. It was quite unfortunate that the other person had to hear that tirade, but nonetheless she was brought out, as was Mr Davis, who had been using her to try to whip up this frenzy in the local community against a public policy proposal that meets all of the criteria for what we need. It removes the level crossings, it reduces — —

Ms Fitzherbert — On a point of order, Deputy President, in relation to what the minister is saying and in relation to what I heard him say earlier when I was listening to the debate from my office, he has made some denigrating comments about members of the public under parliamentary privilege. That is an extremely serious thing to do when someone does not have an automatic right of reply. I ask you to ask him to withdraw his comments in relation to those individuals.

The DEPUTY PRESIDENT — Order! That is not a point of order. The minister, to continue.

Mr DALIDAKIS — As I was saying, Deputy President, in fact the local community, of which I am a member, is largely embracing the policy. That is not to say that there are not people there who have genuine concerns about it, but they are concerns that we are able to obviously deal with in relation to the policy. So, for example, we have got engineers, we have got planners, we have got noise experts, we have got urban design experts and road and transport experts, all of whom have been consulted in the design. Experts have determined what in fact will provide the best solution both to the locals concerned and the travelling public.

We will see a significantly quicker construction phase for the level crossings removal. In fact this proposed design is, as I said earlier, one of the best ways to get rid of this corridor of congested and dangerous level crossings as quickly as possible with as minimal disruption as possible. What I can say is that we have engaged with experts and, as I suggested before, I am surprised that Mr Davis has not offered up his services to the United Nations, because he seems to be able to solve all the problems of the world.

Mr Ondarchie — On a point of order, Deputy President, I remind you of standing order 13.03(1)(e) where a member may not wilfully disregard the rulings of the Chair. This is now the fourth occasion, and the examples have been exactly the same, where he has wilfully disregarded your views about returning to the motion. He has strayed back into the same territory for the fourth time now, and I ask you to refer this matter to the President for suspension.

The DEPUTY PRESIDENT — Order! I will ask the minister to continue, but I will ask the President to look over and review the proceedings.

Mr DALIDAKIS — Happily. Thank you, Deputy President. What we are seeing is a wilful abuse of our parliamentary standing orders by those opposite in an attempt —

Honourable members interjecting.

Mr DALIDAKIS — to stop me from dealing with the motion before this house and talking about the range of issues — —

Mr Ondarchie — On a point of order — —

The DEPUTY PRESIDENT — Order! Before Mr Ondarchie's point of order, can I say that we do need the interjections to cease because it is inviting the behaviour that we are experiencing. Mr Ondarchie, on his point of order.

Mr Ondarchie — On a point of order, Deputy President, this makes it item no. 5. Your direction to him immediately was to return to the motion, and then he commenced straightaway with an attack on the opposition about the use of the Parliament's procedures — when you had directed him to go straight back to the motion. This is no. 5 now. How long must we put up with this?

The DEPUTY PRESIDENT — Order! It is no. 5 in Mr Ondarchie's book. I ask the minister to direct his comments to the motion, and I also request those to my

left to stop interjecting in the fashion that they are. To continue.

Mr DALIDAKIS — Thank you, Deputy President. Again, what we are seeing is a deliberate misuse of our standing orders in an attempt to stop us on this side of the chamber from revealing their duplicity and their hypocrisy in attacking the level crossing removal that we are undertaking on the Cranbourne, Dandenong and Pakenham lines, which includes the removal of stations at Carnegie; Murrumbeena; Poath Road, Hughesdale; and Grange Road — all of which are in my electorate, and of course there are a number of stations that are not in my electorate that are also part of the removal project.

What we are talking about is a level of removal that is less disruptive to the local communities and the local traders, and the traders that I talk to are much more amenable to the fact that there is significantly less disruption to their trading — number 1. Members of the travelling public are grateful that there is far less disruption to them in relation to potentially having to use buses, as we have done with the level crossing removals that we have had to undertake at North Road, Ormond; McKinnon Road, McKinnon; and also Centre Road, Bentleigh. So what we are trying to do is get to a policy outcome that sees everybody accommodated as best we can to achieve the policy objective that we want. That of course is ultimately our commitment to removing the 50 worst congested and most dangerous level crossings, as was our election commitment.

Coming back to the motion before us, what I have said is that there will be less disruption. I have talked about how this is world-class design. In fact there is going to be less noise as a result of this. So, quite contrary to the claims of those opposite, there will in fact be less noise as a result. This is world-class, world-leading technology, and we have seen this technology adopted in a raft of cities and countries overseas. It is world's best practice because of that very thing. As a direct result of the way that the travel corridor can be designed, it can minimise the sound emanating from the train. As I talked about earlier, there are a lot more car parks as well created by this design, underneath the open space of the rail corridor, which will allow more people to access public transport.

An honourable member interjected.

Mr DALIDAKIS — Because of the extensive amount of space opened up — I will not take up the interjection because I will not honour the person with naming them — there will be a lot of parklands available as well. This is a policy that the Andrews

Labor government is very proud of. It is a policy that, as I said, is not without concerns from some of the local citizens, the local families along the rail corridor. But we believe that they are issues that we are able to comfortably deal with when we speak with people on an as-is basis, and we have offered a one-on-one consultation period with all of the local residents who are concerned. We believe that we can do so in a way that acknowledges the concerns and complaints that will allow us to do it.

We can contrast that with, as I said, the Rowville proposal by the Liberal Party when it was in government — a 17-metre-high sky rail, which puts paid to the myth that the 12-metre-high elevated sky rail that is our proposal is somehow inappropriate. If 17 metres was okay for those opposite, then clearly 12 metres is okay because it is significantly under their 17 metres.

So I can say quite confidently that this motion should not be adopted by the house and that it is another example of Liberal Party members attempting to grandstand, to ‘Say as I say but not do as I do’, because of course they have been shown to do something completely different when they are in government. This is not a surprise; this is just an attempt by Mr Davis to try to have some kind of political power grab at the expense of Ms Wooldridge. This is an attempt by Mr Davis to abuse political process for his own personal political gain. On that, let me say that we will not be supporting the motion before this chamber, and I strongly recommend to the rest of the members of this chamber to not engage with or support this motion either.

Debate adjourned on motion of Mr ONDARCHIE (Northern Metropolitan).

Debate adjourned until later this day.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Reference

Ms HARTLAND (Western Metropolitan) — By leave, I move in an amended form:

That, pursuant to sessional order 6, this house requires the legal and social issues committee to inquire into, consider and report, no later than 1 March 2017, on the operation and regulation of the retirement housing sector (including retirement villages, caravan parks, residential parks and independent living units) with the aim of identifying opportunities for improvement and reform and, in particular, the committee should consider —

- (1) existing legislation that relates to retirement housing, in particular recommendations for reform of retirement housing legislation to ensure it —
 - (a) reflects the diversity of retirement housing types;
 - (b) includes proper consumer protections, dispute resolution procedures, fair pricing, and consistent, simplified management standards and regulations across the sector; and
 - (c) has a focus on dignity, respect, appropriate care and quality of life for retirees;
- (2) comparable reviews and recommendations for reform in other Australian and overseas jurisdictions;
- (3) the experiences and views of residents of retirement housing and their families and retirement housing owners and managers; and
- (4) the option to appoint a retirement housing ombudsman.

Quality, affordable retirement housing is incredibly important to ensure older people feel comfortable and confident in their housing as they age. Retirement housing refers to a range of housing options, including not-for-profit and private residential villages, caravan parks, residential parks and independent living units. Retirement housing can be an affordable, supportive, secure housing option for older people. Unfortunately many people have had the opposite experience, and I am sure many people have been in contact with members over the past few weeks with their incredibly difficult stories.

Many retirees are being ripped off by their retirement housing. They have been burdened with unfair costs and bad treatment. Currently the various retirement housing types, such as caravan parks, independent living units, residential parks and retirement villages, are governed by complex and inadequate regulation and can be mismanaged. Contracts can be complicated and include technicalities and unspecified costs. They can be almost impossible for a lay person to decipher. This has meant some older people have lost their life savings, have been locked in to a contract or have ended up homeless. Further, there is a lack of clear and accessible dispute resolution avenues, which leaves older people feeling bullied with nowhere to go. The sector suffers from underregulation and insufficient consumer protections.

We need legislative reform so that retirement housing contracts are standardised and simplified and so that there can be no hidden or unspecified costs. We need fair contracts and proper consumer protections, not just consumer awareness. It is all very well for a retiree to be aware of the risks, if indeed the consumer awareness campaign actually reaches that person, but it is another

thing to properly understand a standard legal contract and to foresee technicalities that can lead to massive hidden costs. People entering into these contracts are not businesspeople or legal experts and many cannot afford proper legal advice. It is a dark corner of the housing market that desperately needs light shed on it, which is why the Greens have introduced this motion for inquiry today. Having attended a forum last year that all parties attended with, I think, about 80 consumers and organisations, it was quite clear that this was an issue that had very good bipartisan support, that all parties understood the difficulties and that all parties had at some stage been visited by people in very, very difficult circumstances.

Many consumer groups have been calling for this inquiry. I particularly want to give credit to the Consumer Action Law Centre and the Housing for the Aged Action Group for their incredible work. I want to thank all of those residents who have written or come to see me and other politicians for raising awareness of the need for this inquiry and advocating for reform on behalf of many residents who are not in a position to speak publicly about their experiences. This inquiry will give individuals, community organisations, housing agencies and managers and owners of these facilities an opportunity to share their experiences and their perspectives. It should report and make recommendations for reform of current laws to ensure they reflect the diversity of retirement housing types and include proper consumer protections, dispute resolution procedures, fair pricing and consistent and simplified management standards and regulations across the sector. The inquiry should also consider the need for a retirement housing ombudsman who can deal with disputes and order agencies or individuals to take certain lines of action and so on.

I hope and anticipate that this motion will receive full support from all sides of Parliament, as clearly during the forum last year there was very good support for the suggestion that we needed to do something. All politicians have heard the stories. We know what the problem is and we need to get on with this inquiry so we can actually look at the way we can reform and standardise legislation to protect older people in their retirement housing.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the opposition in relation to the amended motion that Ms Hartland has presented to the chamber. Many of the issues contained within this amended motion warrant further investigation and further review. I agree with the sentiment and I think there is an understanding amongst members of Parliament about some of the issues associated with

retirement housing. All members would no doubt have heard from constituents who have found themselves in challenging situations. They might have had a problem with a retirement village or have found it difficult to navigate the complex regulatory framework that currently exists in Victoria.

Speaking personally, a number of constituents who live in various types of retirement accommodation in the Eastern Victoria Region, whether that be retirement villages, retirement-style housing, caravan park-type accommodation or a range of other types of accommodation, have come to see me. What has struck me when I have met with constituents and then often engaged with an owner or manager of a village is that often the two sides have trouble understanding their position just because of the complex regulatory framework. That is why I am pleased that in the motion Ms Hartland has presented to the Council she has included the suggestion from the coalition that retirement housing owners and managers also be included in the terms of reference because their perspective is one that is worthy of consideration. As I said, there is a complex regulatory framework.

I wish to quote from some correspondence I received in the lead-up to the debate this afternoon. Mr Bill Clancy, who is the chairperson of the residents committee at the Barnsbury retirement village, writes:

I write to ask you to support a motion calling for a parliamentary inquiry into the level of municipal rates paid by the residents of retirement villages ...

He goes on to say that:

Residents in this retirement village are self-funded retirees.

As self-funded retirees we do not have a guaranteed increase in annual income to meet our ever-increasing living costs ...

Council invariably increases its annual rates by reference to CPI or other measures.

...

Retirees in retirement villages have invariably paid municipal rates over many years and so have made significant contributions to the cost of built assets in the municipality.

...

In short, the retiree residents of this village believe that there is a lack of equity in the existing municipal rate process.

Clearly the impact of municipal rates is a factor in this debate as well as the issues that have been raised by Ms Hartland. It is for that reason that I will be moving that a paragraph (5) be added to Ms Hartland's motion so that the impact of local government rating on

retirement housing forms part of the terms of reference. I have two other amendments as well. I move:

1. Omit 'pursuant to sessional order 6, this house requires the legal and social issues committee' and insert 'pursuant to section 33 of the Parliamentary Committees Act 2003, this house requires the Family and Community Development Committee'.
2. In paragraph (4) omit 'Ombudsman.' and insert 'Ombudsman; and',
3. After paragraph (4) insert —
 - (5) the impact of local government rating on retirement housing.'.

I have also had conversations with residents of retirement villages in particular over the last 18 months to two years who make the case that residents of retirement villages often pay management fees or other levies to the manager of the retirement village, who then runs an internal road network, who collects rubbish and who runs social events and other activities that overlap with council responsibilities. The case that they make is that those residents should have a discounted rate applied to their municipal rates where it can be demonstrated that the place where they reside provides many of those same services as the council provides, therefore being less of a cost burden to the local council area. I understand that argument. Others argue that creating different tiers of rates creates its own challenges, but I do think this is something that is worth considering in this inquiry.

Members will note from the amendments I have moved that it is the belief of the opposition that the Family and Community Development Committee, as a joint parliamentary committee, would be better placed to undertake this inquiry. The position of the opposition is very simple and clear: we support the motion that is being proposed today, but we wish to add the impact of local government rating to the terms of reference as a factor in this equation and we think that the joint parliamentary Family and Community Development Committee is better placed to undertake this inquiry. As members would be aware, the Standing Committee on Legal and Social Issues inquiry into end-of-life choices is now advanced, and it will have a very busy two to three months ahead of it as its report is compiled in preparation for presentation to this place.

This inquiry that Ms Hartland is seeking that this house endorse is very much in the traditional remit of joint parliamentary committees. It is a broad inquiry, it will have terms of reference that will mean it will be able to undertake a range of consultations and public hearings

dealing with stakeholders and the like. The joint parliamentary committee, it is the contention of the opposition, is better placed to undertake such an inquiry than the legal and social issues committee.

I note that the motion defers the reporting date to 1 March 2017. I believe that that is an appropriate time frame. It gives the committee the time required to undertake the significant volume of work that will flow from the granting of this reference. As I say, from my personal perspective I have drawn on a great deal of feedback from residents of retirement villages and residents in retirement-style accommodation over my time as a member of Parliament.

I did raise a matter with the Minister for Consumer Affairs, Gaming and Liquor Regulation. I do not disparage the response that she gave, but I think the response did highlight some of these regulatory issues that exist. It is an appropriate time for the Parliament, through a parliamentary committee, to have a good and thorough investigation of these matters. Again, the appropriate place for that is through the Family and Community Development Committee. That is the contention of the coalition, but we do support the motion and the principles and issues that sit behind this motion.

The ACTING PRESIDENT (Mr Morris) — Order! I draw the house's attention to the fact that Mr O'Donohue's amendments have two distinct elements. Amendment 1 relates to the committee which will undertake this potential inquiry and amendments 2 and 3 seek to include a new paragraph in the motion. I draw the house's attention to the fact that amendment 1 is not reliant on amendments 2 and 3.

Mr MELHEM (Western Metropolitan) — I rise to speak on the amended motion moved by Ms Hartland. In doing so I indicate that I believe it is a good motion that is worth supporting, so I will be supporting Ms Hartland's amended motion. I will come back later to Mr O'Donohue's amendments.

In speaking on this motion, I note that this issue has been the subject of many discussions. I have personally had with a number of retirees who have been experiencing some difficulties with various retirement villages in my electorate. It has also been the subject of various discussions and work with the Consumer Action Law Centre, which has done a fair bit of work on that issue, and also of some work with the Housing for the Aged Action Group. It is an issue that I think this house should consider, and the appropriate place to do so is to basically refer it to a parliamentary committee — and I believe the appropriate committee

to deal with that is the Standing Committee on Legal and Social Issues — to inquire into it.

There has been a discussion paper prepared by the Housing for the Aged Action Group and Ms Shanny Gordon, which gives a brief background about the independent living units in Australia; there are about 34 700 of them. In the current situation there is a lot of confusion about the rights of responsibility of both the retirees who enter the market and the people who own or operate the premises when it comes to the deposit that should be paid to be able to buy a unit, for example, or even rent one. What is the entry fee, and then what is the exit fee? One of the ongoing issues that retirees have been facing in Victoria in recent years is the hefty cost of maintenance of some of these units. The *Sunday Age* had an article on that on 21 February. I quote from that article headed ‘Retirees need ombudsman, say advocates’:

When someone like Marj Woollard, 88, says that she has been exploited, the common thing to do is to let the matter drag on — ignore, delay, postpone — until the Marjs of the world go to God. Not this time.

I think that sort of describes some of the problems we are having with this issue, because there are some unscrupulous operators out there. They prey on these people, especially because many of these people do not have people to advocate on their behalf — whether they do not have family members who are close enough to them or someone else to take care of their matters. So these people say, ‘Okay, that person, they’re not going to be around in a few years, so therefore we’ll drag things out’. The article goes on to say:

Six years ago Mrs Woollard bought a 99-year lease on a site at the Dromana Holiday and Lifestyle Village — essentially a caravan park with a number of retirees living there — and put a demountable home on it. Along with the other residents, Mrs Woollard was required to pay a portion of the landlord’s total cost of ownership.

For the financial year ending 30 June 2013, this amounted to \$2669.36. By the end of June 2014, it had increased 60.37 per cent to \$4280.80. In other words, she was expected to pay more than \$80 a week — out of her age pension — towards the maintenance of a couple of swimming pools and —

some of the other amenities. That is basically nearly doubling the cost in one year. I will go on:

According to Mrs Woollard’s daughter, Marj Bertrand, there are 220 sites at the Dromana facility, which suggests the aged residents are paying around \$900 000 a year with little to show for it.

That is a really significant amount, and I am not sure whether they will be getting their money’s worth.

So, using that as a case in point, I think it is important for the committee to look into this issue. One of the comments in this article is to look at perhaps getting an ombudsman specifically appointed to deal with these sorts of issues. Let us face it: we are an ageing population, and more and more people in Victoria will, one way or the other, need to move into a retirement village or a sort of aged-care facility. The number is not going to slow; it is actually going to grow. In my understanding the act has not been reviewed for a while so I think it is the right time now to have a look at this issue and for the committee to consider it.

I am actually pleased that the time to report back to Parliament has been extended from, in the original motion, September this year to March next year. That will give the committee a bit of time to hear from all the stakeholders, to hear their issues — I am talking about the users, the retirees, the landowners, the operators of the various facilities — to make sure we can come up with a scheme. I get it: operators will operate these sorts of places and they need to get some reasonable return on their investment. I think it is very important that they do receive a decent return on their investment, but also we need to balance that with the need of Victorians or retirees to make sure they have got the ability to meet that cost and are not getting exploited. It is all about getting your money’s worth instead of imposing certain regulations or conditions on people who sometimes cannot afford it. Therefore I think it is important to get the balance right.

To my understanding there have been some reviews in states such as South Australia, Western Australia, New South Wales and Queensland. There has been a fair bit of work done in those states. I think the last time this issue was looked at in Victoria was in 2005. There were some minor changes in 2013 and some further minor changes in 2014, but basically there has not been a major review in Victoria in relation to this issue.

I can speak from my own experience of being approached by the Consumer Action Law Centre. I met with a number of retirees from my electorate, and to me that says it has been a really big issue. For example, at one of the retirement villages at Williamstown they had a similar issue about costs and arguments with the operator — my understanding is that it was Lend Lease — and whether the charges were fair and reasonable and whether the occupants or retirees have enough say or enough protection under the law to make sure they are not left vulnerable. I am not saying that is the case in the Williamstown example.

We need to make sure that we put in enough protection for our retirees, because the last thing we want is for

people who are approaching retirement age to worry about the next day or the next week. In most cases they are not necessarily going to read all the fine print in the various contracts. These sorts of contracts are written by the developer; they are not written by the retirees who purchase a unit, an apartment or a room in a particular retirement village. We need to make sure the laws we have today give adequate protection to retirees so we can avoid the example I quoted earlier from the *Sunday Age* of last week.

In another case that the Consumer Action Law Centre was involved in some time last year it was reported that:

A group of 14 pensioners from Willow Lodge Over 50s Resort are seeking to have their deferred management fees contained in their contracts declared void ...

The view was that the management fee was excessive and unreasonable. The matter was taken on their behalf by the Consumer Action Law Centre to the Victorian Civil and Administrative Tribunal to deal with that.

A media release by the Consumer Action Law Centre says:

The case, being one with the assistance of Consumer Action Law Centre, should be of interest across the retirement accommodation industry as many contracts are similarly complex and include deferred management fees.

That is the point I was making earlier. It continues:

'Retirement living contracts can be long, complex and are often signed before residents have received legal advice so, sadly, many people put pen to paper without understanding the ins and outs. You can imagine their shock when they find out they'll be slugged a huge fee to leave', said Gerard Brody, CEO of Consumer Action.

That is another example of why I think the committee should look at the issue. I am a member of that committee and hopefully if the house endorses the motion, I will look forward to doing a bit of work on that with my colleagues on the committee. I have some commitment to making sure we come up with something sensible to provide the necessary protection for our retirees while also taking into account the interests of the developers. They are needed to continue to invest in retirement villages. It will be a good issue to tackle in the next 12 months or so.

I commend Ms Hartland for moving her motion, and I wholeheartedly support it. I indicate that obviously I will not be supporting the amendments moved by Mr O'Donohue, particularly amendment 1. I think amendments 2 and 3 are fair and reasonable, but in relation to amendment 1, I will be opposing that. I think our committee is a good committee. We are a

committee with a heart. We have worked very well on our current inquiry into end-of-life choices. I really mean that. There has been really good work done by the committee. This is a non-political reference and it is a good issue for our committee to work on, and I hope Mr O'Donohue will change his mind and support it. With that, I commend the motion to the house.

Ms PATTEN (Northern Metropolitan) — I am delighted to rise to speak to Ms Hartland's motion calling for an inquiry into the operation and regulation of the retirement housing sector. I will also be supporting the amended motion which directs the inquiry to the legal and social issues committee. Like Mr Melhem, I am also on that committee. Considering we are looking at end-of-life issues at the moment, this seems like a very natural progression for us to be —

Mrs Peulich — Working backwards.

Ms PATTEN — Working backwards; that is right. We are faced with an ageing population, and this is a really serious issue. There are going to be about 2.4 million people in Victoria over the age of 60 years in less than 40 years time. In just over 30 years, 2.4 million people will be over the age of 60 years. I am not going to guess how many people in here will be over 60 years of age in 2050, but I suspect there might be a few of us. So it is becoming more important that we understand the needs of our ageing population and that we start to plan for those considerable numbers now. We need to ensure that residents are well supported and that the regulations and legislation surrounding retirement housing are clear and accessible, and they certainly are not at the moment.

Last year I went to a Consumer Action Law Centre event that was held at Parliament. I heard stories about complications for people who are in their 70s who quite often have lived in the one house for their whole lives. Now they are dealing with myriad regulations and legislation and working out how to deal with management. It seemed to me when I was speaking to them that the bar was constantly moving with the types of contracts they were dealing with and the types of deposits they were paying. There was one very sad story about a particular retirement village that people had bought into that 10 years later had not been built, yet they had all paid their money. In fact the people who had paid had set up a rose garden on the land and they would plant a rose bush for every person who had put down a deposit for a place in the retirement village and who had died before that village had even had a sod of earth turned. It was heartbreaking.

In 2012 the Victorian Equal Opportunities and Human Rights Commission released its report *Rights in focus — Report on the rights of older Victorians*. It noted the common concerns. People want to age well, they want to change community attitudes to older people, they are concerned about social isolation and loneliness, they are concerned about health issues, social inclusion, accessible neighbourhoods, age-friendly environments, advocacy and visibility, and access to services — and housing is fundamental to all of those concerns. We know that housing is fundamental at every level. If you have someone who has a drug issue or a mental health issue and you can give them safe housing, you are well on the track to alleviating a lot of those other concerns.

Ms Hartland's motion is to consider:

- (1) existing legislation that relates to retirement housing, in particular recommendations for reform of retirement housing legislation ...

When I was looking at this I found at least five different acts and regulations that older people are having to get their heads around when considering the contracts and the deposits. There is no shopping like for like out there looking at a retirement village or whatever they call their lifestyle living for the over-55s. We are dealing with five different pieces of legislation, and I think this motion will help us to hopefully alleviate that, hopefully streamline this and hopefully give our older people greater certainty in housing in later life.

Certainly I have, as many other members will have, received letters about this. I have received phone calls, I have had incredibly detailed letters and I have had people coming to see me explaining the issues, and I have to say I am left scratching my head as much as they are. I was so surprised at what a complex issue this is, and it just should not be. When we are looking at having 2.4 million people in Victoria over the age of 60 in only a few decades, we need to make this better.

In fact there was a fellow who wrote to me just last week. He lives in Federation Village. That is a caravan park. It is also given the description of lifestyle living, but his residence is a caravan park. He said:

As a caravan park occupier we can virtually be given notice to vacate the site at the stroke of a pen. Ageing retirees find this to be an issue constantly in our mind. We know that this also has the effect of making some people fearful of downsizing their family home and moving to a residential village —

where they can manage. So we need to ensure that there are adequate protections and really clear consumer guidelines in this area.

A number of organisations have written to all of us, no doubt, talking about the complexity of contracts, the unfair fees and inadequate repairs and maintenance. That seems to be a common call, and just looking at some of the Facebook pages for some of these organisations, that seems to be what they are about: 'How do I get the shower fixed?', 'How can I get a wheelchair accessible building?' and 'How can I do this or that?'. There seems to be a lack of training. There seems to be a lack of financial accountability. In some cases there seems to be bullying and intimidation by the management of these places and sometimes by the other residents.

This motion will allow us to consider this, and I am very hopeful that our committee does get to consider this because it is an area that I, like Mr Melhem, am very interested in. This motion will require the committee to note whether legislation:

- (c) has a focus on dignity, respect, appropriate care and quality of life for retirees ...

I had a beautiful woman come to see me the day before yesterday, and she will not mind me mentioning her name, Ms Wyn Stenton. She lives at Summerhill Residential Park in Reservoir. And she is feisty, which is great, because if she was not, she would be struggling. But she stands up for herself. She has been a nurse for many years. She stands up for the other residents, but even a woman like her who can speak her own mind — and she certainly does — is still concerned about the security of her tenure.

Now she is in this odd place where it could be considered to be a transportable house, except it has been bolted to the ground. So she owns the house, but she does not own the land. She is fairly certain that she knows her rights and will fight for them, but she is one of those few who have learnt to do that. She is one of that wonderful breed of feisty older women. But one of her concerns is that when they are designing these places they do not design them with showers that are appropriate. Her place, which she bought as wonderful retirement living accommodation, has got eight steps to get into her house. She is practical; she knows that there is going to be a day when she cannot make those eight steps, and then what does she do? She does not want to spend her retirement afraid, stressed and concerned about this.

That is not what any of us want in our retirement. We want to be happy. We want to feel secure, and currently Victoria is lagging behind in this. Other states have moved ahead, and I think this inquiry will learn a lot from other states as well as what jurisdictions overseas are doing. I do not know the details of those

jurisdictions, and I am looking forward to learning more about them.

The Consumer Action Law Centre was very strong last year in recommending that there be an ombudsman, because the Victorian Civil and Administrative Tribunal (VCAT) does not answer the needs of this ever-growing group of people. They need a specific ombudsman and somewhere where they can have their contracts dealt with. Hopefully we can have transparent and open contracts. VCAT processes are lengthy. They can be expensive and they can be very complicated. These are the sorts of barriers that this group of people face, and many of us will be part of that group of people. So I support the motion, and I am very hopeful that I will be able to learn more about this area and be part of the Parliament which makes it better for this ever-growing area. I fully support this motion.

Ms SYMES (Northern Victoria) — It is a pleasure to make a contribution on Ms Hartland's motion in relation to a retirement living inquiry. Good government proactively plans for the future; great government cares about the future of people it represents. For this reason I am very pleased to be supporting the motion before us, which seeks to look ahead and seek answers before problems arise.

With an ageing population much is spoken about with regard to superannuation, pensions and the like, but little public discourse is afforded to the places of residence of those millions of over-65s in their retirement.

Retirement villages have sprung up across the state over the past decade, and anyone who has moved into one or indeed helped a family member move into one, knows the intricacies behind the paperwork and the multiple caveats and contractual complexities behind many of these moves. The question of whether legislation has kept up with the pace of the growth in the retirement sector is very worthy of investigation. An investigation will include retirement villages, caravan parks, residential parks and independent living units with the aim of identifying opportunities for improvement and reform, and there is broad community support for such an inquiry.

The Retirement Villages Act 1986 is one of the many acts that is relevant to the sector, and it really should ensure that Victorians are given protection when they enter into and exit from contracts with retirement village operators, so it is important to examine whether this legislation is achieving this outcome. From the many emails I receive on the matter, it is obvious that there are significant issues that need to be worked

through. It must be noted that upon the Andrews Labor government taking office, close consultation did begin with key community groups to ensure that retirement housing in Victoria is being looked at and improvements identified. Extensive consultation with representative groups, such as Consumer Action Law Centre, Housing for the Aged Action Group and Residents of Retirement Villages Victoria, has ensured that key areas of concern have been identified, and the government has commenced addressing some of these key issues through a number of reviews.

The Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister Garrett, is supportive of this inquiry and will work to align the current work of the government with that of the committee. Minister Foley, is also very welcoming of this inquiry in his capacity as the Minister for Housing, Disability and Ageing. Any findings from the committee will be a valuable addition to future reform in the consumer affairs and housing portfolios and how they indeed interact. I know there are many people in retirement villages, and their families, who are keen to participate in this inquiry. As Government Whip I get a lot of emails from the members of the public asking me to keep them updated on how things progress through the house. I have a few emails pending to respond to and let people know whether this inquiry gets up this afternoon, so there has been intense interest in this issue and indeed in the Parliament's debate on this topic today.

The benefit of a parliamentary committee inquiry is that submissions can be made in person, but importantly, submissions can also be anonymous or people can choose to have their names kept confidential. There are many people in this space who have issues but are reluctant to go public with their stories because they are really concerned that they may make the situation worse for themselves. Stories I have been told include one about Ted, who has been battling an operator for years due to ongoing delays in finishing the village as promised when Ted bought into the establishment, and when he tries to pursue answers as to why the company has failed to deliver what it said it would, he is threatened with legal action.

Betty thought she was moving into a relaxing retirement complex; however, in recent years there has been low demand for some of the units. They have subsequently been rented to people in their 20s, and the parties and noise are a constant frustration for her. I had not heard the story mentioned by Ms Patten earlier in relation to the rose garden where, because of the delays in construction of the retirement village, the roses represented people who had bought into the facility but

passed away while they were waiting for it to be completed. That is heartbreaking, and we really can do better than this.

Many of the stories about problems facing residents go untold because they feel they might make the situation worse, but there are other barriers such as the fact that they do not want to speak out about a problem at their facility because they do not want to create a bad reputation for their place of residence which may discourage other people from buying in and therefore devalue their property et cetera. Of course many older people would fear that if they raised too many concerns, then their only option may be to look at going into a nursing home. I know that is not an attractive option for many older people.

When older people reach retirement, they have raised their families, completed their working lives and contributed greatly to society, and they really should be facilitated to live their later years with minimal stress and enjoy their retirement. That is certainly what I would want for my loved ones and my parents. My dad turns 65 next week, so this is close to my heart. I really think that the last things that older people should be worrying about are issues that can be avoided. There are numerous complaints that are raised in relation to this sector, but they can generally be summarised under the following headings: complexity of contracts, unfair fees, property sale delays and costs, inadequate maintenance, poor financial management or transparency, lack of staff training and intimidation by management.

Many government members have been directly involved in working with the Consumer Action Law Centre and the minister's office on ways to bring urgent improvements to the sector. I know that both Mr Mulino and Ms Shing are very passionate about this issue, and it is worth mentioning their involvement in this space, particularly in their shared electorate and on issues along the peninsula. To make sure that we can address this motion today, they have reserved their right to speak, but their support for this inquiry is to be noted.

I also make special mention of the member for Carrum in the other place, Sonya Kilkenny, who has been active in this space and, along with representatives from other parties, addressed more than 70 retirement housing residents at a morning tea hosted by Consumer Action Law Centre at Parliament just a few months ago. The motion encourages the involvement of all relevant parties. I note that the amended motion includes not only the residents and their families but retirement housing owners and managers, and I think that is certainly appropriate. There are some really good

operators out there, and they should be held up as the benchmark standard for others to follow. I would really be interested to hear from the good operators and to hear the good stories about how things can be done properly.

Ms Hartland's motion asks the parliamentary committee to consider the option to appoint a retirement housing ombudsman, and I know this is something that Gerard Brody at Consumer Action Law Centre, the Housing for the Aged Action Group, the Residents of Retirement Villages Victoria Incorporated and the Council on the Ageing have all advocated for. When there is a dispute, resolution is often not straight forward. Residents may be required to make a complaint to the site manager, who is very often the person they may seek to complain about. As others have mentioned in their contributions this afternoon, the Victorian Civil and Administrative Tribunal can be quite stressful, complex and at times expensive.

There is a very good storyline in a television show that many of us may have watched — I bet that Mr Morris has watched it — called *Better Call Saul*. The storyline is about a fictional retirement community called Sandpiper Crossing, where Jimmy, as he was known before he was known as Saul, goes about getting his legal clients through their weekly bingo get-together. In doing so he uncovers a million-dollar fraud scheme. The case he attempts to embark on is met with an incredible army-sized legal team to defend the retirement village.

Whilst of course this is just a TV show and a form of entertainment, I think it is not that far removed from the feelings that many vulnerable people experience when they are placed in a situation where they feel as though they are just up against it all and any complaint they make would be met by a well-resourced corporation with deep pockets for any legal defence. It is argued that older Victorians would benefit from free access to independent dispute resolution without the need for lawyers and that an ombudsman would address the power imbalance, such as the situation depicted in *Better Call Saul*. I think there is certainly merit in the exploration of this notion.

I would just like to conclude by confirming that the government welcomes this inquiry. A few of us have spoken today of the Standing Committee on Legal and Social Issues. I support the idea of the reference going to that committee. I look forward to the inquiry and seeing how we can work towards doing much better in meeting the current and future needs for retirement housing in Victoria.

Mr DRUM (Northern Victoria) — I appreciate the opportunity to contribute to this debate on the amended motion Ms Hartland has put forward. I would also like to support the further amendments put forward by Mr O'Donohue. This is a very important issue. It is an issue that is going to be a part of a growing sector, and it is an area that is varied, not only in the type of accommodation we are talking about but also in the way in which financial arrangements are put in place.

Right from the outset I would consider that the Family and Community Development Committee is in fact the right domain to have this inquiry conducted. It is clearly the best fit. One of the problems we had when the current government came to office was that it effectively collapsed a whole range of the existing committees that were in place. We certainly had a range of committees that could have appropriately taken on this inquiry, but, as we see now, they were folded in, and when it comes to joint committees we effectively have but one.

In relation to the concept of sending this inquiry to a Council committee, without being in any way derogatory of the work that is done in the Council committees, I think what we would find is that an inquiry like this really needs to travel. We really need to get the committee out there so it can witness the various and different types of retirement villages that exist within Victoria and those that exist in other jurisdictions around Australia, in New Zealand and even overseas. This is an issue that is not limited to Victoria, for which we would think we have all the answers or all the options available to us. This is something that every developed country around the world is dealing with today. There is so much out there that could be learnt by a committee that is able to investigate this issue properly.

I know that Russell Northe in the Legislative Assembly understands that we really do need to act in this area. He mentioned to The Nationals only this Monday that he has had an awful lot of correspondence from people in this sector who are concerned about the lack of avenues available for people who are experiencing difficulties with the arrangements they have entered into. These may be arrangements that were seemingly fine in the early stages, but obviously the developer, the owner or those in control of the arrangements have not come good on promises that were made when the arrangements were put in place. There seems to be just a total lack of avenues available for people who find that they are not getting the deal they signed up to some months or many years ago.

This is an area that is not heavily regulated. It is a sector that predominantly operates in the outer suburbs but more importantly also in a lot of regional towns and cities around Victoria. That is where the opportunities for this cheaper type of accommodation are available. There is huge growth in this sector. As Ms Patten made mention, the statistics indicate a trend that mean this sector is going to grow exponentially over the next few years. It is very important that we get this work done at this time and we get it done to the highest possible level, with experts coming in and giving the committee the most appropriate form of advice. As I said, it would be an ideal opportunity for this committee to travel so that it can witness firsthand some of the options that are available here in Victoria, in other areas in Australia and if necessary overseas.

When it comes to these types of accommodation, we are talking about a huge variety of residences. We are talking mainly about villages, parks and movable houses. Some of these villages have hidden, subtle clauses that the houses have to be able to be pulled down and taken away within 24 hours, yet when you drive through these places some houses are hooked up to rainwater tanks or hooked up to a whole range of piping services, so there is no way they could truly be classified as 'movable'. There are many different types of accommodation, and each of them has different financial arrangements.

I suppose it is also very evident that if the government knew what it was doing, and if the government wanted to act in this space, it could simply act on its own behalf right now. If the government thought that it was across all the various options and situations that currently exist, and if it thought it had a good handle on many of the complaints that have been made to it, then there is nothing at all to stop the government going out there tomorrow and regulating this particular industry. Ms Hartland mentioned the concept of putting in place a residential village ombudsman or a retirement village ombudsman. That is one option.

It is incredibly important that we give the literally thousands of people now in Victoria who have opted to spend their retirement in this fashion the opportunity to ensure that the deal they signed up to is the deal that is carried out for the duration of their stay in this type of accommodation. When that work is not forthcoming, when the deal is not delivered from the owners of the residential park, then these people do need to have some significant form of redress that is both timely and is certainly not cost prohibitive, which the current system seems to be.

As I say, I know that Russell Northe is working in this space consistently and is very happy that this motion has been put forward. However, it is also his very strong view, and that of the coalition, that the joint committee — namely, the Family and Community Development Committee — is the committee that is best served to do this job properly. It is the committee that is going to have the resources surrounding it so that it can do this work better than any other committee. If it is forced into the legal and social issues legislation and references committee, an upper house-only committee, then so be it, but certainly if people see this as being a significant and important inquiry, I think we need to give it the best chance of coming up with the most appropriate recommendations and ones that the government will then be able to adopt.

If the government wants to wait until mid-2017 or until 2018 for this inquiry to be finished and the recommendations to be handed down, which tend to come in six months later, we are going to be effectively waiting all of this term of government to be making any regulations that are going to be meaningful in this sector. It is an awful long time to wait. However, the government made the decision early in its term to collapse a whole range of other committees that could have done this work and squash them all into one or two, and now we are finding that the committee system is being logjammed and that there is an inability to actually get these inquiries done in a manner that had always been the ability of this Parliament — to be able to do it in a timely fashion.

With that, I would like to acknowledge that we are going to be supporting Mr O'Donohue's amendments. Whilst this is a critically important area, we do not want to see this committee inquiry head off to the wrong committee.

Mrs PEULICH (South Eastern Metropolitan) — I am just going to be very brief. This has been an issue that has been the subject of other parliamentary inquiries. I remember being involved in the inquiry into planning for ageing — a landmark inquiry. I had the great pleasure of working with Caroline Hogg, who is a former minister of the Crown. She brought enormous value to that committee and to that inquiry in particular, which was extremely well received worldwide. I would certainly recommend that the committee that receives this inquiry has a look at that particular inquiry as one of the early references.

I would like, however, to support Mr O'Donohue's amendments. I think this inquiry is better placed in the Family and Community Development Committee. It is a joint-party committee, and I have on previous

occasions argued that new policy work and new ground should be undertaken by joint-party committees across the two houses, because you need to take people on board if you are actually going to usher in and bring in reform that is broadly supported. There is no benefit, or very little benefit, to having an inquiry that ultimately has a strong minority report. I am not suggesting anything like that; I am just saying that you want bipartisanship, and you want that commitment across the two chambers. New work should always be, in my view, undertaken by the joint house committees. The upper house committees should predominantly be committees which review matters — machinery of government, legislation that is referred by this chamber and things that are undertaken over a shorter period of time.

I think it is certainly a very worthwhile inquiry, although I do think it has some shortcomings. I am not moving amendments, but I just want to flag that, because whoever ends up with this inquiry should consider it. Obviously we are looking at a number of matters which impact on the management of retirement housing options and retirement housing, but I think where the motion does not adequately address the terms of reference is the availability of housing types more broadly and how that affects also the availability of housing options for seniors and those in retirement years. I know there is a grave shortage, certainly across South Eastern Metropolitan Region, of smaller accommodation for single-person households, which are growing in number, and the residents are not all in retirement age. When you have a greater number of people taking up small accommodation — they might be younger people, they might be middle-aged people, whatever — then there is less available, of course, for those in retirement. So in my view, paragraph (1)(a) should really have been paragraph (2), a term of reference in its own right asking us to consider the diversity of housing types, including retirement housing in that context. I think it is really important to do that.

In closing, can I just say that, being a member of the Standing Committee on Legal and Social Issues with still a substantial amount of work to do on the dying with dignity inquiry and given the reasons I have outlined before, this inquiry is better placed with the Family and Community Development Committee. I think whichever committee receives it — and I certainly support the amendments being brought forward by Mr O'Donohue — should also consider the slightly broader issue which impacts on the diversity and options for housing for those in their senior years and also in the community as a whole, which obviously impacts on it.

Ms HARTLAND (Western Metropolitan) — I will be very brief. I just want to thank everybody for their contributions because I think that by what has been said today it is very clear that everybody understands the problem. We all understand that older people are often not doing well in their retirement villages, caravan parks and independent living units, whatever name we put on them. It was really clear to me last year at the forum run by the Consumer Action Law Centre that all parties understood that there was a need to do this work. So I am very pleased to hear the debate today with the recognition of these issues and the fact that we are going to do the work to try to resolve this to make this much easier for older people. Now that I am in my late 50s, I would like this resolved before I actually want to take on this option of a retirement village. I want to go somewhere that is good and that is going to protect my rights. So I thank everybody for their contributions.

House divided on amendment:

Ayes, 18

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

Noes, 22

Barber, Mr	Mikakos, Ms
Bourman, Mr	Mulino, Mr
Dalidakis, Mr	Patten, Ms
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr (<i>Teller</i>)
Herbert, Mr	Springle, Ms
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr	Young, Mr

Amendment negatived.

Amendments 2 and 3 agreed to; amended motion agreed to.

ELEVATED RAIL PROPOSAL

Debate resumed from earlier this day; motion of Mr DAVIS (Southern Metropolitan):

That this house —

- (1) notes that —
 - (a) Premier Daniel Andrews announced on Sunday, 7 February 2016 that the government was proceeding with a rail over road 'sky rail' for almost 9 kilometres of the rail corridor between Caulfield and Dandenong as part of the government's commitment to remove level crossings;
 - (b) this announcement was at variance with the community's understanding of the government's election commitment and the community has not been properly consulted since the election;
 - (c) while this house supports the removal of level crossings, the government has no mandate to remove level crossings with an extended elevated railway option given its visual impacts, potential noise impacts and the lack of community support; and
- (2) calls on the Andrews government to —
 - (a) listen to the community;
 - (b) complete a full environment effects statement;
 - (c) ensure key planning powers remain with local councils given the impact of these proposals on adjacent public and private land and the need to integrate other local planning objectives; and
 - (d) pursue an alternative model consistent with its election promise which sees rail put under road.

Ms CROZIER (Southern Metropolitan) — I am very pleased to be able to rise this afternoon and speak to Mr Davis's motion. I will not go through all the elements of what Mr Davis has proposed in his motion — and he spoke very thoroughly to it earlier today — but this does go to the heart, I think, of how this government operates. In relation to the motion, it is asking about the issues around sky rail and about how the Andrews government announced it — how it really brought that announcement on — and gave the community no warning of what it was intending to do. It is certainly at odds with what the community was understanding in relation to the removal of the level crossings within the Carnegie and Murrumbeena areas. Of course the other parts of the motion call on the government to listen to the community; to complete a full environment effects statement; to ensure that key planning powers remain with local councils, given the impact of these proposals on adjacent public and private land and the need to integrate other local

planning objectives; and to pursue an alternative model consistent with its election promise which sees rail put under road.

It is a very worthy motion, because this issue has caused an enormous amount of community concern. We have seen that in recent weeks. If you recall, Acting President, this issue really came about only a few weeks ago. Nobody had even heard of sky rail prior to Christmas, and all of a sudden we have, at the 11th hour, people knocking on — —

Ms Lovell — Like the north–south pipeline.

Ms CROZIER — Well, it is another project, as Ms Lovell interjects and reminds us, like the north–south pipeline, but the other projects that Labor is well known for in terms of its previous time of administration include myki and the desalination plant. I believe that cabling to the desal plant is extremely problematic, and while we are wasting \$1.8 million a day on the desal plant, which has been never been turned, it goes to the legacy of how Labor manages projects. In fact it just cannot manage projects; that is the point. This project, the removal of level crossings — and indeed it was a government commitment to remove 50 level crossings, but of course you had to read the fine print to know that that was over two terms and not one — —

An honourable member interjected.

Ms CROZIER — In any case — —

Mr Ramsay interjected.

Ms CROZIER — They have, Mr Ramsay. The two level crossings that have been removed by this government have included Burke Road and North Road, which were funded by the previous coalition government, and of course there are the Bentleigh level crossings at Centre Road and McKinnon Road. But I just note that those two level crossings certainly were not on the RACV priority list. In fact they were well down the RACV priority list. Nevertheless the government is going ahead with removing level crossings, and we certainly support a project for the removal of level crossings, but not one that is ill-managed and that has no support, as in relation to this particular proposal that has been put to the community.

I note that the previous coalition government made significant commitments in relation relieving a lot of the public transport woes, including upgrading the Pakenham and Cranbourne lines. In actual fact I obviously knew about that project because it did take in the electorate of Oakleigh. Level crossing removals at

Murrumbeena were something that I was closely involved in.

When researching this issue I went back to look at what I had actually said about it. I note a press release of early 2014, where the coalition spoke about giving the community a say. In fact the media release headed ‘Community to have its say on Murrumbeena Road level crossing removal’ says:

The current phase of the project includes major planning, environmental studies, engineering investigations and stakeholder consultation.

‘VicRoads is working closely with the City of Glen Eira and key stakeholders to develop design options for the level crossing removal at Murrumbeena Road, following the awarding of the planning contract in December 2013’ ...

These are my quotes from this media release, I might add. I go on to say:

We want to hear the views and experiences of the local community.

I urge local community members to participate in the online survey which will ultimately help to develop a program that best respond to community needs.

I then said that this survey will provide:

... a great opportunity for the people who live, work and use the Murrumbeena Road level crossing and its immediate surrounds, to assist in the planning phase ...

The media release then says:

After this development stage is completed, a business case incorporating all planning and investigation work will be submitted to the Victorian government for funding consideration.

Now, the reason I raise that media release and the words that I quoted in it is that that is what the coalition government did. It wanted the community to be involved. Yet this is in stark contrast to what we have seen with this government. It has been an absolute debacle of management in every sense of the word. You cannot go to a community promising one thing, and then coming in at the 11th hour, knocking on their doors — on a Saturday night, before an announcement on the Sunday — telling them that they are going to have an enormous physical structure running behind their houses or within very close vicinity of their homes. This is just an extraordinary display of management, project management or project consultation. I am speechless in terms of trying to understand how on earth the government thought that it could go in and literally bludgeon this community with this idea and this decision without giving those people a thorough understanding.

I listened to Mr Dalidakis's contribution. In fact he was not even speaking to this motion; he was actually speaking to the previous documents motion. It just shows how little regard he has for this entire issue, which has caused so much community concern, as I said at the outset.

Mrs Peulich interjected.

Ms CROZIER — It was an extraordinary contribution from a minister of the Crown, to stand there and actually denigrate some public members of the community. One that he named — —

Mrs Peulich — Disgraceful.

Ms CROZIER — It was disgraceful. One that he named was somebody that I have been speaking to about this project. She said to me, 'At least your side came and spoke to us', and that is true.

Ms Shing interjected.

Ms CROZIER — And that is true. The then minister came down to Murrumbena, and we had an open community forum in Carnegie. We had the minister speak to the community about the concerns. We had plans, we had lots of input from the department and from the minister himself to alleviate any of those concerns.

This woman, quite rightly, is absolutely horrified about what she has been subjected to. I think it was appalling that a minister of the Crown could denigrate a public member like he did. I think it is very disappointing that Mr Dalidakis, who is not in the house, actually conducted his contribution on this very important issue in the way he did.

I would like to raise some more concerns that have been raised with me by members of the public. I do so again because I think it demonstrates the stark contrast to the way in which the coalition conducted its consultation process. I just want to quote from something that I received from a member of the public, who has a long understanding of how public projects should work. He actually highlighted to me in his email, which I think also went to the Premier, his concerns about the consultation process:

The restrictions on those who were invited to participate in the focus groups is outrageous. When a developer submits an application to council they must present detailed plans, associated reports et cetera and advise all of those immediately neighbouring/adjacent or within a certain radius of the development. The focus groups for this major project excluded any resident or trader within 100 metres of either side of the railway line, surely the most interested parties in any such development. It is this sort of process that the

community was questioning and not getting clear answers, as well as the obvious question as to the change in direction towards a plan that had never been put through public consultation.

That is the point of this motion. That is what I and others are so incensed about — that the government can just thrust this decision upon this community, and quite frankly we do not know which other communities it will do the same thing to. The government has not ruled out building a sky rail along the Frankston line.

These large structures will run through our urban areas. They are structures not within a dense city environment but in our urban areas, and it is quite different to have an enormous structure like this protruding out of an urban environment. I think it is a disgrace, as I said, that the government did not take the time to consider the committee's concerns and that it conducted its consultation process — or what those opposite call a consultation process — in the way it did. These are Victorians who deserve to have every respect given to them in relation to such a major project.

This government has got some hide, I would say. All those opposite do is announce major projects. There is no funding behind them. At least there is a half-baked business case for this sky rail project, but we have got the Melbourne Metro rail tunnel project, which is an asset worth billions of dollars, that the government wants to build with no business case. The metro rail business plan was released yesterday. Where is the funding coming from? Those opposite expect everybody else to pay without doing the heavy lifting themselves. There is a history of project after project, a litany of projects, publicly announced just so they can spin themselves out of being seen as the disastrous government administration that they are. Their own party members are questioning why on earth — —

Ms Shing interjected.

Ms CROZIER — Ms Shing, your own members are tearing themselves apart. You have got to read the reports. Every day there is a new report about the disunity within your own party. You two might be fine, but I know that there are a few of you who are not and who are continually leaking cabinet information. We have seen reports in the newspapers that say that this decision did not even go to cabinet. It is an extraordinary process. Those opposite bypass due process and expect Victorians to just take it. They expect this community to take this decision — —

Ms Shing interjected.

Ms CROZIER — You might laugh, Ms Shing, but it is no laughing matter for those community members. Let me tell you: they are seriously concerned about what it will mean to their local amenity and what it will mean to the price of their houses. They have invested in this area. These are large structures that will run through urban areas. To say that there will be public space and lovely green lands — —

Ms Shing interjected.

Ms CROZIER — Well, if you go to Warrigal Road in Oakleigh, you will see an overpass there and you will see how grotty — if I can use that expression — it is. In fact I spent a bit of time at a pre-poll booth out there during the last election, and it was very noisy and very dirty. And as Ms Fitzherbert reminded us this morning, that car park needs fixing. I hope the government honours that issue too.

To get back to this issue, this is a very serious one that the community members of Carnegie, Murrumbeena, Hughesdale and right across the south-eastern suburbs have rightly got concerns about. I think it is an absolute disgrace the way the government has handled this whole process. It demonstrates dysfunction. It demonstrates that the government has no clue about how to manage major projects. We have got a litany of major project disasters under the former Labor government. Those opposite have been in power for 12 of the last 16 years, and there are a lot of projects that they bungled. There is a lot of money that they have blown, and they will continue to do so.

Mrs Peulich — It's not their money.

Ms CROZIER — It is not their money; it is taxpayers money, but they do not care. This community cares, and let me tell you, I support all of their efforts to question the government on why it has taken this stance and why it is using this process. I commend Mr Davis's motion to the house. I commend him for bringing it forward, because it highlights the absolute dysfunction of the government and the debacle of the government's process on a very important matter.

Ms FITZHERBERT (Southern Metropolitan) — I am very pleased to speak on Mr Davis's motion and address some of the issues that were raised earlier in the debate. The part of the motion that I want to focus on in particular is about listening to the community, which is under part 2. Nothing could be more important, and it is clear that that is something that has been lacking in this process. I have attended a couple of community meetings in relation to this issue which were attended by hundreds of people. I have also met with

constituents and I have received a large number of emails, letters and phone calls. This is an issue in which there is deep and widespread community interest and indeed fear and concern about what is happening.

Those on the other side can characterise this anyway they like, but trying to claim that this is some kind of confected campaign I think is more revealing of how the Labor Party chooses to channel its alleged interest in the community than it is indicative of what is really happening. When I meet people who live in places like Murrumbeena and Hughesdale I see people who are living ordinary, everyday lives — working, looking after their kids, looking after their family or whatever it is they are doing. They are not taking a huge interest necessarily in politics. They are in no way professional protesters or people who are a rent-a-crowd or anything like that. They are people who have suddenly become aware, after a knock on the door or from seeing it on television one night, that a horrendous development is about to happen right behind their back fence, and quite reasonably, they are horrified by that. In fact one business owner used a very memorable phrase; he said, 'Of course they're horrified. They've just found out there's going to be a train line over their clothesline'. That is literally how they see it.

When I meet with locals in Murrumbeena and Hughesdale and so on, which I have done as one of the local members, along with Mr Davis in particular and also with Ms Crozier, I do not see any Labor members of Parliament there. I do not see them at those meetings listening to those expressions of fear, concern and worry that are genuine, heartfelt and real. I see them a long way away making judgements about what these people are and what their motivations are — judgements made a long distance away in the absence of any real connection or discussion with these people. That, frankly, is a failure of representation.

I also see those who question these policy announcements by the government being criticised and questioned and having their right to an opinion on how their community and their properties are affected being questioned. I think that is unreasonable. As I said, these are people who are simply making their own way in the world, having lived in the community, in some cases, for many years. They have a great attachment to that community — they have contributed to it and they are part of it — and they suddenly see an enormous change coming which concerns them in terms of their community but also in terms of their own property and therefore their own family. I suspect that the government has been very surprised by the response to this issue because, if it had done the communication differently, it may not have ended up in this

predicament which it is now scrambling to somehow address.

I think what I might do is give voices to some of the people who have approached me and share with the chamber what people have told me about how they are affected by this. These are people who have contacted my office. They have sent emails, and they have given me their views on what is happening. Here is one that is fairly typical. It is from a couple that lives close to where the sky rail is intended to be built. They start off by saying:

This is the first time my wife or I have ever written in protest to members of Parliament ... in our 70-plus years.

However we protest most vehemently at the total lack of information, or discussion, by the government of Victoria and this so-called Level Crossing Removal Authority.

...

We are both in favour of removing the level crossings, but only by putting them underground as has been done at Burke Road, Springvale Road, Middleborough Road and others.

The construction of a sky rail will create a long ugly line of concrete structure which will not as the government claims be a beautification of the areas affected, with the so-called 11 MCGs, but an eyesore which will immediately attract vandalism and crime.

It is no wonder that they are concerned. These people also talk about the alleged consultation process. They say:

The (authority) has stated that discussion was held in August 2015 — we certainly did not receive such communication, so it was a complete shock when we saw on TV that this sky rail is to be built.

Whatever happened to consultation?

They say.

We urge you to pursue this matter in government and say no to sky rail.

I think these are quite reasonable points that are being made by these people, who clearly do not have a long history in protest; they are not looking for a cause to get behind. Their motives in this should not really be questioned. They are exactly as they purport to be. They are people who have become aware of a shocking development in their neighbourhood and are quite rightly horrified by it.

I have another letter that came to me which I am told was also sent to members of cabinet by people who live in Hughesdale. Again these people are longstanding residents, and they make a number of points which are typical of the kinds of protests and concerns that have

been lodged in relation to the suggestion of sky rail. These people say that they have lived in Euston Road, Hughesdale, since 1983, over 33 years, and they say that during that time they have been consulted on numerous changes to Hughesdale and the surrounding suburbs. Ms Crozier went through in some detail, I understand, some of that history under the previous coalition government, as it is known to her.

What these residents say is:

Never have we been so misled, as with the announcement of the sky rail. While community feedback was sought, at no time were we asked to provide feedback on a proposed sky rail. The discussion has only been about removing the level crossing intersections by either putting the rail line under the road or road under the rail line. This is what we were asked to contribute about, not massive, intrusive eyesores such as the proposed sky rail.

I might pause here briefly before returning to what these two residents of Euston Road, Hughesdale, wrote to me and address briefly some of the comments that were made by Mr Dalidakis, who seemed to see this as some kind of gotcha quiz. If residents in the affected areas have not been paying attention and necessarily seen that there were a couple of drawings of a sky rail or an elevated rail track, if they have missed that somewhere along the line, well, too bad, that is their problem. They should have spotted it, and clearly it is their fault and their problem.

If this is the government's idea of consultation, that you show someone a small picture somewhere amid a range of other depictions and you do not clearly state to them 'We're planning to build this' until it is a done deal and then afterwards when they say, 'You know, I never saw that' — these are people with busy lives, people who are not looking out for these sorts of things unless they are made clear — I think that is a very poor way to conduct your consultation.

I am going to return to what the residents of Euston Road have said. They have their own views on why it is that the government is taking this approach. They said:

The government obviously does not want to lose face by not being able to remove all the promised level crossings in the time line they indicated, as per their election promise. They are using maximum PR spin to push this decision forward without community consideration or approval, so that it is in the main built by the time the next election is held. That is a political decision, not a consultative, community decision. The fact that even the Monash and Glen Eira councils were unaware of the government's plans proves this.

I know this to be true. I do not sit in on every council meeting — I do not have time to do that or in fact the inclination — but I do know from what I have seen at the public meetings that this was a bit of a rude surprise

to local councils as well. If the consultation were truly genuine, local government would have been included in that, not least because of the reasonable role that it needs to take going forward in relation to those pieces of public land.

The residents of Euston Road have some other I think quite reasonable comments to make in relation to the government's decision-making on this. They say:

The fact that other level crossings are being removed quickly and successfully proves that it can be done.

I should add at this point that it proves that it can be done if the coalition funds them, because that is what has happened. The residents say:

While this train line may be more complicated, that should not stop it being done, and a short-sighted, cheaper option should not be pushed through without community consideration or approval.

Then they make some comments about the community that they know well and love. They say:

Hughesdale, Murrumbena and Carnegie are in principle residential areas that are not greatly built up. It is totally inappropriate to build extremely large, ugly, concrete urban structures to destroy the 'leafy, green' suburbs that Monash and Glen Eira councils advertise and endorse.

I fully support what they say in that regard. They go on:

Please believe that ordinary people like ourselves, who are no fools, will not accept such an underhand way of forcing a decision like this on us. We are not idiots who will just accept these blatant lies. All residents along this corridor will be severely impacted by the construction of these oppressive structures.

I also want to share with members the observations that these residents make of one of the community consultations that they went along to and attended. I will be attending one of these myself, when my diary permits. There are some this week while Parliament is sitting. I am very keen to see this for myself. What I have been told and what I have seen through pictures that have been taken is that people are being asked to put their comments on Post-it notes on pictures of structures around a room. Given the depth of feeling about this that is permeating the community, I think this is frankly a patronising and insufficient way of digging into how these people feel and genuinely consulting them on the changes that are being proposed.

Here is what these Hughesdale residents said of what they saw:

... we attended the first 'community consultation' on Saturday, 13 February 2016, at Hughesdale Community Centre. How disgusting to manufacture an event under the guise of 'community consultation' whereby many very

young, immature and inexperienced level crossing employees were placed in extremely difficult positions trying to defend the sky rail decision. Residents were not given any opportunity to meet any people who had made this decision. That is what we wanted and expected to do.

It is not an unreasonable expectation in all the circumstances. It may well be that the government is saying, 'We're having a sky rail. You can choose what colour it is. You might want to have a bit of a say in what sort of garden furniture we are going to put underneath, but beyond that you don't really get a say'. Equally, it is very reasonable for these people to say, as they have, that this is under the guise of community consultation. The point that is being made about quite young and inexperienced people being expected to manage a complex and difficult consultation process I think is a reasonable one, and it is one that has been made to me by other residents as well.

These residents make another point which I have seen replicated in a range of places. People have said it to me at community meetings and I have seen it on Facebook pages, in particular on the member for Oakleigh's Facebook page, where people have been stating their feelings in I think a very clear and concise manner. These residents say:

... we are not idiots and will not accept being treated this way. From the level of detail and information on hand, it is obvious that the Victorian government made this decision a long time ago, also proving that any previous consultation about removing the level crossings has been in vain, that this decision has been made primarily for financial and political reasons, with no intent to ask affected residents their thoughts or opinions.

As I said, these sorts of comments are very similar to many others that I have seen. This afternoon in this debate we have heard people who have expressed these views about their own community and about the very likely effect on their own properties denigrated. We have heard them put down and we have heard them called names, which I think is an appalling abuse of parliamentary privilege and is very unbecoming to the members who have done this. It is also, in my view, an extremely stupid thing to do. This is one of those times when an issue stirs ordinary people out of their suburban homes and into political activism, because their own way of life has been threatened and because they have been taken to be fools. I think if the government ignores the depth of this feeling, it is running a very, very real risk of seeing its own future compromised and threatened. If government members want to continue to do that, be that on their heads.

The best advice the government could be given is to start actually listening to these people and stop denigrating them, stop trying to sort of put some red

herrings out there, referring to such things as plans for elevated train lines that may have been looked at by a previous government but where there have been no firm plans made in any way to proceed with those. That is a mere sideshow. I think the fact of it is that the government has been caught out. The government has been caught out very badly, and it is floundering around, at an absolute loss to know how it is expected to pick up the pieces of a policy that has been made on the run. We do know that the member for Oakleigh was in charge of the consultation process, and we know this because he announced it very proudly some time ago. I remember when he did this, and I noted it on his Facebook page.

Briefly, to go back to some earlier business of the house today, I think it is very useful to be looking at what that consultation was according to the record, given that it is in dispute by the people who were supposed to be part of it and the most important part of it, the residents.

In addition to that, I think the other issue that is relevant here is that the decision has been made by a relatively small group of people. We know that it did not go to cabinet and we know that there has been a lot of unhappiness about the decision being made in the way that it was. I think it is reasonable that we examine that process and look at who it was who was making the decision, what sorts of consultations they personally were involved in, what was the role of the local member and exactly what sorts of options were put to the local community. I mean, they have made it very clear and I have given some evidence already today. People say they were not aware of it — that they were not aware of it until they saw it on the news.

Mr Ondarchie — Was the local member aware of it?

Ms FITZHERBERT — Well, I suspect that he was but he chose not to divulge. In fact Mr Ondarchie makes a very good point there, because when I was looking at the Facebook page of the member for Oakleigh prior to this announcement, people were openly asking. They were saying, ‘Is there going to be a sky rail?’, and they were not being given an honest answer. I would have thought if it was the case, as Mr Dalidakis told us so firmly earlier today, that all of this was out there and people knew about it and it was their fault that they just were not paying attention — which is not a really great way to be running your public relations campaign, to use an expression from one of my correspondents — and if it really was so clear, they should not be confused now is the real truth of it.

It would be useful to dig into that consultation process because, as I said, looking at the Facebook page of the member for Oakleigh, people were asking about it. The sky rail rumours had been swirling around for some time and people were getting increasingly worried by this. And it turns out there was very, very good reason for them to be worried — because this is what is happening.

For the government it is not too late. It could actually start on a real consultation process if it wanted to. One of the ways that it could do this — actually, I am just thinking of this now — is to send Mr Dalidakis along to lead it. I mean, we have seen him at one meeting already. I was not at that meeting; I happened to see it in the media.

Mr Ondarchie — On the door.

Ms FITZHERBERT — He was on the door. He was greeting his constituents in quite a memorable way — —

Ms Shing interjected.

Ms FITZHERBERT — Well, I put it to Ms Shing it was not quite that welcoming, I have to say. He was not actually offering the champagne.

Ms Shing interjected.

Ms FITZHERBERT — No. I have said I saw it in the media. I have seen the recording of Mr Dalidakis at a community meeting where he was seeking to prevent people from entering and filming.

Ms Shing — Was that from the *Herald Sun*? That is the one that runs the coalition press all the time, yes.

Ms FITZHERBERT — Well, there was a video of what happened. I think in that instance the camera does not lie. But I think it would be very useful if Mr Dalidakis actually was to head up the consultation and go to some of the meetings that I have been to where hundreds of people have turned up — hundreds of ordinary mums and dads, with their kids and their dogs at a local park on a Sunday when they have got other things to do, but they turn up because there is something in it for them, and that is they want to know what is going to happen to their community.

I was at a meeting of this kind on Sunday last week, I believe it was. One of the issues that people were focused on at that meeting was reporting back on the one-on-one consultations that they had been part of. This is where people are given a caseworker and someone comes to their home and talks to them about

what is going to happen. Now, the stories that I heard are like this. People are shown an artist's depiction or a mock-up of what it is going to look like from their home. Some people find this truly horrifying. You are not allowed to keep copies of those drawings — you are allowed to see them but you are not allowed to have copies of them. You cannot check them in any way against what might actually be delivered later on.

There are also all sorts of conditions made about who can be present at that meeting in your home. I am aware of cases where quite elderly people were saying, 'I want to have my adult son with me, because I find this concerning and stressful and I want to make sure that we're all hearing the same thing', and that has been resisted. People who have attended these meetings in people's homes have been interrogated about whether they are lawyers — and why should they not be lawyers, frankly? If someone is concerned about the effect on their property, they are being asked to a meeting, there are conditions being put on who can attend and it is clear that it is a very small meeting, well, you know, I would be tempted to have a lawyer there too. In fact I should say in my household it would be unavoidable to have a lawyer there if I were having my husband there — probably best that he were not there actually, now that I am thinking about that.

Anyway, I think the process as it is going now is concerning, and there is room for the government to look at how it is doing this. Plainly it has waded into a debacle, and I suspect, as I said earlier, that it did not expect the reaction to what it is doing to be quite so bad. I think it thought that people were so sick of these level crossings that they would put up with anything. I suspect the government also thought that in Oakleigh it would not matter if it lost a few votes because it had plenty to spare. That is exactly the point that is being made by voters in that seat. Something that I have been told time and time again at these meetings is, 'The Labor Party thinks that it can take this seat for granted because of the margin'. Well, I am here to warn that there are people in that seat who are determined to address that particular issue.

I think I might finish, as we approach 5 o'clock, and say that I would urge government members to go to some of those meetings where they have not shown their faces yet, where hundreds of community members turn up, describe what they have seen and have been told and also talk about their concerns. I would advise them to have a look at what they are seeing, and what they are seeing is not some kind of confected, red T-shirt sort of made-up community — —

The ACTING PRESIDENT (Mr Elasmr) — Order! It is 5 o'clock, and in accordance with standing orders we will move to statements on reports and papers.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Ambulance Victoria: report 2014–15

Ms LOVELL (Northern Victoria) — I rise tonight to speak on the *Ambulance Victoria 2014–2015 Annual Report*. Looking at the annual report, Ambulance Victoria lists its charter, of which the first dot point is to:

respond rapidly to requests for help in a medical emergency.

On page 13 it has a report of its operations and states that in the 2014–15 year it oversaw:

the statewide rollout of a program for MICA paramedics in rural regions to treat patients experiencing a heart attack using blood clot-dissolving (thrombolytic) drugs ...

I would just like to talk about two areas within my electorate which are not actually adequately covered by ambulance coverage. The first of those is the mobile intensive care ambulance (MICA) paramedic situation in and around Seymour in the southern Hume area. The southern Hume area is the only region in the broader Hume area that does not have a dedicated MICA response unit, and this is an area that stretches from Melbourne to Euroa and as wide as Eildon and Tooborac or Kilmore. There are actually five MICA-trained paramedics in the Seymour-Kilmore combined area, but they are assigned to what we call advanced life support ambulance crews and attend call-outs at all levels, not just MICA call-outs. Within that area that I have just described in southern Hume there are 200 kilometres of freeway and a lot of little towns in and around that area that are not getting dedicated MICA coverage.

In January there were 12 cases where MICA paramedics had to do specialist procedures, and that was just in Seymour itself. MICA paramedics actually do perform very specialised procedures — things such as intubation with anaesthetic drugs that induce a coma, which is important for protecting the brain from potential traumatic injuries. They also have training in the application of certain intravenous drugs, and rural MICA paramedics are especially trained in thrombolysis, which is the dissolving of blood clots, because of limited access to cardiac catheter labs in country areas.

There have been several cases in this region where the only MICA paramedic that has been rostered on is doing a low-case patient transfer to Shepparton and then there has been a call-out where they have needed a MICA paramedic in something like a critical-risk event such as a road collision, a heart attack or an overdose in the area and there is no MICA paramedic to attend. The advanced life support paramedics do a fantastic job of course, but they are not trained in those really high-end procedures that do save lives in critical circumstances. So it is really important that we do see a dedicated MICA responder allocated to the southern Hume region, and I would encourage the health minister to do that.

I would also like to just mention the Nagambie ambulance service, or the lack of an ambulance service in Nagambie. We have a community emergency response team (CERT) that does a fantastic job in Nagambie. The coalition actually promised a dedicated paramedic service to Nagambie last election, but this has not been forthcoming under this government. The government did conduct a trial over the summer period which helped to relieve some of the pressure on the CERT volunteers. While it was a welcome reprieve, it was not a final solution to Nagambie's ambulance problem, and we need a permanent solution. If nothing else the trial of the paramedic crew has given Nagambie residents a taste of what the full-time ambulance might be like, making them even more adamant about getting such a service in their area.

I would encourage the government to take up the coalition's commitment to a full-time paramedic service in Nagambie. It is desperately needed. We know that minutes can save lives, and when an ambulance has to come from Seymour or Murchison it takes an additional 15 or so minutes and can mean the difference between life and death for some people. I encourage the health minister to also get on with providing a full-time paramedic service in Nagambie.

Auditor-General: *Hospital Performance — Length of Stay*

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Victorian Auditor-General's report tabled in February, entitled *Hospital Performance — Length of Stay*. After reading the report I was struck by the length of hospital stay across Australia. It is interesting to note that Victoria has an average of three days per patient for each hospital stay. While hospital expenditure is the largest single contributor to the growth in national and state public spending, it is an area which will continue to grow with our ageing population. Naturally those needing acute care consume

the most resources. Acute-care or elderly patients usually present with multiple problems, which in many cases tend to prolong the hospital stay. A shorter stay is more efficient provided that all the safety mechanisms are in place prior to a patient's discharge. Beds become available more quickly, reducing the cost per patient and enabling care for more patients.

It is nationally recognised that length of stay in public hospitals is a key performance indicator and a major driver of hospital costs. Whilst it is in the best interest of efficiency, often public hospitals are unable to maintain a steady length of stay ratio because other factors complicate a patient's discharge from the hospital system. Often elderly patients are simply waiting for a nursing home vacancy. Sometimes it is the case that an elderly person who has become infirm lives alone in their own home. The hospital cannot release or discharge that patient until all the necessary support mechanisms have been put in place, and naturally this can take several days or sometimes a couple of weeks.

The variables that come into play are manifold. The one issue I am passionate about regarding the report is that there is no efficiency gain if patients are discharged too early following major surgery. The Auditor-General has made two recommendations: first, that the Department of Health and Human Services regularly analyse its data and seek reasons from hospitals for significant length of stay variations; and, second, that public hospitals benchmark their length of stay performance and explain to the Department of Health and Human Services the reasons for significant length of stay variations. I believe the length of stay variables are immediately apparent in the report, but notwithstanding I commend these suggestions to the relevant health portfolios.

Standing Committee on the Economy and Infrastructure: infrastructure projects

Mr RAMSAY (Western Victoria) — It is interesting to note as I make a statement on the first infrastructure report of the economy and infrastructure committee, ably chaired by my parliamentary colleague Josh Morris, that the Andrews government has not started one major infrastructure project since taking office. Infrastructure Victoria has not approved one infrastructure project in Victoria, and in fact the Andrews government has scrapped the only Infrastructure Australia-approved project, the east-west link, at a cost to Victoria of \$1.1 billion — and that is just the starting point.

The estimated cost of the level crossing removal program is \$5.6 billion, with \$2.4 billion in the first four years — 50 level crossings, not one in regional Victoria, and only one completed, paid for by the previous coalition government. The lease price for the port of Melbourne sale to fund the program is currently unclear and is still to be negotiated. What we do know is that the Victorian Farmers Federation (VFF) was happy to jump into bed with the government on this deal for a measly \$200 million to regional Victoria and a 50-year lease with compensation clauses that would not allow a second port without huge liabilities to the state. It is interesting to note that Peter Tuohy said in a parliamentary inquiry in 2015 that the VFF would never support such compensation clauses in a competitive market.

The western distributor is the poor man's east-west link. It proposes to remove 5000 trucks per day from the West Gate Bridge and provide an alternative route to the West Gate Freeway to the port through Yarraville and Footscray. The western distributor was originally the shovel-ready West Gate distributor that was to replace the east-west link. The east-west link, scrapped by the Andrews government at a cost of \$1.1 billion of taxpayers money, was a project that Treasurer Tim Pallas called a zombie road project. The shovel-ready West Gate distributor was scrapped because it was a dog of a project.

We now have a western distributor — a \$5.5 billion Frankenstein monster, with no business case, no analysis from Infrastructure Victoria and tied in with a shoddy deal with Transurban — that will have the government as a shareholder that only puts in \$400 million to \$500 million, while commuters will pay tolls for an extra 20 years on the West Gate Freeway, CityLink and EastLink. It will make healthy profits for Transurban, but it comes at a huge cost to commuters, who will pay two-thirds of the cost for the next 20 years.

The lack of consultation with the Yarraville and Footscray communities by the Andrews government has all the hallmarks of the sheer arrogance shown to the communities of the south-east by the proposed captain's pick sky rail, a cheaper version than the underground option. It was reported that the Labor member for Mordialloc in the other place, Tim Richardson, had said in caucus that given the way the Andrews government had treated the communities impacted by sky rail it would lose Labor-held seats right along the south-eastern seaboard, including his own.

We now have the Melbourne Metro rail project, a project that includes two 9-kilometre rail tunnels from South Kensington to South Yarra, which will link the Sunbury line to the Cranbourne-Pakenham line. As for the east-west link, Sir Rod Eddington recommended in 2008 that planning work should commence to link Melbourne's booming western and south-eastern suburbs by increasing rail capacity. The coalition government provided \$50 million to add to the federal government's \$40 million to allow planning and development to continue in 2012. In fact the Baillieu government requested an assessment of the business case in 2011, which was costed then at \$7.5 billion, with a potential benefit-cost ratio of 1.2. But a revised assessment by Infrastructure Australia of the project cost of anywhere between \$9 billion and \$11 billion dollars throws the cost-benefit ratio out of the window.

So we have all these projects identified in the report, but not one is fully funded or shovel ready, even in regional Victoria. The government is refusing to fully fund the largest rail infrastructure project in regional Victoria, the \$416 million Murray Basin rail project. The Andrews government has gone begging to the federal government not once but 27 times to help fund infrastructure projects in Victoria. The Andrews government is so hopelessly broke that it is refusing to give back the federal government's money for the east-west link of \$1.5 billion dollars so it can prop up its budget. It is still having to pay dearly to the unions through overinflated enterprise bargaining agreements as payment for electoral support.

So here we have a Labor government that has not funded one major infrastructure project and that is going cap in hand to the commonwealth to beg for \$4.5 billion for the Metro rail project, billions for a western distributor, billions for level crossing upgrades and hundreds of millions for the Murray Basin rail project, and yet it has thrown the east-west link back in the Prime Minister's face as well as the promise of \$3 billion. We know these projects are important for Victoria, but the Andrews government's style is to bully and intimidate. Given the way federal Labor has trashed the financial stability of the commonwealth over successive years, the Premier, Dan Andrews, has to be an eternal optimist if he thinks the Prime Minister, Malcolm Turnbull, will be the Santa Claus of all times, bearing gifts of billions of dollars while the Premier keeps spitting at him in the face with heavy-handed threats and no negotiation of goodwill.

Western Health: report 2014–15

Mr EIDEH (Western Metropolitan) — I am delighted to rise to speak on Western Health's 2014–15

report. I thank the chair of the board, the Honourable Bronwyn Pyke, and chief executive officer Associate Professor Alex Cockram, along with other members of the board and executive for their input into the current report and their efforts throughout the 2014–15 period. And of course I would like to thank all the dedicated staff and volunteers for their ongoing efforts, hard work and support each and every year. I am proud to say that when you walk into Western Health it is very obvious that you are being welcomed into a team, and that is because you are always met with smiling faces of people always willing to offer assistance.

The 2014–15 year was a very eventful one for the team at Western Health. In June 2015 Western Health was short-listed for employer of the year in the 2015 Victorian Training Awards. I know that this was an absolute honour for Western Health, as it is the first time that a health service has been short-listed for this award in Victoria. I must say its recognition was definitely deserved. Western Health's reputation for excellence in training and staff development has been exceptional. Its training program has been supported through its own registered training organisation that has supported 40 per cent of its staff to receive a nationally recognised qualification. In addition to Western Health's priority for fostering its staff's professional development, Western Health has become a magnet for Victoria's brightest medical graduates.

The collaboration between Western Health and Melbourne University and the Western Clinical School has been outstanding. The Western Clinical School continues to teach and support its students at the highest possible level. Their skills are testament to the school's staff. I would like to also acknowledge the medical students' contribution to the community day on behalf of Western Health, which was attended by more than 700 people as part of the Building Healthy Communities in Melbourne's West program. Research has continued to grow at Western Health during the 2014–15 period, with 350 journal articles published and over 240 seminars and conference presentations delivered.

Western Health has continued building upon its care strategies of person-centred care, coordinated care, right care and safe care to ensure patients continue to receive the best possible care. I would also like to acknowledge all the staff and volunteers who won awards this year for their inspirational work and dedication in caring for others, in particular the Western Health's Symptom Urgent Review Clinic, which won the 2014 Victorian Healthcare Association annual award. The clinic was developed to improve cancer patient confidence in

managing the symptoms of chemotherapy at home and connect patients with nurses and doctors to discuss any concerns they have whilst undergoing treatment.

Also, the Symptom Management Assessment and Referral Team Clinic was awarded top honours at the 2014 Palliative Care Victoria Quality Initiative Awards. The clinic supports patients in palliative care to manage pain symptoms, medication support and education, and links patients to community palliative care.

Finally, once again, in fact for the sixth successive year, the Western Health volunteer team, which is made up of 600 members, was recognised for the Minister for Health volunteer awards, winning both a team award for innovation and an individual award for improving the patient experience. The team of volunteers plays a very important role in supporting patient-centred care, and I was very pleased to learn of their recognition once again. I thank all those who have made the 2014–15 year for Western Health so productive and look forward to reading more about its year of accomplishments. I commend this report to the house.

Independent Review of Climate Change Act 2010: report

Mr FINN (Western Metropolitan) — I knew when I saw on the notice paper a couple of weeks ago the independent review of the Climate Change Act 2010 that it would be a fascinating read, and a fascinating read it is — as fascinating as any other fairytale that one might come across at any given time. It is worth noting part of the context of this report:

The review of the act is occurring within the following context:

The conclusion of the Paris agreement at the 21st Conference of the Parties ... which emphasises the need to hold the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5 degrees.

I would suggest to you, Acting President, that is not going to be too difficult. It is not going to be hard at all, because there has not been any global warming for nearly 19 years. For almost 19 years there has been no global warming, which obviously leads to asking the question: what are we carrying on about? And that is a question that I think is well worth asking.

The journalist Peter Ferrara from Forbes.com has said:

When the period of no global warming began —
as distinct from the prior global warming —

... the alarmist global warming establishment responded that even several years of temperature data does not establish a climate trend. That takes much longer. But —

he asked the question —

when the period of no global warming gets longer than the period of actual global warming, what is the climate trend then?

That is a question I would like to ask the authors of this report. I would really like to ask how they can justify talking about action to keep temperatures below the average and keep it below 1.5 degrees when in fact there has been no increase for close on two decades. It is quite extraordinary. It just points out that this is based on fantasy. This is based on a fallacy. Indeed man-made climate change, global warming — call it what you will — is the greatest scam arguably in the history of the world.

Moreover —

this particular gentleman said —

... the now extended trend of no global warming is not turning around any time soon. That increasingly established trend is being produced by long-term natural causes.

Now this will shock everybody to their socks, to the core of their being. He added:

Even rank amateurs among the general public can see that the sun is the dominant influence on the Earth's temperatures.

So it is not a tax — tax does not affect the climate. It is not legislation — that does not affect the climate. It is in fact the sun that affects the climate. It is, I would have thought, pretty obvious, but it seems that those people who say the science is settled might have other things on their minds. They might have the prospect of losing money on the deal if indeed the science is settled, as indeed it clearly is, that there is no global warming, and that is the bottom line. Indeed, according to the Forbes report:

Britain's Met Office, an international cheerleading headquarters for global warming hysteria, conceded in December, 2012 that there would be no further warming at least through 2017, which would make 21 years with no global warming.

So you have got to ask, what is all this noise about? Why are all these people gathering in flash hotels, flying in business class or perhaps even first class or in their private jets, to gather every couple of years or perhaps every year or so for a bit of a confab to discuss something or to discuss trying to stop something that is not actually happening? It is, as I say, a scam. It is a con, and the sooner this government, and governments around the world, accept that fact, the better off we will

all be. People like Al Gore have made themselves exceedingly rich, but this report will not do anybody's bank account much good.

Auditor-General: *Administration of Parole*

Mr MELHEM (Western Metropolitan) — I rise to speak on the recent Auditor-General's report on *Administration of Parole*. Parole is a very important aspect of Victoria's prison system. Its significance is that it has improved community safety by providing offenders with support and supervision while they reintegrate into the community. Almost all prisoners at some point will be released, yet without the parole system they would be released straight into the community absent any supervision. In such circumstances, community safety would be severely jeopardised. Victoria's parole system, however, has received significant attention in recent years due to concerns about serious crimes being committed by parolees. In response, former High Court Justice Ian Callinan reviewed the parole system in 2013. The report states that he found that the Adult Parole Board (APB) of Victoria:

... required reform, that there was insufficient information sharing between agencies and that the case loads of community corrections officers were too high.

A significant reform program followed, with the investment of \$84 million over four years. I can say that since then, and thanks to the action of the Andrews Labor government, there has been a significant improvement in the administration of parole in Victoria. This includes a better informed and resourced APB, better trained and supported parole officers; better information sharing between the APB and Victoria Police regarding parolee behaviour; prisoners now have to apply for parole rather than being automatically considered; and improvements to ICT systems have made it easier to access information and record decisions made. All of this has led to a stronger focus on reducing the risk that parolees will commit further serious offences. Parole risk to the community is now enshrined in legislation as the key consideration in APB decision-making. This directly addresses the chief concern that contributed to the need for the parole system to be reviewed in the first place.

Despite these very optimistic findings, challenges in this area still exist. On this, the Victorian Auditor-General's report makes a series of recommendations for the betterment of the administration of parole. I will not read all the recommendations but page xii lists recommendations that address these issues, and it includes that the Department of Justice and Regulation:

1. monitors the number of prisoners who have not completed the required offending behaviour programs by their earliest eligibility date for parole, and ensures there are enough programs to meet demand
2. analyses why some prisoners are not applying for parole to determine whether some groups of prisoners require additional support
- ...
8. ensures that accurate budget information is available and adequately monitored for the remainder of the parole system reform program funding period.

I am happy to inform the house that the Department of Justice and Regulation has accepted all these recommendations and has in fact provided a detailed outline of how and when it intends to address each recommendation.

Let me conclude with an interesting observation that I have made from reading this report. In 2013, when the opposition was in government, parole administration was in such a poor place that a former High Court justice reviewed it and came to the conclusion that it required reform. Fast forward three years later, Labor is now in government and another review is done, yet this time it finds that a significant improvement has been made. This is because the Andrews Labor government is a government of action, and, unlike the opposition, this is a government that cares about community safety and the state of our parole system. I commend this report to the house.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee: marine rescue services in Victoria

Ms BATH (Eastern Victoria) — I rise today to speak about the government's response to the parliamentary inquiry into marine rescue services in Victoria. Firstly, it has taken 15 months for the government to respond to this parliamentary inquiry instigated by the Liberal-Nationals coalition. The inquiry looked at a number of things including the current structure of maritime rescue service provision in Victoria and possible improvements. There were almost 40 submissions from a number of relevant bodies including the Australian Volunteer Coast Guard Association (AVCGA). AVCGA was hopeful that the way marine rescue services operate would be improved and that this would lead to more funding and support to reduce volunteers' dependence on fundraising from their local communities.

Unfortunately this government's response did not meet expectations. Labor ignored much of the hard work of

the committee and many of its recommendations, and it provided a convoluted response. My electorate of Gippsland has many beautiful waterways and our volunteer coastguards play an extremely important role in the safety of mariners. In fact 85 per cent of all bluewater marine rescues in Victoria are conducted by volunteer coastguards.

I have met with some of the coastguards in my electorate. They are extremely passionate and dedicated, and they work hard to raise the money needed to keep their vessels ready to respond at any time. These wonderful volunteers are now extremely upset at the government's response to this inquiry. They feel their requests for assistance have fallen on deaf ears. Unfortunately this resulted in official strike action last week at Marlo flotilla. Marlo coastguard commander Harry Ferrier told the *Snowy River Mail*:

The action that we are undertaking goes against why we volunteer and what we do, but we have tried to talk with the Victorian government about what we want and we are not being heard.

One of the main points that came from the inquiry was the option of establishing a single statewide volunteer marine search and rescue (MSAR) organisation for Victoria. This would involve bringing maritime rescue under the administrative oversight of a single statewide organisation. This proposition was supported by a number of stakeholders. The Victorian coastguard proposed the creation of a new organisation named Coastguard Victoria, which would be made up of all the state's existing MSAR organisations — similar to Marine Rescue New South Wales. Victoria Police recommended that the committee investigate the arrangements in New South Wales.

The committee found that the establishment of Marine Rescue NSW had been an overwhelmingly positive reform. It has resulted in a range of benefits for marine search and rescue and recreational boating sectors in New South Wales. Mr Chris Newman, Gippsland squadron commodore in the Victorian coastguard, said that the New South Wales model is a good one; however, there are lessons Victoria could learn and things it could avoid in terms of the implementation.

Let me quote from this government's response to the committee's report. Paragraph 35 states:

This response reflects the acceptance or the acceptance in principle or part of the majority of the inquiry report's recommendations, pending available funding. The inquiry report's recommendations offered two alternative governance models. Where the government has accepted a recommendation in part, this is generally because the government has opted to implement the substance of the recommendation through a different governance model to the

one associated with the recommendation. Similarly, those recommendations that have not been accepted are generally only relevant to the governance model that was not adopted ...

Really? This is just department speak; this is just lip-service. The government is basically going against the recommendations made, particularly a recommendation that has proved successful in our neighbouring state of New South Wales.

Gippsland squadron board advisor Richard Burgess has been in constant contact with me over the last few months. He is appalled at the government's response to this inquiry. He believes that the government's recommendation is just a governance model constructed to benefit the downsized office of maritime safety. He said it adds complexity to volunteer operations while being a bureaucratic and cheap way out of funding the entity required to drive best practice.

Richard said that the Australian Volunteer Coast Guard Association is totally exasperated with this government's lack of focus and its lack of willingness to address this issue. He says the government is instead providing lip-service to an important issue with little action. It is sad to say, but I do agree with him. The coastguards have 750 members with 20 flotillas. They support our communities and they save both life and property. We should be listening to them and adopting the committee's recommendations.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr DAVIS (Southern Metropolitan) — I am very pleased to speak on the state's budget today, in particular the section that funds our planning system. Our planning system is very important for the livability of Melbourne, and planning in this state is always a balance between the economic needs of our state, the employment needs of construction and building and importantly also the livability of our city.

I make the point very clearly here that we are heading in the wrong direction in Victoria with the current planning minister. His decision to refresh *Plan Melbourne* on the face of it sounded warm and pleasing; he was prepared to work with the broad structure that was there previously. But he has clearly taken decisions to order a much greater refresh of *Plan Melbourne* than at first appeared, throwing many of the bipartisan principles out of the window.

The minister has made decisions to close down further development in central Melbourne, putting in new and very strong plot ratios and arrangements that have seen

a stalling of new applications in central Melbourne. He has taken the decision to remove a station that was part of the Melbourne Metro rail project from the Fishermans Bend area. This is a very promising development area, and the minister has gone back to replan that, which will see that area stalled in terms of new development applications for probably two years and possibly three years.

We have also seen the minister stall many of the structure plans on the edge of the city, and yet the accommodation of a population approaching 100 000 additional people each year needs to occur in metropolitan Melbourne and country Victoria. Unfortunately the minister appears to have decided that all of these people or a very large majority of these people who need to be accommodated will be put in established suburbs.

Parallel with this we have seen the minister launch a review of the residential zones, and that residential zone review, following on from the government's election promises made by Brian Tee, the then shadow Minister for Planning, has seen a focus on established suburbs — suburbs that have significant heritage buildings and heritage values, and suburbs that have significant vegetation strengths.

It is very clear that the planning minister, Richard Wynne, is determined to attack those suburbs, their livability and their way of life. He has quickly focused on pushing more people — without consent, without support, without agreement — into those suburbs. The review of the residential zones shows all the signs of tearing up the neighbourhood residential zone protections that were put in place by former planning minister Matthew Guy in an important and historic set of decisions. The removal of those neighbourhood residential zones will cause huge havoc across many of our established suburbs. Nobody has agreed to the removal or the wind back of those zones or the weakening of protections, but if the proposals that were released recently are agreed to by the minister, what will occur is a very significant change in the nature of our arrangements. It will cause huge grief in the established suburbs. It will see pitched battles in many of our established suburbs as people seek to defend the quality of their suburbs and the livability of their suburbs.

It is clear that the government has turned its eyes on Boroondara, it has turned its eyes on Bayside, it has turned its eyes on Glen Eira and it has turned its eyes on Whitehorse and parts of Monash. There is a focus on changing those suburbs — changing them for

ideological reasons and changing them for reasons of vindictiveness in many cases, I believe.

At the moment we are watching the Kew Cottages development, and the hanging in the balance of the Kew Cottages development, with the five-storey application that Walker Corporation, a major donor to the state Labor Party, has applied for. The heritage protection that correctly ought to hang over that area is very much in the balance. I do not know what will occur in that process, but I know that Walker Corporation is exerting all the power it can on this state government. There is the history going back to Justin Madden, Steve Bracks and the previous planning ministers, and we are not seeing the right outcome at that Kew Cottages site. I fear that this sort of excessive and unfocused development will be forced on established suburbs across Melbourne under Minister Wynne.

ADJOURNMENT

Mr HERBERT (Minister for Training and Skills) — I move:

That the house do now adjourn.

Country Fire Authority Eltham station

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Emergency Services, and the action I seek is for the minister to come to the Eltham electorate and open the new Eltham fire station as soon as possible. If she is unable to do that, she needs to explain to the people of Eltham why she refuses to do so.

The coalition invested \$9.6 million in the new Eltham fire station, which was aimed at better supporting firefighters and community safety in both Eltham and Melbourne's outer north-east. The new site and the station have the capacity to meet the needs of future generations of firefighters and improve the working conditions for both career and volunteer firefighters, who do an exceptional job for the area. The first sod was turned in May 2014, and the government made a commitment that the work would be completed by March 2015. There have been some burglaries, and that did delay the work for a month or two, but it took until December 2015 — nine months after it was meant to be completed and opened — for the Country Fire Authority (CFA) to actually be able to move in.

However, even though the staff moved into the new state-of-the-art facilities in December, there has been no formal announcement from the government and no official government press release. No official

government opening has occurred. This represents a real snub to the Eltham community and the importance of this new Eltham CFA facility for the safety of residents.

The Eltham fire station will provide a significant boost to emergency response capabilities in the local community both now and in the future, as I said, for career and volunteer brigade members who are working in the area. The new facility includes a four-bay motor room and a staff day room and dormitory area, as well as additional office space, a training yard and car park areas. It really is an exceptional new facility.

Obviously the government has a very public industrial battle with the United Firefighters Union, but this should not deter the opening from going ahead. The minister needs to come to the electorate, front up and actually celebrate the work that was done, funded, delivered, built and established by the coalition government and finished by this government. I am keen to attend this opening and acknowledge the years of work by local members to deliver a new station that the CFA has worked exceptionally hard on and to celebrate with the community this important new facility. Therefore I ask the minister to get on with her job and officially open the exciting, new, state-of-the-art Eltham CFA station for the benefit of the community. She should not be in hiding as she is; she actually needs to front up and take responsibility for her job, open this new station and make sure that the community can celebrate the achievement of this new community asset.

VicRoads land

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is: will the minister intervene to maintain the soon-to-be-sold VicRoads-owned parcels of land currently used as public open space in the City of Boroondara? Like many Victorians I am concerned about the scarcity of public open space in our communities, but I am even more concerned when existing public open space is sold off by a government agency and invariably ends up as a development.

Our parks and reserves contribute greatly to the livability of Melbourne. The Greens understand that our open space is crucial to our health and wellbeing. With 70 percent of Victorians living in urban environments in greater Melbourne, open space is critically important to the livability of our suburbs and is highly valued by the community. Parks can improve physical and mental health and provide ecosystem services and urban biodiversity. I am concerned to learn that public open

space in the municipality of Boroondara is now under threat.

Boroondara City Council has some of the lowest levels of public open space as a proportion of the entire municipality, at only 9.6 percent, and this is set to get smaller. In the suburb of Kew, VicRoads owns two public open spaces: Dorothy Rogers Reserve at 4 Studley Park Road, Kew, and parkland adjacent to the Eastern Freeway at 85 Kilby Road, Kew East. I am informed that the Boroondara council has not taken up the right of first refusal offered by VicRoads to acquire the parcels of land — and who can blame it? It is land already in public ownership, and the reality of rate capping constrains any opportunity council may have had. I am informed that VicRoads will now proceed with the sale of these parcels of land on the open market. Will the minister intervene to maintain these parcels of land as public open spaces?

Western suburbs education and training

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Training and Skills, the Honourable Steve Herbert. The Metropolitan Planning Authority states that Melbourne's western region is one of the fastest growing regions in Australia. The *West Growth Corridor Plan* sets out a clear strategy for the development of the region over the next 30 to 40 years, so I ask the minister: what is he doing to ensure these growth areas will receive quality education and training?

School communication systems

Ms LOVELL (Northern Victoria) — My question is for the Minister for Education. It is regarding the government's promise to provide mass text messaging capabilities to all Victorian public schools. The action that I seek from the minister is that the minister provide all schools with the ability for prompt communication with parents by ensuring that the process for sending bulk text messages is upgraded and simplified to allow for these messages to be sent from mobile devices that are not reliant on access to a wi-fi connection.

Last Wednesday Wilmot Road Primary School in Shepparton unfortunately became the target of the second hoax bomb threat to a school in Shepparton this year. Following this unfortunate incident I contacted the principal of Wilmot Road Primary School to offer support and check that the evacuation had run smoothly. The principal informed me that the evacuation had run like clockwork and that the staff and students had all been fantastic. The only thing that

could have been improved was communication with the parents. The school was unfortunately not able to activate a bulk text service and had to rely on sending notes home that night. In the meantime social media was running with the news before the school could communicate with parents. This resulted in many anxious parents turning up at the school, causing unnecessary stress and confusion for families and staff.

The reason the school was not able to activate a bulk text message to parents is that the program that activates the text message, CASES21, can only be accessed from a desktop computer within the school or by a laptop that already has remote access validated prior to the evacuation. This means that schools need to take a laptop with remote access already validated with them as they evacuate. In this particular case activation of a text message, even via a laptop with remote access validated, would have been further compromised, given that the school wi-fi only has a 40 to 50-metre perimeter for effective use and the evacuation point is outside of the effective wi-fi use area. The neighbouring secondary college, McGuire College, was able to send out a bulk text to its parents, as its staff were not evacuated but instead were in lockdown inside their buildings.

Wilmot Road Primary School is in the process of investigating the remote access process and has appointed a designated laptop and user to activate bulk text messages. However, given the restrictions on the system's operations and the wi-fi area coverage, this may still be unreliable as text messages may not be able to be issued during the evacuation, meaning that communication with parents will only be possible when the buildings are deemed safe for students and staff to return.

The action that I seek from the minister is that he provide all schools with the ability for prompt communication with parents by ensuring that the process for sending bulk text messages is upgraded and simplified to allow these messages to be sent from mobile devices that are not reliant on access to a wi-fi connection.

Coronial recommendations

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Attorney-General. It concerns the need for an independent body to monitor the implementation of responses to coronial recommendations and to track the potential impact on preventable deaths. In 2008 I moved an amendment to the Coroners Bill 2008 which is now part of section 72 of the Coroners Act 2008. It requires a public authority

or entity to publicly respond within three months to any recommendations directed to it by the coroner as to any actions it has or will take in respect of the recommendations.

Since section 72 came into operation my office has followed up a large number of the recommendations and responses by agencies, which vary greatly. Sometimes agencies respond promptly; sometimes they do not. I have lodged questions to various ministers on the lack of action to implement certain coronial recommendations. In some cases I was told to look at the department's response on the Coroners Court website, which was of no assistance since my questions concerned the actual implementation not simply the initial written response, which I already had access to.

In addition, research shows that the quality of responses by government departments and agencies to coronial recommendations varies considerably. A BMC Public Health study of organisations that received recommendations from Victorian coroners over a 33-month period reported that only a third of the recommendations were implemented by the organisations to which they were directed. In December 2015 retiring State Coroner, Ian Gray, said a system should be established to track which recommendations have been implemented since there is little follow-up, if any, beyond organisations providing the initial response within three months.

The Federation of Community Legal Centres has also been advocating for an independent body to be established to follow up implementation of coronial recommendations as outlined in its issues paper of March 2013 entitled *Saving lives by joining up justice*. This is also recommended in the Queensland Ombudsman report of December 2006 entitled *The Coronial Recommendations Project*.

Subject to consultation with all relevant stakeholders, possible approaches could be either to establish a new independent body to undertake this function or to provide additional resources to the Victorian Ombudsman to do this and to provide additional resources to the Coroners Prevention Unit (CPU) to monitor those recommendations which fall outside the jurisdiction of the Ombudsman. It is important that such a body or the Ombudsman and, where appropriate, the CPU report publicly on the implementation of responses, particularly to assist families of deceased persons, many of whom are currently left not knowing if coronial recommendations have ever been implemented. My request of the Attorney-General is that he give serious consideration to the establishment of a body to monitor the implementation of coronial

recommendations to public authorities and agencies in Victoria.

Jubilee Park, Ringwood

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Sport, John Eren. I know the minister had a meeting with Maroondah City Council concerning some aspirations it has in its municipality. In particular I know the council has some aspirations around Jubilee Park. The action I would seek from the minister is for him to schedule through his office a follow-up meeting with that particular council so that it can further pursue the discussions it had with the minister late last year.

Wye River and Separation Creek bushfires

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Emergency Services, the Honourable Jane Garrett. The action I wish her to take is to fulfil the commitments that she and Minister Lisa Neville made at the Wye River Surf Lifesaving Club on Sunday, 17 January 2016, in respect of the one-stop planning shops that were going to be provided at Apollo Bay, Wye River, Colac and Melbourne. I understand there was also a range of other commitments that both ministers made at that meeting that have not been fulfilled at all. As we know, 116 houses were lost in the Wye River and Separation Creek fires. There was considerable community concern, both in the rebuilding phase and about a range of services — water, sewerage and others — in the clean-up around the response to that fire.

I am really disappointed given we have had other significant fires across the state of Victoria just in the last few days. In fact my parliamentary colleague Josh Morris in the adjournment debate last night indicated that there were fires north of Ballarat that burnt some houses, and people there will also be in need of some support. I note in fact that the federal member for Corangamite, Sarah Henderson, on the Jon Faine program this morning indicated that she has been working very hard down at Wye River and Separation Creek representing her constituents in Corangamite. She is a fabulous member. She indicated on the Jon Faine program this morning and again in federal Parliament this afternoon that unfortunately the commonwealth emergency re-establishment payment of up to \$32 500, which is distributed between the commonwealth and the state, has not been successfully accessed in full by any of those victims of the Wye River and Separation Creek fires.

So there is a problem associated with that financial assistance, there is a problem with the one-stop planning shops that were promised by Minister Garrett in that they are not located in any of the localities that she indicated they would be and there is a whole range of other problems. I know Craig Lapsley has indicated that he wishes to review the commitments made by the two respective ministers, but I do encourage Ms Garrett to certainly look at the process for the emergency re-establishment payments to those affected by fires and to also immediately instigate the one-stop planning shops she committed to in those areas that I have identified to help those residents move quickly into the rebuilding phase.

Brooklyn industrial precinct

Mr MELHEM (Western Metropolitan) — My adjournment matter tonight is for the Minister for Environment, Climate Change and Water, the Honourable Lisa Neville. The action I seek is for the minister to visit the Brooklyn industrial precinct. Along with the Minister for Police, the Honourable Wade Noonan, I attended the completion of the Labor government's work in sealing Jones and Bunting roads in the Brooklyn industrial precinct to reduce the dust levels. I made a members statement in this house on that at the time. That work has gone a long way to assist the local communities and businesses to make it easier to address the issue with the dust levels, which was experienced by the surrounding businesses and community.

The other problem we have got is that some businesses in the area continue to cause some pollution problems. The work so far has resulted in tangible results for the local community, but there is more work to do. Apart from sealing the road and addressing some of the environmental issues, I now seek that the minister visit the precinct to inspect the work that has been done so far and to continue the conversation with the local community — both businesses and residents, a very well established group — on further work that is required to make sure that the precinct becomes free of pollution and is a bit more livable. We need to address any further work that needs to be done to make sure that all the environmental measures have been put in place to make sure the place becomes livable and to encourage more businesses to invest. That is the action I seek of the minister. I hope she will let me know when she intends to visit, and I will be more than happy to accompany her on her visit.

Australian Volunteer Coast Guard

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Emergency Services, Ms Jane Garrett, in relation to Victorian members of the Australian Volunteer Coast Guard and their plight. They are trying to raise funds for comprehensive insurance. The action I seek is that the Minister for Emergency Services immediately provide funding for comprehensive insurance for Victorian volunteer coastguards so that they are able to continue their important work of saving lives.

Let me put it into context. There are over 20 flotillas across the coastline of Victoria. There are around 750 members who volunteer their services, and 85 per cent of all of the bluewater marine rescues are done by the volunteer coastguards.

Recently I spoke to Gippsland squadron commodore Mr Chris Newman, who informed me that at the Victorian state council of volunteer coastguards the matter of funds for comprehensive insurance was, worryingly, discussed. Basically he told me that finding funding for comprehensive insurance, which is usually gained through volunteer fundraising efforts, is in dire need of attention. This comprehensive insurance covers basic needs of vessel insurance, public liability, office-bearer insurance and public building insurance. Mr Newman tells me that the Victorian component of what is owed by the Australian Volunteer Coast Guard association is in the vicinity of \$140 000. Of this amount, \$50 000 is money that the association was unable to pay last year.

This is a huge amount for our hardworking volunteers. Let us put it in context. The volunteer coastguards save our property and our lives out on the water. There are hundreds and hundreds of boat operators who go out to enjoy their experiences on the water. If they get into trouble, the volunteer coastguards come to save and collect them. Taking time away from this important activity to have to raise money and rattle tins is just ridiculous. To expect them to raise such a large amount of money to keep their vessels ready is just way too much in principle.

Again I call on the minister to immediately provide funding for this comprehensive insurance to allow these people to do the good work they do and to provide us with security and safety across the marine environment.

Stawell underground physics laboratory

Ms TIERNEY (Western Victoria) — My adjournment matter tonight is for the Minister for

Training and Skills and is in relation to the Stawell physics laboratory in my electorate. Last November this government committed \$1.75 million for the Stawell physics lab, through the Labor government's \$500 million Regional Jobs and Infrastructure Fund, to be built in Stawell's existing goldmine. The lab will be one of just two in the whole of the Southern Hemisphere, as I understand it, and by far the most advanced. The University of Melbourne plans to partner with the Centre of Excellence for Particle Physics, the Australian Nuclear Science and Technology Organisation and the Italian National Institute of Nuclear Physics to bring together Southern and Northern hemisphere research agencies to conduct cutting-edge physics research. It is a hugely exciting project that will attract attention from right across the world.

Just last week the minister met with the mayor of the Northern Grampians shire, Murray Emerson, and Professor Elisabetta Barberio, from the University of Melbourne, to discuss the research opportunities at the lab and the positive economic impact it will have on the local community. I was unfortunately unable to join the minister in Stawell as I was with the Minister for Education visiting a number of primary schools in the south-west of the electorate. However, I have been closely following the project, and I look forward to the ongoing development of it.

It is with this in mind that I ask the minister to meet with and provide me with information on how this fantastic project will benefit the local region, including how many jobs will result from the construction of the lab, how many ongoing jobs will be available when the lab is up and running, what sort of training opportunities it will provide and how this will benefit up-and-coming scientists in our education system. In particular I am wanting to know how this government will be informing all Victorians about this world-groundbreaking project.

The ACTING PRESIDENT (Mr Ramsay) — Order! I am sure that if the President was in the chair, he would probably question what Ms Tierney's requested action is — other than the making of a statement. But with respect to Ms Tierney as Deputy President, I will leave that judgement to him.

Ms Tierney — The action was quite particular. The action I was seeking was further information on the job opportunities — there were four points to it — and the additional action I requested was: what communication will the minister be providing the Victorian population in terms of this world-groundbreaking project?

Wyndham City Council

Mr FINN (Western Metropolitan) — Since my call recently for the dismissal of the Wyndham City Council I have been inundated, firstly, with messages of support from people in that municipality, but I have also been inundated with complaints about this council from a number of people, one of whom is Stephen from Hoppers Crossing, who sent me the following email, and I will read some excerpts from it:

On 25 January, I had occasion to drive my cancer-afflicted 83-year-old father to the Wyndham private hospital for treatment. Because of his cancer, he cannot walk very far. I left the car park but when I returned, the entry ticket gate was out of order and wouldn't admit any vehicles. I parked my car (alongside a dozen others) on a boggy mud patch (which I later found out is called: Old Sneydes Road) and waited on a seat outside the hospital. Because cars could leave the car park but not enter it, the car park nearly emptied before the defective gate started working again. I returned to my car to move it into the car park, but found that it, along with all the others, had been given a \$152 parking infringement by Wyndham council. The electronic records controlling the operation of the automated ticket gate should confirm that it was out of order on that date.

Upon arriving home, I immediately emailed our \$400 000 per annum general manager —

CEO, I am assuming —

acquainting her with the facts and requesting that the ticket be reviewed, but over a month later, other than the standard automated acknowledgement, I have still not been favoured with the courtesy of a reply. As the due date for payment of the ticket was Monday, 22 February, I emailed her again on Monday, 22nd, seeking a reply to my earlier email of a month ago, and received no reply to that, and yesterday I emailed a third time, seeking replies to my two previous emails, but again, other than the standard automated acknowledgement —

no substantive response has been received. Now, this I think is the sort of thing that gives local government a bad name, when people have been given a parking ticket for what is clearly a wrong reason — for a situation where the Wyndham council, in this particular instance, is in the wrong — and they cannot get any satisfaction from anybody at the council at all.

I ask the Minister for Local Government to intervene with the Wyndham council on behalf of Stephen of Hoppers Crossing and ask it to afford him the leniency that he desires and indeed provide him with what I would describe as a fair go.

Mr Dalidakis — Do you have his surname?

Mr FINN — I have got his surname here, but he has asked me not to make it public. I am happy to provide it

to the minister, and I ask the minister to intervene on his behalf.

Northern Metropolitan Region small business

Mr ELASMAR (Northern Metropolitan) — The adjournment matter I wish to raise tonight is addressed to the Minister for Small Business, Innovation and Trade, the Honourable Philip Dalidakis, and I am glad he is in the chamber.

In Northern Metropolitan Region small businesses contribute to a thriving and vibrant community life. Bricks-and-mortar businesses such as coffee shops, cafes, restaurants, clothing boutiques, lawyers and accountants offices, fish and chip shops, newsagencies and bookstores all add to the local economy, and I am proud to represent such a diverse electorate.

Many small business owners approach my office looking for ways to grow their business and maintain consistent and prudent financial records, whilst others look for guidance in marketing, expanding their digital presence and staffing matters. I note that they are able to receive this advice when they access the mentoring available through the Small Business Bus, which in the past six months has visited Broadmeadows, Preston and Thornbury to mentor local businesses. Small businesses in Thomastown, Mill Park and Craigieburn also benefitted from the expert advice that the mentors on the Small Business Bus were able to provide.

There has never been a more important time for small businesses to have access to expert support, advice and assistance. As all on this side of the chamber know, small businesses are the backbone of our economy, and the Andrews Labor government is committed to providing them with ongoing business support services to encourage them to grow and create more local jobs. There are over half a million small businesses in Victoria, and they represent 97.5 per cent of Victoria's total businesses. I am proud to be part of a government which has small business at the forefront of every policy direction it takes.

The action I seek from the Minister for Small Business, Innovation and Trade is that he provide me with ways that small businesses in Northern Metropolitan Region can access government assistance so they can continue to be competitive and successful.

Port Phillip planning scheme

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment debate tonight is for the attention of the Minister for Planning in the other place. It concerns the C107 region of the City of Port Phillip.

This is an area where planning amendments have been considered for some time. The previous government put a temporary mandatory height restriction on the area, and in mid-January the Minister for Planning renewed that for a six-month period. In the interim there has been discussion about what will occur with the planning regime in this particular area, which is a sweep along St Kilda Road up to where the proposed Domain station will be located. The City of Port Phillip has done quite a bit of community consultation, and it has come back with its proposed C107 arrangements, which contain mandatory height limits. That is the recommendation of the council and the community.

What concerns me about this area of development is that it is already intensely developed. There are already a significant number of high buildings with significant population density, and yet there has not been proper planning for the future, given that the government appears to want to increase the population in that area by at least twofold and perhaps by as much as fourfold. This will require significant traffic management plans, management of parkland to ensure that there is sufficient open space and management of a whole range of different services. At the moment those arrangements are not in place, and I am concerned that the government is going to proceed with a regime which will see discretionary height restrictions in place, which would mean in effect that in this area the sky would be the limit.

The fear is that if the minister moves to impose discretionary height controls, there will be a very significant intensification of development in the area, with very high buildings and a very large number of new populations. The concern in this case is that the planning has not been done and that the arrangements are not in place for additional services. We have sought documents from the minister on this matter, and I will say more about that shortly. The assessment of those documents shows some deficiencies in these arrangements, and I will not outline those now.

The action I seek from the Minister for Planning is to meet with the local community groups in a structured arrangement so that many of these issues can be thrashed through and a proper plan can be put in place without discretionary height limits.

Maitreya Festival

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Local Government and relates to the Maitreya music festival that is scheduled to take place over the long weekend in March at Wooroonook Lakes

near Charlton. The action that I seek is that the minister work with the Buloke Shire Council to ensure all relevant permit applications for the festival, both those granted by council as well as those granted by the state government, are assessed expeditiously to ensure the festival does proceed as planned.

To provide some context to the community of Charlton, the nearest town to the location of the Maitreya Festival, some five years ago the township of Charlton was devastated by floods. That also occurred the year prior to that, so that is two floods in the past six years. More recently Charlton and its surrounds have been severely affected by drought. Times are tough in the north-central region of our state, and communities need all the support they can get.

Last year was the first time the event was held at Wooroonook Lakes, and it was hailed as a great success. Local volunteer groups received over \$160 000 through work supporting the festival — money they did not have to raise from within their own community. Local businesses also benefited enormously and have already begun pre-ordering stock to meet the expected demand of festival-goers. Should the Maitreya music festival not proceed, these businesses will suffer great financial harm. The total economic benefit this year is estimated to be \$2 million.

I call on the government to immediately act to ensure the permits are dealt with and to make sure that it is not the state government that is holding up this festival that the community so needs to proceed.

Country football and netball program

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Sport, and it has to do with the country football and netball program. As everybody who has an interest in country football and netball would know, the longstanding country football and netball program was scrapped prior to last year's budget, and it was only due to a backlash from that sector that the program, which has always been a four to five-year program, was given a one-year reprieve at the last minute. It was so late in fact that the money could not even be identified within the budget, but effectively we were told that the money was there.

We now have the AFL Victoria country division and Netball Victoria looking very carefully to see if this program, which is jointly funded by those bodies and the state government, is going to be rolled out again over the remainder of this term of government — that is, for an additional three years over and above the one-year-only program that has already been announced.

The minister was very definite last year when he said that this program was only for one year and it would be worked out throughout the course of this year whether it would be continued or whether it would be abandoned. This is a very small amount of money. It is a further \$6 million to \$8 million for the remainder of this year — \$6 million if the government wants to stick to the historical levels of funding or \$8 million if it wants to build into it a form of investment that will settle a lot of nerves around the state.

Recently I met with a range of football and netball clubs in the Shepparton region. They are looking at options for building new projects in the future and they are acutely aware that the \$100 million community sporting fund has already been allocated to the extent of more than \$75 million. So they look around the state and they realise that there is not a lot available for clubs for projects that are not already on the radar and which wish to attract some form of partnership with the state government. If this growing number of clubs want to proceed with new facilities, then they are going to need a new funding source to be able to do that.

Over the 10 or so years that the country football and netball program has been running, among the great winners, certainly during the coalition's time in government, have been the netball clubs. Nearly 60 per cent to 70 per cent of the projects that were being funded were actually netball projects, which is a testament to the importance of netball in traditional country football and netball clubs. Many of these projects were actually being pushed towards netball facilities.

The action I am seeking is a clear indication that this longstanding program will in fact be continued and not just put in at the last minute for a further one year. We need to let all of the funding stakeholders be engaged in the funding — —

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

Responses

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — Tonight we have had adjournment matters raised by Ms Wooldridge for the Minister for Emergency Services regarding the opening of the Eltham Country Fire Authority station; by Ms Dunn for the Minister for Roads and Road Safety regarding directing VicRoads not to sell surplus land; by Mr Eideh for the Minister for Training and Skills regarding growth areas in the western region; by Ms Lovell for the Minister for Education regarding the schools bulk text messaging system; by Ms Pennicuik for the Attorney-General requesting him to consider a new body to implement coroners recommendations; by Mr Leane for the Minister for Sport in relation to Maroondah City Council grants and consideration of a previous meeting; and by Mr Ramsay for the Minister for Emergency Services regarding a one-stop planning shop.

I might add by way of assistance that after the member for Corangamite in the federal Parliament spoke, Mr Lapsley also spoke about this specific issue, because I listened to the radio interview, so Mr Ramsay may also be able to find that information out by looking at the transcript which I know the ABC provides.

Mr Melhem raised a matter for the Minister for Environment, Climate Change and Water in relation to an invitation to visit the Brooklyn industrial precinct.

Ms Bath raised a matter for Minister for Emergency Services regarding the provision of funding for the Victorian coastguard.

Ms Tierney raised a matter for the Minister for Training and Skills regarding the Stawell physics lab, job opportunities and information about the project for dissemination across the community.

Mr Finn raised a matter for Minister for Local Government in relation to intervention with regard to Wyndham City Council ratepayer Stephen. I wish to advise Hansard that Mr Finn has said that he will provide the surname and the details of this specific matter to the Minister for Local Government personally or to his office.

Mr Elasmarr raised a matter for me in relation to the provision of ways that small businesses can access services in Northern Metropolitan Region, which I will have my office assist with.

Mr Davis raised a matter for the Minister for Planning regarding the C107 region of Port Phillip and would

like to have the minister meet with local community groups.

Mr Morris raised a matter for the Minister for Local Government regarding working with the shire for the fast-tracking of the Maitreya Festival permits.

Mr Drum raised a matter for the Minister for Sport regarding the continuation of the country football netball program.

There is nothing additional to provide to you, Acting President.

The ACTING PRESIDENT (Mr Finn) — Order! That being the case, the house stands adjourned.

House adjourned 6.18 p.m.

