

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 25 July 2018**

**(Extract from book 10)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry** (from 16 October 2017)

|   |                              |
|---|------------------------------|
| Premier . . . . .   | The Hon. D. M. Andrews, MP   |
| Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .  | The Hon. J. A. Merlino, MP   |
| Treasurer and Minister for Resources . . . . .  | The Hon. T. H. Pallas, MP    |
| Minister for Public Transport and Minister for Major Projects . . . . .   | The Hon. J. Allan, MP        |
| Minister for Industry and Employment . . . . .  | The Hon. B. A. Carroll, MP   |
| Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business . . . . .                       | The Hon. P. Dalidakis, MLC   |
| Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .  | 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 Health and Minister for Ambulance Services . . . . .   | The Hon. J. Hennessy, MP     |
| Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence . . . . . | The Hon. N. M. Hutchins, MP  |
| Special Minister of State . . . . .   | The Hon. G. Jennings, MLC    |
| Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government . . . . .  | The Hon. M. Kairouz, MP      |
| Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .                                 | The Hon. J. Mikakos, MLC     |
| Minister for Police and Minister for Water . . . . .  | The Hon. L. M. Neville, 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 Finance and Minister for Multicultural Affairs . . . . .   | The Hon. R. D. Scott, MP     |
| Minister for Training and Skills, and Minister for Corrections . . . . .  | The Hon. G. A. Tierney, MLC  |
| Minister for Planning . . . . .   | The Hon. R. W. Wynne, MP     |
| Cabinet Secretary . . . . .   | Ms M. Thomas, MP             |

### Legislative Council committees

**Privileges Committee** — Mr Dalidakis, Mr Mulino, Mr O’Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes and Ms Wooldridge.

**Procedure Committee** — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

### Legislative Council standing committees

**Standing Committee on the Economy and Infrastructure** — Mr Bourman, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

**Standing Committee on the Environment and Planning** — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmarr, Mr Melhem, Mr Mulino, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, #Ms Symes, Ms Truong and Mr Young.

**Standing Committee on Legal and Social Issues** — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Springle and Ms Symes.

# participating members

### Legislative Council select committees

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

**Fire Services Bill Select Committee** — Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

### Joint committees

**Accountability and Oversight Committee** — (*Council*): Mr O’Sullivan, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson.

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

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

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

**Environment, Natural Resources and Regional Development Committee** — (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

**Family and Community Development Committee** — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

**House Committee** — (*Council*): The President (*ex officio*), Mr Eideh, 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*): Dr Carling-Jenkins and Mr Gepp. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

**Public Accounts and Estimates Committee** — (*Council*): Ms Patten, 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* — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

*Council* — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

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

**President:**

The Hon. B. N. ATKINSON

**Deputy President:**

Mr N. ELASMAR

**Acting Presidents:**

Ms Dunn, Mr Gepp, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

**Leader of the Government:**

The Hon. G. JENNINGS

**Deputy Leader of the Government:**

The Hon. J. L. PULFORD

**Leader of the Opposition:**

The Hon. M. WOOLDRIDGE

**Deputy Leader of the Opposition:**

The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**

Mr L. B. O'SULLIVAN

**Leader of the Greens:**

Dr S. RATNAM

| Member                                    | Region                     | Party  | Member                                       | Region                     | Party  |
|---|----------------------------|--------|--|----------------------------|--------|
| Atkinson, Mr Bruce Norman                 | Eastern Metropolitan       | LP     | Mikakos, Ms Jenny                            | Northern Metropolitan      | ALP    |
| Barber, Mr Gregory John <sup>1</sup>      | Northern Metropolitan      | Greens | Morris, Mr Joshua                            | Western Victoria           | LP     |
| Bath, Ms Melina <sup>2</sup>              | Eastern Victoria           | Nats   | Mulino, Mr Daniel                            | Eastern Victoria           | ALP    |
| Bourman, Mr Jeffrey                       | Eastern Victoria           | SFFP   | O'Brien, Mr Daniel David <sup>8</sup>        | Eastern Victoria           | Nats   |
| Carling-Jenkins, Dr Rachel <sup>3</sup>   | Western Metropolitan       | AC     | 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    | O'Sullivan, Mr Luke Bartholomew <sup>9</sup> | Northern Victoria          | Nats   |
| Dalla-Riva, Mr Richard Alex Gordon        | Eastern Metropolitan       | LP     | Patten, Ms Fiona <sup>10</sup>               | Northern Metropolitan      | RV     |
| Davis, Mr David McLean                    | Southern Metropolitan      | LP     | Pennicuik, Ms Susan Margaret                 | Southern Metropolitan      | Greens |
| Drum, Mr Damian Kevin <sup>4</sup>        | Northern Victoria          | Nats   | Peulich, Mrs Inga                            | South Eastern Metropolitan | LP     |
| Dunn, Ms Samantha                         | Eastern Metropolitan       | Greens | Pulford, Ms Jaala Lee                        | Western Victoria           | ALP    |
| Eideh, Mr Khalil M.                       | Western Metropolitan       | ALP    | Purcell, Mr James                            | Western Victoria           | VILJ   |
| Elasmar, Mr Nazih                         | Northern Metropolitan      | ALP    | Ramsay, Mr Simon                             | Western Victoria           | LP     |
| Finn, Mr Bernard Thomas C.                | Western Metropolitan       | LP     | Ratnam, Dr Samantha Shantini <sup>11</sup>   | Northern Metropolitan      | Greens |
| Fitzherbert, Ms Margaret                  | Southern Metropolitan      | LP     | Rich-Phillips, Mr Gordon Kenneth             | South Eastern Metropolitan | LP     |
| Gepp, Mr Mark <sup>5</sup>                | Northern Victoria          | ALP    | Shing, Ms Harriet                            | Eastern Victoria           | ALP    |
| Hartland, Ms Colleen Mildred <sup>7</sup> | Western Metropolitan       | Greens | Somyurek, Mr Adem                            | South Eastern Metropolitan | ALP    |
| Herbert, Mr Steven Ralph <sup>6</sup>     | Northern Victoria          | ALP    | Springle, Ms Nina                            | South Eastern Metropolitan | Greens |
| Jennings, Mr Gavin Wayne                  | South Eastern Metropolitan | ALP    | Symes, Ms Jaclyn                             | Northern Victoria          | ALP    |
| Leane, Mr Shaun Leo                       | Eastern Metropolitan       | ALP    | Tierney, Ms Gayle Anne                       | Western Victoria           | ALP    |
| Lovell, Ms Wendy Ann                      | Northern Victoria          | LP     | Truong, Ms Huong <sup>12</sup>               | Western Metropolitan       | Greens |
| Melhem, Mr Cesar                          | Western Metropolitan       | ALP    | Wooldridge, Ms Mary Louise Newling           | Eastern Metropolitan       | LP     |
|   |                            |        | Young, Mr Daniel                             | Northern Victoria          | SFFP   |

<sup>1</sup> Resigned 28 September 2017

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

<sup>3</sup> DLP until 26 June 2017

<sup>4</sup> Resigned 27 May 2016

<sup>5</sup> Appointed 7 June 2017

<sup>6</sup> Resigned 6 April 2017

<sup>7</sup> Resigned 9 February 2018

<sup>8</sup> Resigned 25 February 2015

<sup>9</sup> Appointed 12 October 2016

<sup>10</sup> ASP until 16 January 2018

<sup>11</sup> Appointed 18 October 2017

<sup>12</sup> Appointed 21 February 2018

**PARTY ABBREVIATIONS**

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;  
DLP — Democratic Labour Party; Greens — Australian Greens;  
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria  
SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs



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**Wednesday, 25 July 2018**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.**

**RESIGNATION OF DEPUTY PRESIDENT**

**The PRESIDENT (09:36)** — Order! I wish to advise the house of a letter that I have received on 25 July. It reads:

Resignation from the position of Deputy President

I am incredibly proud to have been a member in this place for almost 12 years.

I've always sought to uphold the institutions of the Parliament and represent my constituency and my party to the best of my ability.

As you know, I do not plan to contest the coming election.

I stood aside from the position of Deputy President in October last year in light of allegations that had been made against my office and the subsequent IBAC consideration of this.

At all times I have maintained no wrongdoing and I look forward to the conclusion of IBAC's consideration of this matter following my request to them.

For 10 months my duties have been undertaken by other members, including some very long and complex committee stages in this place. I thank Nazih Elasmr and Cesar Melhem in particular for carrying this additional load.

I also thank the President for his support during this difficult period and for his comments in the house yesterday.

It is not my place to comment on the length of time IBAC takes for consideration of any matter but I had not thought this would continue for as long as it has when I stood aside.

Our government has much to be proud of. In Western Metropolitan Region we are achieving so much — I am particularly proud of work underway at the Sunshine Hospital, local school improvements and removing that level crossing in St Albans among many other achievements.

In my last five weeks in this place it is the people of Western Metropolitan Region that deserve to be the focus of my attention, not any uncertainty about my own personal situation.

For these reasons, last night I notified the Leader of the Government, Mr Jennings, and yourself that I have resigned my position of Deputy President. I look forward to continuing to work with all members in my remaining months in this place.

On the basis that I have received that resignation, we need to move to the election of a new Deputy President.

**ELECTION OF DEPUTY PRESIDENT**

**Mr JENNINGS** (Special Minister of State) (09:38) — I nominate Mr Nazih Elasmr as the Deputy President.

**Ms PULFORD** (Minister for Agriculture) (09:39) — I second the nomination.

**The PRESIDENT (09:39)** — Mr Elasmr, do you accept that position?

**Mr ELASMAR** (Northern Metropolitan) (09:39) — I do accept.

**The PRESIDENT** — Are there any further nominations for the position of Deputy President? There being none, I am delighted to declare that Mr Elasmr has been elected the Deputy President of the Legislative Council at this point in time.

*Honourable members applauded.*

**The PRESIDENT** — I do take the opportunity to thank Mr Eideh for his work as Deputy President over a period and his support of my work and my role as President of the Legislative Council. Mr Eideh, as you are aware, took over the position when Ms Tierney was promoted to the ministry, and I do thank him for the work that he undertook in that role.

I am delighted to have Mr Elasmr as the Deputy President. I think it is a good choice. He has carried a lion's share of the Deputy President workload, not just in the period since Mr Eideh stepped aside last October but indeed in the previous Parliament. Members may recall that at that time the then Deputy President, Mr Viney, suffered illness and was incapacitated, unable to discharge his duties in this place. I actually remember the brave speech he made when he came in at the end of that term, but he was certainly not available to discharge the duties of Deputy President for most of that term of the Parliament, and during that period Mr Elasmr actually took up those duties and discharged them with aplomb and with the great dignity that we know he brings to this place.

**PETITIONS**

**Following petition presented to house:**

**Firearm regulation**

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that ownership and use of noise suppressors by licensed firearm owners in

Victoria is not prohibited. The Chief Commissioner of Police refuses to grant permits to acquire or use suppressors to any shooters other than professional shooters.

Competition, sports, and recreational shooters should be entitled to access the same 'best practice' hearing protection options as all other Australians, which is required by occupational health and safety legislation in work environments.

This petition will show the government that shooters want the same protection for their hearing as ordinary citizens undertaking recreational pursuits and that they want permits issued so that licensed shooters can own and use suppressors.

The petitioners therefore request that the Legislative Council express its support of licensed recreational shooters in their quest to protect their hearing and call on the government to allow them to be eligible to own firearm suppressors.

**By Mr BOURMAN (Eastern Victoria)  
(5935 signatures).**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General's Reports on —

Local Government Insurance Risks, July 2018 (*Ordered to be published*).

Managing the Municipal and Industrial Landfill Levy, July 2018 (*Ordered to be published*).

Ombudsman — Complaints to the Ombudsman: resolving them early, July 2018 (*Ordered to be published*).

## NOTICES OF MOTION

**Notice of motion given.**

**Ms LOVELL giving notice of motion:**

**Ms Mikakos** — On a point of order, President, I note that you have previously made comment in relation to a particular matter that occurred earlier this year, and the fact that I actually chose willingly, despite having offers of support from the crossbench on this matter, to —

**The PRESIDENT** — Ms Mikakos, what is your point of order?

**Ms Mikakos** — Ms Lovell is referring to a matter that you have ruled on on a number of occasions and that was in fact concluded. It related to comments around racism —

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

**Ms Mikakos** — and I voluntarily chose to take that course of action, Ms Lovell, for your information, despite offers of support from members of this house. So if you want to reopen that issue, then you are disregarding the Chair's comment in relation to this issue and you are inviting —

**The PRESIDENT** — Order! Ms Mikakos, thank you. Ms Mikakos, lovely debate but premature. The motion is not even yet on the notice paper. It is not a point of order.

**Ms Mikakos** interjected.

**The PRESIDENT** — It is not a members statement; it is a notice of motion. That is what it is. Ms Lovell, to conclude.

**Ms LOVELL continued giving notice of motion.**

## MEMBERS STATEMENTS

### Greece wildfires

**Mr DALIDAKIS** (Minister for Trade and Investment) (09:47) — My heart this morning is with the Greek community, with news of the apocalyptic fires that have ravaged across Greece, particularly in the Rafina region. Official reports are that at least 74 people have died, including, sadly, a six-month-old child who died from smoke inhalation, with many, many more unaccounted for.

The town of Mati, about 29 kilometres east of Athens, has been one of the hardest hit areas, with the fires sweeping through the entire village. Fire crews are also battling another blaze near the coastal settlement of Kineta. On Monday almost 50 brush and forest fires broke out in Corinth, Crete, where my family is from originally and of course in central and northern Greece itself. Many of these fires have been extinguished, with the cause of the fires still yet unknown. Prime Minister Alexis Tsipras has declared three days of national mourning and the disaster a national emergency.

A Department of Foreign Affairs and Trade spokesperson from the Australian embassy in Athens has confirmed with local authorities that, thankfully, no Australians have been injured, but the images from the region are truly shocking, and my thoughts are with the members of my Hellenic community here at home and back in Greece. Can I say to that end that I want to express my personal thanks to the Premier, who has extended an offer of assistance to the Greek authorities, and of course to members of the business community, who have reached out to me to express their support to help Greeks here at home and abroad.

## Waste management

**Ms TRUONG** (Western Metropolitan) (09:49) — The ABC's *War on Waste* began its second season last night, and I watched it, with hundreds of thousands if not millions of Australians across the nation. Twitter was lit. Last night's episode focused on plastics pollution, and I would like to draw attention to a fantastic grassroots campaign occurring in my own community. Through the Straws Suck campaign, cafes and restaurants in Sunshine's town centre are currently switching from plastic straws to paper straws, reducing what will eventually be up to 40 000 straws per day. Now this is the start of what change looks like.

Considering how deeply the recycling crisis has hit Victoria, with stockpiles of recycling left throughout the city and igniting into fires at Laverton North, Knox and the original SKM Recycling plant in Coolaroo, I am reminded about how important it is and how hard it is to create change without the political will.

Yes, every day Victorians should be thinking about what we put in our bins. But the real problems around waste are systemic. What do we do about supermarket vegetables double wrapped in plastic or mobile phones built to be replaced within two or three years? The policy settings throughout the chain of consumption, from the end point of landfill back to the initial product design, still depends upon a take-make-dump model of consumerism. The reality is that much of our precious finite resources will be depleted within a generation. We are handing our children a planet bereft of so many of the resources we mindlessly send to landfill today.

I am excited by the potential for change. I am excited because when we build a circular economy here in Victoria we will not only significantly reduce our environmental footprint but create the kind of regulatory stability that allows for Victorian industry to invest and thrive.

## Service dogs memorial

**Mr BOURMAN** (Eastern Victoria) (09:50) — Today I just want to mention a couple of things that went on over the break. Over the break I went down to KCC Park with Dogs Victoria to watch the unveiling of a service dogs memorial, which is a memorial to the dogs from the military and police that have served and in some cases given their lives whilst helping their handlers. It is a great recognition of the input of the dogs, and this has been going on in our military for quite some time. It was very well attended, despite the extremely inclement weather. It was raining cats and dogs! But thanks for the invite.

## Bruce Bertram

**Mr BOURMAN** — Also, last weekend I attended Bruce Bertram's annual sausage and salami making day. That was an interesting affair, where game meat — in this case fallow deer — was being smoked and cured and turned into sausages and salami, which is a very, very good example of how we can use these meats in a sustainable way. It also happened to be tasty.

## Give Me 5 for Kids

**Ms LOVELL** (Northern Victoria) (09:52) — I rise to congratulate the Goulburn Valley community for once again supporting Southern Cross Austereo's annual Give Me 5 for Kids fundraiser, with all proceeds going to the Goulburn Valley Health children's ward. No-one is more dedicated to raising money for Give Me 5 for Kids than Paul Archer of Shepparton. Paul is the owner of Natrad Shepparton and for many years has supported the appeal by collecting and recycling car batteries. This year Paul raised an incredible \$124 536.20 for the appeal. Congratulations, Paul, on an amazing achievement.

## Shepparton Education First Youth Foyer

**Ms LOVELL** — I rise to pay tribute to and congratulate the Shepparton Education First Youth Foyer, which this week celebrates its second birthday. Victoria's three Education First Youth Foyers each hold a special place in my heart, as I wrote the policy and created the program and funded and built the three facilities during my term as Minister for Housing.

This week sees a celebration of two years of operation for the Shepparton Education First Youth Foyer, and I am sorry I am not there to join in the festivities. Supported by wonderful staff headed by manager Anita McCurdy, students have the chance to learn life skills from positive role models and continue with their studies, whether it be returning to secondary school or completing a course at TAFE or La Trobe University.

The Shepparton youth foyer is not only kicking goals, it is changing the lives of young people at risk of homelessness in Shepparton, and I wish all staff and students a wonderful second birthday and a bright and prosperous future.

## Kialla Children's Centre

**Mr GEPP** (Northern Victoria) (09:53) — Last week I visited the Kialla Children's Centre, who were awarded \$7308 of grants for two new shade sails and a new laptop. The centre caters for more than 100 preschool kids of all ages, and they are under the

care of coordinators Nicole Short and Tara Jeffrey. It is a terrific little centre providing early learning for our little ones.

### **Tallygaroopna Men's Shed**

**Mr GEPP** — I officially opened the Tallygaroopna Men's Shed on Thursday, made possible with a \$60 000 state government grant and funding contributions from council, the federal government and local community groups. President Brian Johnson and his fellow 17 shedders are looking forward to forging new friendships, supporting each other and getting stuck into some new projects.

### **Mobile black spot program**

**Mr GEPP** — I was with the Minister for Regional Development, Jaala Pulford, in Katandra West to announce funding for their new mobile tower as part of the Victorian mobile black spot project. Locals have been campaigning for many years on this issue, and they were delighted that it will be finally delivered — by an Andrews Labor government.

### **Goulburn Valley Health**

**Mr GEPP** — On another matter, it was my very great pleasure to visit with Matt Sharp and Rick Garotti from Goulburn Valley Health to discuss their 12.9 per cent state government funding increase of \$23 million. This money will help fund new emergency department cubicles and additional intensive care unit beds. The people of Goulburn Valley know that Labor governments invest in the health care of Victorians, unlike those opposite, who simply cut funding.

### **Jumps racing**

**Ms PENNICUIK** (Southern Metropolitan) (09:55) — Jumps racing has delivered another horrific scenario, at the Mosstrooper steeplechase race day in Bendigo on Sunday. In a program of six events, seven horses fell — five in the first two events. Twelve horses did not make it to the end of their 3-kilometre-plus events. Something to Share did not make it out alive. The stewards report of race 6 states that the gelding made a 'faulty' jump at the 12th obstacle, suffered a catastrophic injury and was 'humanely euthanised'. Rider Braidon Small will require a medical clearance before riding again. The stewards report of the same race states that King Kamada was 'bought down' by the fallen Something to Share. A vet examination revealed the gelding to have blood in both nostrils that was attributable to trauma. Rider Lee Horner was reportedly heavily concussed. All in all, 14 horses were injured —

five described as lame, two with blood in the nostrils, one with a pulmonary haemorrhage and others with a range of injuries. All were referred for veterinary clearance. How many will never be seen again? Seventeen horses were referred to the jumps review panel, including Something to Share.

The debacle at Bendigo prompted claims from trainers and others that Racing Victoria (RV) had put the health and safety of horses at risk because of the hard track conditions. One trainer said that he had warned RV two weeks before that the track was too firm. He believes that Racing Victoria is accountable for the casualties, and so do I. Once again it has put profits before animal welfare. It ignored advice that the track was unsuitable for jumps racing, and it failed to act on the day. It was obvious after the first two races that the jumps event should have been cancelled, but four more races followed, the last resulting in the death of Something to Share.

### **Melbourne Airport rail link**

**Mr MELHEM** (Western Metropolitan) (09:56) — I am delighted to note that construction of the Melbourne Airport rail link will commence under a second-term Andrews Labor government. Premier Daniel Andrews's announcement on Sunday that a re-elected Labor government will commit \$5 billion to this project ensures that Victorians will finally see this long-awaited project become a reality. I am also pleased that the government has opted for the Sunshine route, which will pass through my electorate of Western Metropolitan Region.

This route will see the utilisation of the existing Albion East rail reserve train lines and minimal disturbance to nearby homes and businesses through the use of tunnels, as well as proving highly cost efficient, with a total cost in the range of \$8 billion to \$13 billion. It will also see Sunshine station transformed into the new Sunshine super-hub, which will have increased regional connectivity via the Ballarat and Geelong line and see connection with the new metro rail tunnel and of course the new airport rail link.

This project will be groundbreaking for the western suburbs, and it will see Sunshine become the centre of economic activity in the region. The west is set to grow to the size of Adelaide by the 2030s, so we must continue to pursue initiatives such as these to boost economic development and interconnectivity in the region. This funding commitment matches that made by both the federal government and the federal Labor opposition leader, Bill Shorten. The project also has strong support from Brimbank City Council. I

commend this project and thank the Andrews Labor government for another groundbreaking transport project that will transform the lives of my constituents out in the west.

### Local Roads to Market

**Ms PULFORD** (Minister for Agriculture) (09:58) — The Victorian government is investing in Victoria's regional and rural roads. Our recent budget delivered \$941 million for Victoria's regional road network and committed to the establishment of Regional Roads Victoria. As Minister for Agriculture my focus is on getting farm product to market, which is why our \$25 million Local Roads to Market program is focused on 'first mile, last mile' road projects. It is often the connection from the farm to the road network and then the final link from major roads to a market or port that needs work.

Today I am very pleased to announce three new projects in south-western Victoria that will help farmers get product to market. We will upgrade the intersection of North Robilliards Road and Timboon-Nullawarre Road. This will widen and seal a 200-metre section of Timboon-Nullawarre Road to allow eastbound vehicles to safely navigate the intersection at North Robilliards Road. The project will also include installation of an advanced warning signal. This upgrade will improve road visibility and safety for milk transport by dairy processors, including Fonterra, Warrnambool Cheese and Butter, and Saputo. The total project investment is \$300 000, with \$200 000 from the Local Roads to Market program and \$100 000 from the Corangamite shire.

We will also widen and resheet the road and intersections on Noskin Road and Browns Road for B-double movements. Browns Road connects closely to the arterial Timboon-Colac Road. The council anticipates that a new contract for the export of live goats will increase local truck movements. Total project investment is \$30 000, with \$20 000 from the Local Roads to Market program.

We will also widen and seal Tomahawk Creek Road up to the farmgate of Heytesbury Stockfeeds to improve B-double access to the arterial Lavers Hill-Cobden Road. There are currently seven B-doubles daily in and out, 14 to 20 semitrailers in and out, and local traffic. This is a \$60 000 project with \$40 000 from the Local Roads to Market program.

We are delivering these projects in close consultation with the Victorian Farmers Federation and the

Corangamite Shire Council, and I thank them both for their work to strengthen agricultural infrastructure.

**The PRESIDENT** — I will just take the opportunity to advise the house, because I notice that he is in the chamber, that Chris Welstead, one of our redcoats, is celebrating a milestone birthday: his 40th birthday. Congratulations, Chris, and enjoy the day. Isn't it wonderful that you can celebrate it with all of us? Isn't that just the highlight?

### Greece wildfires

**Ms MIKAKOS** (Minister for Families and Children) (10:00) — I rise today to express my deepest condolences to the victims of the devastating and tragic wildfires that engulfed parts of Athens, Greece, these past few days. These wildfires are now thought to be some of the worst fires Greece has experienced in over a decade, with thousands of homes destroyed and livestock and livelihoods affected, but perhaps the hardest figure to deal with is that of lives already lost. As it stands currently I understand that 74 people have been killed, including children, with hundreds more injured and many still missing. It is absolutely heartbreaking to hear stories of emergency crews finding one group of 26 victims huddled and braced together as they tried to escape.

I know that I am but one of the many Victorians of Hellenic heritage who are anxious about their loved ones at the moment. Of course here in Victoria we are no strangers to the danger of bushfires and the devastation they can bring. I am grateful to our Premier for extending an offer of assistance to Greek authorities. We stand ready to help if required.

I want to pay tribute to all the emergency services, firefighters, police men and women and volunteers who have battled these fires for days and offered what they can by way of support. The Greek Prime Minister, Alexis Tsipras, has declared three days of national mourning, but I know this pain and suffering will be felt for a long time to come. Whilst there are many villages and communities that are all but entirely physically destroyed, I have no doubt that the Greek people will show strength, courage and unity in the coming days, months and years.

Of course these fires come at a time where we have seen record high temperatures across Europe, and I know wildfires are also causing widespread damage across Sweden, Finland and Latvia. I express my deepest condolences to the family and friends of all those who have lost their lives. My thoughts and

prayers are with the people of Athens and Greece at this moment.

**The PRESIDENT** — I might also just mention that Ms Symes actually had a milestone birthday during the break, but I will not reflect on what age that was in deference to the fairer gender. They say that life begins then, so congratulations, Ms Symes.

## ACTING PRESIDENTS

**The PRESIDENT (10:03)** — After this morning's change in terms of the Deputy President, with Mr Elasmar assuming that role, there is a vacancy on the Acting Presidents roster for chairing proceedings, and it is my request that a new Acting Chair be appointed.

**The PRESIDENT laid on table warrant nominating Mr Gepp to be an Acting President whenever requested to do so by the President or Deputy President and discharging Mr Elasmar as an Acting President.**

## ENVIRONMENT PROTECTION AMENDMENT (CONTAINER DEPOSIT SCHEME) BILL 2018

### *Statement of compatibility*

**Ms SPRINGLE (South Eastern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this Statement of Compatibility with respect to the *Environment Protection Amendment (Container Deposit Scheme) Bill 2018*.

In my opinion, the *Environment Protection Amendment (Container Deposit Scheme) Bill 2018* (the **Bill**), as introduced to the Legislative Council, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

### **Overview of the Bill**

The Bill amends the *Environment Protection Act 2017* to establish a container deposit scheme for Victoria in order to promote the recovery, reuse and recycling of empty beverage containers by establishing a cost effective, state-wide container deposit scheme.

### **Human rights issues**

The human rights protected by the Charter that are relevant to the Bill are:

- a) the right to privacy and reputation (section 13);

- b) freedom of expression (section 15); and
- c) the right to be presumed innocent (section 25).

### **Right to privacy and reputation (section 13)**

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have their reputation unlawfully attacked. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable (for example, if it is disproportionate to the legitimate aim sought).

### *Obtaining personal information from applicants*

Section 31ZB establishes that a person may be required to provide proof of identity in order to claim a refund at a collection point, and that a collection point operator may refuse to pay to a person a refund amount if the operator is not satisfied as to the identity of the person.

Section 31ZB also requires a collection point operator to keep such records relating to refunds paid by, and proof of identity documentation provided to, the operator as are prescribed for at least three years.

Provision of identification is designed to guard against fraudulent claims and to potentially assist in investigation of fraudulent activity. The requirement to provide identification on request aims to act as a deterrent to those seeking to defraud the scheme, and is a standard component of container deposit schemes in other Australian jurisdictions.

Furthermore, the information that will be sought by the Authority is only information that is necessary for, or relevant to, the payments of refunds. As such, these provisions do not limit the right to privacy.

### **Right to freedom of expression (section 15)**

Section 15 of the Charter protects the right to freedom of expression.

Proposed section 31ZE creates an offence to provide, without reasonable excuse, information relating to the scheme that is false or misleading. The offence applies to any person who makes, sells, imports, supplies or distributes beverages.

In my view this does not infringe section 15 of the charter. Section 15 recognises that special duties and responsibilities are attached to the right of freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons, or for the protection of public health.

Section 31ZE restricts a person's freedom to express false or misleading factual information in relation to payments or compliance with the scheme, in circumstances when that person knows or should know that the information is factually false or misleading, and allows the person the defence of reasonable excuse.

In my view the requirement that a person be restricted from making a factually false or misleading statement in these circumstances — which is such a common restriction in

Victorian and commonwealth law that it is hardly thought of as a restriction — is the minimum restriction necessary to give effect to the operation of this Bill more broadly.

Proposed section 31ZF may — subject to regulations — create an obligation on retailers to display signage that explains to customers the scheme and the location of local collection points.

The right that is protected by section 15 of the charter — the right to freedom of expression — includes a right against forced expression. It could be argued that section 31ZF is a section that forces retailers to use certain expressions.

However, any forced expression is limited to the provision of public signage to provide information about a new law, in my view the requirement is justified in order to assist retailers and customers to adjust to and benefit from the scheme.

#### **Right to a presumption of innocence (section 25)**

Section 25(1) of the Charter provides that a person has the right to be presumed innocent until proved guilty according to law. This right requires the prosecution to prove all elements of a criminal offence, which generally includes the intention of the person to have committed the offence.

#### *Strict liability offences*

The proposed law creates following strict liability offences and accompanying penalties:

1. Supplying a beverage without a supply arrangement and container approval in force, with a penalty of 700 penalty units for a natural person and 2500 penalty units for a body corporate (new section 31W);
2. Supplying or offering to supply a beverage in a container without a refund marking to any person, with a penalty of 700 penalty units for a natural person and 2500 penalty units for a body corporate (new section 31X);
3. Claiming a refund for containers not subject to Scheme, with a penalty of 700 penalty units for a natural person and 2500 penalty units for a body corporate (new section 31ZC); and
4. Selling or offering for sale any product in a plastic beverage container unless the container the container is by weight made of at least 50 per cent recycled or remanufactured material, with a penalty of 700 penalty units for a natural person and 2500 penalty units for a body corporate (new section 31ZI).

These offences engage the presumption of innocence as they are all strict liability offences, with no requirement to prove the state of mind of the accused. The defence of reasonable mistake is, however, still available.

The requirement to prove the intention of a person to do a particular act is an important safeguard for the rights of an accused person. Strict liability offences may be appropriate where the offences are of a regulatory nature (rather than serious criminal offences), don't attract a penalty that includes imprisonment; and don't require a person to rely on information from, or actions by, third parties to ensure compliance.

This is the case in relation to each of the offences above.

#### **Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities, because there is no unreasonable limit to the rights contained therein.

#### *Second reading*

**Ms SPRINGLE** (South Eastern Metropolitan) (10:04) — I move:

That the bill be now read a second time.

I rise today to speak on the Environment Protection Amendment (Container Deposit Scheme) Bill 2018.

The bill amends the Environment Protection Act 2017 to establish a container deposit scheme for Victoria in order to promote the recovery, re-use and recycling of empty beverage containers by establishing a cost-effective, statewide container deposit scheme.

It builds on a decade of campaigning and legislative work by the Victorian Greens — backed by work in our communities by thousands of Victorians — advocating for establishment of a container deposit scheme in Victoria.

Ultimately, this bill is about tackling the massive and growing plastic pollution problem that has such enormous consequences for the natural environment, for industry and for human health.

#### **The need for change**

I have spoken at length over the past years about the problem of plastic pollution and the urgent need to address it at all levels — from our homes through to industry and our workplaces — backed by strong leadership from government.

Plastic in our environment is devastating marine life.

We know that the majority of seabirds have ingested plastic, and they are dying as a result.<sup>1</sup> Other marine animals are suffering the same fate by their thousands.

As these animals ingest increasing amounts of microplastics, these are entering the human food chain.

We don't yet know what the public health impacts of that will be.

What we do know is that plastic particles have also been found in drinking water around the world — both tap water and bottled water.

Research has also confirmed the presence of plastic particles in sea salt sourced from around the world.

Plastics are a particularly pernicious problem, though of course a container deposit scheme targets reduced littering and increased recovery and recycling of a range of drinks containers comprising glass, aluminium and treated cardboard.

While these materials present different problems when they enter our environment, it's undeniable that they undermine the natural beauty of Victoria's environment, and the loss of valuable energy and materials is undeniably wasteful.

The reality is that container deposit schemes work. They are proven to be cost-effective, they are proven to reduce pollution, and they create jobs.

### The evidence base

If you look at the most rigorous research from around the world, analysing data and experience from nearly 50 states and countries, it's absolutely clear that these schemes are hugely beneficial.

1. This year CSIRO scientists compared marine litter data from states in both Australia and the US with and without container deposit schemes. They found that the proportion of drinks containers of overall beach litter was 1.6 times higher in states with no CDS, compared with neighbouring states with CDS.<sup>2</sup>
2. Behaviour Works at Monash University recently analysed data and reporting from 47 container deposit schemes around the world. The results were definitive: these schemes increase recovery rates and they reduce litter by a significant amount.<sup>3</sup>
3. The European non-profit ReLoop produced a meta-analysis of studies modelling the impact of CDS on councils and municipalities. They reviewed 20 studies from around the world and found consistent evidence of savings across a range of areas, including kerbside collection, reduced litter management and reduced landfill/disposal costs.<sup>4</sup>

### Greens leadership on container deposits

Before I address the technical detail of the bill I would like to acknowledge the work of my colleague Colleen Hartland on this issue.

Ms Hartland has introduced for the Greens two previous container deposit bills to this place — in 2009 and 2011, and has been instrumental in supporting public demand for a stronger commitment to and infrastructure for recycling in Victoria.

### Senate inquiries

While the Greens have demonstrated an unwavering commitment to waste reduction and management over the past decades, mainstream public and political discourse has absolutely caught up in recent years.

At a federal level, there have been two recent Senate inquiries into marine pollution (in 2016) and recycling (in 2018).

In 2016, the Senate's Environment and Communications References Committee published its tripartisan report into the threat of marine plastic pollution in Australia.

*Toxic Tide* relied on the best available scientific and other evidence, and painted a truly horrific picture of the true cost of plastic pollution.

The *Toxic Tide* report — which was signed off by members of the Liberal Party, the Australian Labor Party and the Greens — contains evidence that plastic pollution is harming the fishing and shipping industries.

This year's Senate inquiry into the waste and recycling industry in Australia recommended that Australia prioritise transition towards a circular economy in Australia; strengthen our local recycling industry; and implement a national container deposit scheme.<sup>5</sup>

These are just a selection of the most relevant recommendations in relation to this bill, and it is worth noting that the full list is vastly more comprehensive and ambitious than the lacklustre outcomes of the ministers of environment meeting earlier this year.

It is also worth noting that there was significant support from right across the political spectrum throughout both Senate inquiries, and support for the recommendations in the final report.

### The bill

I will now move onto the technical elements of the bill. This bill will do a number of things.

The container deposit scheme would place a price on eligible containers — to be determined by regulation — that would be added to the cost of a drink at purchase, and could be redeemed as a refund when the container is returned for recycling.

A beverage is defined as a liquid intended for human consumption by drinking, other than a prescribed exempt kind of liquid.

A container is a vessel designed to contain a beverage and to be sealed (when filled with the beverage) for the purposes of transport or storage before its sale, or delivery, for the use or consumption of its contents.

A network operator and a scheme coordinator would be selected through a competitive tender process to run the scheme. These bodies would have specific responsibilities for establishing and maintaining infrastructure, paying refunds and reporting on data and the effectiveness of the scheme.

Drinks retailers and manufacturers would pay fees to support the running of the scheme. The amount of the deposit (to be determined in regulations once the law is passed) plus a small administration fee would be added to the cost of drinks containers. The deposit would be redeemed by consumers on returning used containers to an approved depot or vending machine.

Collection depots could include large facilities co-located with recycling facilities, community-run facilities and reverse vending machines, ideally located at major retail locations such as supermarkets. Convenient access to collection depots will be extremely important in ensuring that people are easily able to obtain refunds.

Drop-off points could enable people to leave their containers without actually claiming a refund at that time. Those points could be authorised to process refunds after drop-off, providing refunds to people electronically where they have an existing account.

Alternatively, they could effectively be donations, for example, to a school or charity, where the refunds are obtained by that organisation.

A commencement date of 1 November 2019 would provide 14 months lead time to develop regulations and enter into contractual arrangements with the network operator and scheme coordinators.

In undertaking this process, the government now has a wealth of experience and evidence to draw on given that this process has recently been undertaken, or is in the process of being undertaken, in NSW, Queensland, the ACT and Western Australia. Of course, that is in addition to several decades of experience and evidence coming from schemes in South Australia and the Northern Territory.

Though the bill sets out the parameters of the scheme, there is a significant amount of detail to be worked through in the regulations and experience in other jurisdictions has shown that the decisions taken as part of that process are key to the success of the scheme.

The bill does two important things in addition to establishing the scheme itself.

It also mandates reporting by scheme participants that will improve the reporting requirements around consumption and disposal of beverage containers, and particularly in relation to plastic.

At the moment, it's impossible to know how much plastic is out there.

There are some NGOs that attempt data collection and collation, and I have to acknowledge the work of the Tangaroa Blue Foundation, Keep Australia Beautiful, Clean Up Australia and the Boomerang Alliance in this area.

But the reality is that they will never have the resources of government — and to do a task like this properly, it must be well resourced. As things stand, there are no reporting requirements.

This bill would require the EPA to prepare annual reports on beverage sales and recovery rates. The bill would also require the EPA to prepare a review into this legislation to determine what impact it's having on the amount of plastic in the environment.

Finally — and this is an important feature of the bill — it mandates a minimum quantity of recycled polyethylene terephthalate, commonly known as rPET, in all eligible plastic containers supplied or sold in Victoria.

That requirement would come into place in 2022, providing significant lead time for industry to comply with this new requirement.

Mandated recycled content has been introduced in a number of states in the USA, and this legislation has been in force for a number of years.

It's also worth noting that industry has proactively committed to minimum amounts of rPET in a number of jurisdictions globally, including in the US and in Europe.

Earlier this year Coca-Cola announced an industry-first goal to collect and recycle the equivalent of every bottle or can it sells globally by 2030.

Coca-Cola European Partners have been using 25 per cent recycled plastic in their plastic bottles, 42 per cent recycled aluminium in their cans and 56 per cent recycled glass material in their glass bottles for several years now.

CCEP has committed to doubling the amount of recycled material in the Coca-Cola system's plastic bottles to 50 per cent by 2020 across their entire portfolio of the 20 different brands they sell.

Coca-Cola Amatil — operating in Australia, New Zealand and the Pacific — has been slower to take up this challenge.

They've committed to developing a business case for 50 per cent recycled plastic in PET containers in Australia, including carbonated soft drinks.<sup>6</sup>

Interestingly, though, the company states that already one of its products — Mount Franklin water — is bottled in 100 per cent rPET.

Clearly, a requirement for 50 per cent recycled plastic content is an achievable and absolutely necessary step on the way to a circular economy that not only values and seeks to retain the value of materials, but also puts a premium on establishing end markets for recycled product.

This week on *War on Waste* and *Q&A* we heard from experts, members of the public and industry representatives that government leadership on this issue is desperately sought, not only on principle but also to provide clarity and certainty to industry.

This part of the bill represents a significant but important step forward. But it must be regarded as a first step, with increased recycled content and recycled content requirements for other materials to be targeted by future legislation.

### **Public support for a container deposit scheme**

Earlier this year I asked for public feedback on this bill.

We received submissions from more than 770 people and organisations; 774 people of a total of 778 support a scheme being established here, which equates to 98 per cent of all respondents supporting.

When asked what the most important benefit of a CDS would be, respondents provided numerous reasons.

The majority related to environmental reasons, though some correspondents also highlighted the economic benefits.

Of course the level of public support measured through our consultation is not representative of wider opinion among the community.

What the consultation did demonstrate was a willingness to seriously engage with the issue and take the time to review and comment on our bill.

But many of you will be aware of a recent representative survey that also demonstrated very high levels of support across the community for container deposits.

That survey, commissioned by the Total Environment Centre and undertaken by Ipsos, found that the vast majority of Victorians (84 per cent) support the introduction of a container deposit scheme.<sup>7</sup> Only 7 per cent were opposed to the idea, with 9 per cent still undecided.

This high level of public support for a container deposit scheme has remained steady over the past decade.

Indeed when my colleague Colleen Hartland introduced her first container deposit scheme bill in 2009, she pointed to a 2006 survey undertaken by Newspoll that showed more than 90 per cent of Victorians supported such a scheme.

In many ways this failure to deliver what the Victorian public wants — and has expressed strong support for over more than a decade — is in stark contrast with the democratic principles of our society.

Victorians want a container deposit scheme. They want their government to put their money where their mouth is and put recycling targets and requirements into law.

This situation has only become more urgent in the wake of China's National Sword restrictions on waste imports — an issue that I raised last year and I would point out is not quite the unforeseen crisis the media and government would have us believe.

While those restrictions have had a profound impact on the saleability of some materials — particularly mixed plastics — some forms of plastics have held their value, including plastic flake.

Had this government been more proactive in supporting a local recycling industry in Victoria and establishing a container deposit scheme, we could be in a very different situation to that which we face today.

### Drawing on experience from other jurisdictions

Problems with implementation of the New South Wales container deposit scheme have been very widely publicised.

Yes, implementation in New South Wales has been problematic. But the reality is that these problems have been overblown and used as an argument that container deposits aren't a relevant and cost-effective solution to contemporary waste problems.

Issues with that scheme have been in part due to the compressed implementation time line in New South Wales, and also with the governance structure established through regulation.

Stakeholders — including industry stakeholders — have pointed to how some of these issues have been effectively tackled in New South Wales through both regulation and legislation.

The bottom line is that we know container deposit schemes work; there is a wealth of research out there that shows this to be the case.

NSW is one jurisdiction out of scores of jurisdictions internationally and using that experience to argue against container deposits simply is not valid.

### Concluding comments

Given the sheer scale of the plastic pollution crisis, this bill represents a very reasonable first step.

A container deposit scheme won't resolve the recycling and pollution crisis we're facing. It won't stop supermarkets from selling their rows and rows of non-perishable plastic-wrapped foods. It won't solve the problems caused by six-pack rings and plastic bottles and plastic microfibres and balloons and plastic cling wrap and plastic straws and plastic cutlery.

But it will present a very substantial first step in the right direction.

And it will send a very important signal that Victoria is prepared to lead by example on plastics.

<sup>1</sup> 'Threat of plastic pollution to seabirds is global, pervasive, and increasing', Chris Wilcox, Erik Van Sebille, and Britta Denise Hardesty, PNAS September 22, 2015. 112 (38) 11899-11904; published ahead of print August 31, 2015: <http://www.pnas.org/content/112/38/11899>

<sup>2</sup> 'Deposit schemes reduce drink containers in the ocean by 40%', Hardesty et al, The Conversation, 20 February 2018: <https://theconversation.com/deposit-schemes-reduce-drink-containers-in-the-ocean-by-40-91897>

<sup>3</sup> Bragge et al, 'Container deposit schemes work: so why is industry still so opposed?', The Conversation, 6 June 2016: <https://theconversation.com/container-deposit-schemes-work-so-why-is-industry-still-opposed-59599>

<sup>4</sup> Reloop meta-analysis of studies on impact of DRS on municipalities: [https://reloopplatform.eu/wp-content/uploads/2016/06/Summary-of-studies\\_impact-of-DRS-on-munis-FINAL-31May2016.pdf](https://reloopplatform.eu/wp-content/uploads/2016/06/Summary-of-studies_impact-of-DRS-on-munis-FINAL-31May2016.pdf)

<sup>5</sup> 'Senate inquiry into the waste and recycling industry in Australia', 2017-2018: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/WasteandRecycling](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/WasteandRecycling)

<sup>6</sup> Coca Cola Amatil Sustainability Report 2017: <https://www.ccamatil.com/-/media/Cca/Corporate/Files/Annual-Reports/2018/Sustainability-Report-2017.ashx>

<sup>7</sup> 'Poll backs call to bring back cash for cans to end recycling crisis', Sydney Morning Herald, 4 July 2018: <https://www.smh.com.au/environment/sustainability/poll-backs-call-to-bring-back-cash-for-cans-to-end-recycling-crisis-20180703-p4zp8z.html>

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

Debate adjourned until Wednesday, 1 August.

## PRODUCTION OF DOCUMENTS

**Ms WOOLDRIDGE** (Eastern Metropolitan) (10:23) — I am very pleased to speak to the motion in my name on the notice paper. This is a very important motion for the house to consider, because essentially what we are contemplating today is the tension between the powers and the privileges of this house and the executive privilege of the government. As I will outline, we have explored this in relation to a documents motion relating to compendium documents to the Minister for Health and Minister for Ambulance Services. A portion of these have been declined by the Attorney-General on the basis of executive privilege, but interestingly the freedom of information (FOI) commissioner has actually outed the Attorney-General in relation to those redactions from the documents that were provided to this house, saying that they are largely factual and should be released. I will go through that in some detail because it is a very important tension and an important consideration and, I think, a reflection on the performance of this government and their claims of executive privilege to withhold information from the house and from the Victorian community.

To go through my motion, I move:

That this house:

- (1) notes the failure of the Leader of the Government to comply, to the satisfaction of the house, with the resolution of the Council of 23 November 2016 requiring the Leader of the Government to table in the Council certain documents relating to the weekly briefing compendium sent from the Department of

Health and Human Services to the Minister for Health and Minister for Ambulance Services;

- (2) notes the letter from the Attorney-General dated 3 February 2017 in relation to the documents outlined in paragraph (1) stating that the government, on behalf of the Crown, makes a claim of executive privilege and that 25 of the 49 documents identified were only provided in part;
- (3) further notes that a subsequent review of 3 April 2018 by the Office of the Victorian Information Commissioner of a matching freedom of information request, narrowed to consider only the redacted parts from the previously produced documents, determined that much of the redacted information contains 'purely factual descriptions of past and present events' or 'some of the information is available publically or at least circulated widely';
- (4) notes that the minister's failure to genuinely comply with the resolution of the Council is inconsistent with the Andrews government's election commitment to accountability to Parliament by the executive;
- (5) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, and the power to make standing orders under section 43 of that act;
- (6) affirms the right of the Council to require the production of documents;
- (7) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability by the government;

and requires the Leader of the Government to table by 12 noon on the next sitting Tuesday following the adoption of this resolution, the documents required to be tabled by the resolution of the Council outlined in paragraph (1) that have not already been tabled.

So it is quite a long motion, but it requires some detail in relation to that process and it is also of course seeking to outline, as we have done on a number of occasions in this place, the powers, privileges and rights of this Council to require documents be provided by the government to the Parliament and the people of Victoria.

Let me just step through it. The motion itself steps through it, but I will go through in detail some of the elements, the chronology of what has happened and the content that has come back. On 4 August 2016 I lodged an FOI request for a copy of the weekly compendium provided to the Minister for Health and Minister for Ambulance Services for the period 1 June 2016 to 1 August 2016. I did receive a decision letter on 3 November 2016 from the Department of Health and Human Services stating the documents were exempt in full.

I quote from that decision letter that I received from the department, saying:

All of the documents are considered exempt under this section. The documents would disclose opinions, advice and recommendations made by officers of the department. Some of the documents would disclose consultation or deliberation between officers of the department and its minister. The documents were prepared in the course of the deliberative processes of the department, the minister and the government.

The documents are prepared for the purpose of briefing the minister about all of the department's policy and program areas and contain the opinions, advice and recommendations of departmental officers to the minister. The matters included in the documents are at various stages of development and implementation.

So basically it was a blanket refusal to fulfil any elements of the FOI request at that stage. As I do, I have got to say, with practically every FOI request I make to the Department of Health and Human Services, I appealed that to the freedom of information commissioner. That was on 7 November 2016, asking them to review that decision.

I also made a choice that we should undertake a documents motion in this place. On 23 November the Council passed a documents motion requesting those compendiums for the period of time 1 June 2016 through 22 November 2016. Clearly there was a two-month overlap, but it was an extended period of time to bring it up to date with the timing of the motion itself. At that time in the debate I did outline that the reason these compendiums are important is that the department has moved from briefing the minister on an issue-by-issue basis to reducing the number of briefs and providing a summary — it might be five, 10, 15 or 20 issues — in this weekly single document, the compendium. By the compendiums being hidden and an FOI request not being fulfilled, it is essentially hiding what would have been five, 10, 15 or 20 briefs provided to the minister, which also would have been eligible under FOI. Instead of considering the content, the substance and some detail within that brief, a blanket refusal to fulfil any elements of the compendium was basically reflecting this government seeking to hide information from the public, from Victorians. This house determined that it was valid for those compendiums to be requested from the government.

On 3 February 2017 the government tabled compendium documents with many redactions. I would like to just go through some of the detail. We received a letter from the Attorney-General, the Honourable Martin Pakula, to the Clerk, in relation to 'Production of documents — DHHS weekly compendiums'.

In that, and I quote, the Attorney-General writes:

In final satisfaction of the Council's order, the government has determined to produce 29 documents in full and 25 documents in part, which are enclosed. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to parts of 25 documents, on the basis that their disclosure would be contrary to the public interest on one or more of the bases described in my letters of 14 April 2015 and 29 April 2016.

Further, in the attachments to that letter from the Attorney-General, there are details in some of the individual briefing documents of the reasons why this information was not provided — the basis of their executive privilege claim. There are a few other items from time to time, but consistently the vast majority of them have a claim in relation to:

These items, or certain information in these items, reveal deliberative processes of executive government or jeopardise ministerial relationship with public officials —

so a very wideranging catch-all from the Attorney-General in relation to why there were significant redactions in these compendium documents that were provided to this house. This is not inconsistent with what we have seen with other documents.

The earlier letter referred to by the Attorney-General — and once again I would quite like to remind the house in relation to that 14 April 2015 document — outlines the history from 1855 and the House of Commons power to call for the production of documents and the process where exemptions can be put in place. I quote once again from the Attorney-General's letter.

If the government asserted that documents were the subject of executive privilege, this was a sufficient reason for refusing production to the House of Commons.

That was then translated into our Constitution Act, which provides, according to the letter:

... that this exception represents a limit on the Legislative Council's power to call for the production of documents and that it is for executive government to determine the application of the privilege to documents subject to a call for production.

The Attorney-General goes on to outline these principles:

These principles exist to protect the Westminster system, including the confidentiality of the cabinet process and the proper functioning of the public service, as well as to protect the interests of the state more broadly, including the integrity of its dealings with the private sector. They are not an unfettered power granted to the executive government — they are recognised, appropriate and limited exceptions to Parliament's ability to obtain documents.

Now, we have never contested the confidentiality of the cabinet processes. I suppose what we contest is that the Attorney-General in good faith has actually applied the rest of the reasons in terms of the non-provision of these documents in a way that is consistent with the principles that he has outlined and with the expectations in relation to this house. He also, though, recognises that it is not an unfettered power and that documents should be provided.

So, in February simultaneously — and this is why it is a quite unusual circumstance — because there was an FOI request that had been reviewed by the commissioner, a conversation was held with the commissioner in relation to the fact that a documents motion had provided some of the documents that were under review by the commissioner's office. The decision was made to narrow the review by the commissioner just to the scope of the information that had not been provided to the Parliament in that documents motion, so narrowing the period from 1 June to 1 August consistent with the FOI that was provided and just looking at the redactions that had been made through the documents motion.

Now, we all know that the commissioner is very busy, and it did take till 3 April 2018 — some 14 months later — but I then received a decision from the FOI commissioner that the vast bulk of the material redacted by the Parliament should be released under the FOI laws as it was largely factual or already publicly available. I do want to once again go through in some detail the advice that was received back from the commissioner, because I think it is very pertinent to this motion and the broader issue about the government's approach to its claim of executive privilege. I refer to the decision of 3 April 2018 from the now Office of the Victorian Information Commissioner. I go to the conclusions, and if the house will just bear with me I would like to read a fair bit of this in. The commissioner said:

16. Having considered the relevant exemptions, I have determined that the information in the documents is not exempt under section 30(1). The reasons for my decisions are set out below and in the schedule.

In terms of the context of this, obviously the commission does not look at claims of cabinet in confidence but looks at other claims under the Freedom of Information Act 1982. The commissioner went on:

17. In summary, I consider that much of the information in the documents does not satisfy the first limb of section 30(1), for the following reasons:
  - (a) it includes purely factual descriptions of past and present events, at the time;

- (b) some of the information is publicly available or at least circulated widely;
- (c) for the most part, the information is not deliberative. It reflects accepted facts about events, issues, plans and actions, rather than evaluation or consideration. It does not prevent options for the minister to decide upon and does not include arguments or reasons for taking a particular course of action;
- (d) in some instances, the information refers to recommendations that have been made. However, it is stated as a matter of fact, not seeking approval or assessment of the recommendations. In some instances, it is apparent that the relevant recommendation has already been accepted;
- (e) while some of the information refers to ongoing or planned activity, the information is still factual. It does not include any proposals that have not been decided on.

It further goes on:

- 18. Even in instances where the information in the documents does or may meet the requirements of the first limb of section 30(1), I do not consider that it meets the requirements for the second. I do not consider that disclosure would be contrary to the public interest. In making this decision I have considered ...

and it outlines the case of *Perton v. Department of Education*. It continues:

- (b) it is necessary for the respondent agency to show that it would be contrary to the public interest to release the documents, in that it would harm the public in some way.

The commissioner went on:

- 19. The information in the documents relates to issues in the health sector. I consider that there is considerable public interest in the disclosure of public health related matters, which weighs in favour of releasing the documents.
- 20. In its written submission, the agency argued the following public interest reasons for denying access ...

and outlined them. The commissioner went on to say:

- 21. I am not persuaded by the above, particularly because only a very small amount of information in the documents might be seen as relating to 'options canvassed'. Secondly, the agency has not identified what specific mischief or harm could result from releasing the documents.
- 22. I have, therefore, decided that the material that the agency deleted under section 30(1) should be released, except for the parts that are exempt under 33(1) ...

as discussed further. There is quite a bit of detail there that basically outlines, in a thoughtful, considered assessment in relation to the documents that were

redacted when provided to this house, that there is very little information that was redacted that actually passes even the threshold of the FOI test, let alone the threshold of the test to provide them to this chamber.

I would like to once again go back to the Attorney-General's comments on the reason why many of the items were exempt. The commissioner goes on to talk about those documents, reflect on the agency's decision — the Office of the Victorian Information Commissioner's decision — and make some comments, and I will give some examples. For example, in relation to the compendium documents of 17 June 2016 the decision is that items 2, 10 and 11 be released in full. Let us not forget that this was the item that I quoted earlier where the Attorney-General said:

These items, or certain information in these items, reveal deliberative processes of executive government or jeopardise ministerial relationship with public officials.

The commissioner, having reviewed that redacted section, said:

Items 2 and 10: The information is purely factual.

and —

Item 11: The information includes comments about a recommendation that was accepted, which is therefore a factual statement, not a deliberative decision. It does not meet the first limb of section 30(1).

And it goes on. For the compendium of 24 June the commissioner says, in relation to items 2, 3, 9, 11, 13 and 14, all of which were redacted:

This information is factual, and much of which is publicly available.

In relation to the compendium of 1 July:

Item 2: The information relates includes matters that were discussed with residents, which are likely to already be known in the community.

And in relation to the compendium of 21 July 2016:

Item 3: The information relates to a planning matter that was before VCAT. VCAT has since made its decision and this information is publicly available.

What you can see here is a detailed assessment by the Office of the Victorian Information Commissioner of the government's redactions of a document provided to this house that shows that it was factual and it was information that was already available in the public sphere, and in fact the commissioner made a decision that the vast bulk of that information should be released under FOI.

Interestingly, at 58 days with a 60-day deadline the Department of Health and Human Services applied to VCAT to have the FOI commissioner's decision overturned. So here is the FOI commissioner making a simple assessment about factual documents that were not provided under FOI, that were not provided to this house when requested, that are very straightforward assessments and that should be largely released in full. The department is challenging that decision through VCAT. It is an incredible obfuscating and delaying tactic for documents that are now two years old and where the FOI commissioner has ruled that it is information that is already in the public sphere. It is quite extraordinary to see the lengths the government are going to to avoid releasing these documents and the redacted elements of them, and there is a real question about what they have got to hide.

In relation to this chamber, under section 11, the section that relates to the production of documents, of course we do have in this section the capacity for an independent legal arbiter, and I think it is generally of the view that the details in terms of how that arbiter would work are limited in the standing orders, but we have effectively had an independent arbiter assess the government's claim of executive privilege and find them to be coming up exceptionally short. We have had during this Parliament some discussions with the government in relation to establishing a proper independent legal arbiter that can assess the ongoing and regular claims of this government in relation to executive privilege for documents. Unfortunately, while there was much enthusiasm on behalf of the opposition and many other members in this house, the government has not been prepared to progress those discussions. It is not surprising, because when we have had an independent arbiter assess the claims of the government they have, as I have said, come up very short.

What this motion seeks to do is to give the government, at the request of this house if this is passed today, the chance to right the wrong and the chance to provide the documents with appropriate cabinet-in-confidence exemptions but in a way that does not redact factual information and does not redact information that is already on the public record. It will provide a benchmark by which we can judge the further production of documents in relation to this matter. What we do see, often with a two-week turnaround time, is that the government seeks to avoid providing information by just asking for more time. It always seeks to buy more time. I would say in relation to the documents that there has been significant assessment, including given that there is an expectation that this case may be in VCAT shortly. There is a lot of assessment. There is a lot of information. The government will be well-placed to fulfil any

decision of this chamber in a very short period of time, which this motion says is the next sitting Tuesday after this motion is passed, if it is passed today.

As I have said, this motion is about the tension between the privileges of this house and the executive privilege claim of the government. This house on many occasions and in specific relation to this compendium document has relied on the statement of the Attorney-General that there is a legitimate claim of executive privilege in relation to these documents, but the FOI commissioner has said that there is not. The independent assessor has said that the Attorney-General's claims are not true, are not accurate and are not a reasonable claim of executive privilege. What it shows is that we cannot rely on the claims of executive privilege by this government and that those claims of executive privilege are false.

This is a very important motion. It actually takes our debates in relation to documents motions to another level that we have not experienced in this term. While we have had many documents motions and many escalations and penalties and all those sorts of things, here we have a very clear case of an independent arbiter assessing documents provided by the government with significant claims of executive privilege being shown that those claims of executive privilege do not hold up, are not appropriate and should not be supported. This is a very important reflection on the privileges and the powers of this Council, and I encourage and urge members to support my motion.

**Ms SPRINGLE** (South Eastern Metropolitan) (10:48) — I will be brief, Ms Pulford, so you can stay at the ready. I will speak very briefly on this. The Greens do not oppose this motion put forward by Ms Wooldridge. We have a long history of agitating and advocating for transparency and accountability in government. It has been an experience of every non-government member, I think, in this term of Parliament and previous parliaments that requests for documents have been stymied. We did see the Leader of the Government suspended from this chamber for six months as a result of the ongoing issues with accessing information through the Parliament.

I commend Ms Wooldridge for her perseverance with this issue, because it is in many ways a very bureaucratic process that she has endured to get to this point. I also would say that from the Greens perspective there is an issue with how much the government use executive privilege as an excuse for redactions throughout the documentation that they do provide. So from that perspective the Greens will not be opposing the motion today.

**Ms PULFORD** (Minister for Agriculture) (10:50) — That was short and sweet, Ms Springle. I would like to make a few brief remarks on behalf of the government on Ms Wooldridge’s documents motion relating to matters in the health portfolio. I indicate that the government will not be opposing this motion. We are not opposed to this motion, because our government is committed to transparency.

While we are talking about information about the performance of our health service, it is appropriate to just briefly reflect on the record of the former government in terms of their refusal to release ambulance response time data. Indeed the best argument Mr Davis, the then health minister, could come up with was that they did not want people to lose confidence in the service. By contrast, we took the view that this information needed to be published and needed to be provided to the community. There are ways other than manipulating the release of data to ensure people have confidence in the ambulance service, and that is by investing in the service and ensuring that it functions at the standards that the community needs and expects. Now, we do publish performance data every quarter, and we have kept that promise about response time data. Indeed any member in this chamber or any member in the Victorian community who wants to find out the latest on ambulance response times, for instance, can visit [performance.health.vic.gov.au](http://performance.health.vic.gov.au), where they can see all the latest performance data. So this is not something that requires a motion in the Parliament or FOI requests or anything else. When Ms Wooldridge and Mr Davis were last in government they were the things that members of the public were required to do to obtain that vital data.

We remain incredibly proud of our commitments to improving the health outcomes for people right across Victoria no matter where they live and also to investing in our health services to rebuild capacity after almost \$1 billion was taken from our health system by the coalition when they were last in government. Of course we know about the plans for a commission of audit. We know that is code for cuts, cuts, cuts. Victorians who are concerned about their health and that of their families ought to be very concerned about what that actually means for people in the event of a change of government in November of this year.

Of course the opposition have been as quiet as a mouse on their federal counterparts’ short-changing of Victorian hospitals to the tune of \$2.1 billion, which is quite extraordinary: 7000 fewer doctors, 14 000 fewer nurses, 330 000 fewer elective surgeries and more than 1.2 million colonoscopies. That is a lot of colonoscopies. I am trying to imagine that visually, but

I might stop trying to visualise that and leave that to people and their doctors to contemplate in private. There is of course also the \$104 million which the Turnbull government still refuses to pay Victorian hospitals for services provided back as far as 2015–16. While we are on colonoscopies — and I will get off them — briefly, that is 57 500 colonoscopies worth of health funding. But our focus is very much on restoring funding levels for our health system, protecting Victorian patients wherever the opportunity presents itself from federal government cuts and ensuring that the health needs of our community are met.

The motion from Ms Wooldridge essentially goes to this ongoing debate in this place, about the capacity of the chamber to demand from the government documents that are cabinet-in-confidence and that are commercial-in-confidence.

There are members in this place that assert the right to any document. Of course Mr Barber is no longer a member in this place, but he did famously say on one occasion in one of these debates, which we have on a pretty regular basis, ‘every document, everywhere, every time’, or something to that effect. Some members have the view of the chamber having an absolute right to any piece of information the chamber seeks.

We recognise and respect the important role of the Council in providing scrutiny and oversight and the capacity of the Council to seek information from government as it fulfils its duties and as members fulfil their duties and responsibilities. But there are extraordinary lengths that the opposition will go to to upend conventions around cabinet confidentiality and commercial-in-confidence arrangements. Only a couple of years ago the coalition-Greens alliance resolved to throw the Leader of the Government out for six months. It was just extraordinary that the Leader of the Government was punted from this place simply for upholding his legal responsibilities — his very, very formal responsibilities — as a member of the executive.

We are not on this occasion opposing this motion, but I cannot help but wonder if the kinds of things that Ms Wooldridge is seeking with this motion and with its predecessor motion are actually a little bit more about something else rather than the documents. Documents that are available under freedom of information are made available to members. The documents that can be released are released, and the view of Ms Wooldridge and the Greens, through Mr Barber’s view of ‘every document, every time’, is not something that we agree with.

**Ms Pennicuik** interjected.

**Ms PULFORD** — Ms Pennicuik seems to be suggesting by interjection that there is a bit more nuance in the Greens position now, which would be a welcome thing because the responsibilities of executive government are not insignificant, and Ms Wooldridge, as a former minister, ought to know and understand that.

I finally make the point that our position on these matters is absolutely consistent when we are in government and when we are in opposition. That stands in quite some contrast to the approach that the Liberal Party have taken, where when in government a huge Harry Potter-style invisibility cloak enveloped government information — important information like ambulance response time data. There was no desire whatsoever — and they used their rule of 21-19 — to deny the upper house's ability for it to perform its functions and its roles and its responsibilities, to an extraordinary degree. So what we see here is some rank hypocrisy from the opposition, which take a fundamentally different view, based on the composition of the upper house and the opportunities that that presents.

**Mr Davis** — Which is democratically elected, I would imagine.

**Ms PULFORD** — Yes, absolutely the house is democratically elected, and when you, Mr Davis, were the Leader of the Government with your majority of 21 you denied —

**Mr Davis** — We provided every single document other than ones where we sought that the Council not insist, and the Council never insisted.

**Ms PULFORD** — You know you are a master of secrecy.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Melhem)** — Order! I think everyone needs to sit down.

**Mr Gepp** — On a point of order, Acting President, Mr Davis is on his feet while the minister is on her feet. You have given the minister the call.

**Mr Davis** — So are you.

**Mr Gepp** — I have just been acknowledged by the Chair, unlike you. So, Acting President, I would invite you to tell him to sit down and shut up.

**The ACTING PRESIDENT (Mr Melhem)** — Thank you, Mr Gepp!

**Mr Davis** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Mr Davis, if you want to raise a point of order or if you want to interject, please do that while you are sitting. Otherwise it becomes confusing for Hansard if you are standing and someone else is speaking. The minister to resume.

**Ms PULFORD** — Just briefly, I thank the house and the Victorian community and those who follow investments in our health service and indeed the secrecy that was the hallmark of the former Minister for Health know well Mr Davis's record.

As for Mr Gepp, I thank him for his great support for our health services. Indeed I remember seeing Mr Gepp in Shepparton last week and recall his really pure delight about having been to the local health service to mark the occasion of some record funding.

**Mr Gepp** — A \$23 million increase.

**Ms PULFORD** — A \$23 million increase in funding. So I just knew from the look on Mr Gepp's face last week in Shepparton what that funding means to him and what that means to the community that he represents. As I said, we are not opposing this motion; we are opposing the rank hypocrisy, but the motion is okay.

**Ms WOOLDRIDGE** (Eastern Metropolitan) (11:00) — While Ms Pulford may seek to try and muddy the waters on this, this is not a motion in relation to legitimately redacted information in documents and it is not about cabinet-in-confidence documents. It is about documents that the FOI commissioner has clearly ruled are factual or are in the public sphere already that the Attorney-General and the government have chosen to claim executive privilege over, and that claim has been shown to be clearly false. So it is a very straightforward motion. While the government has been clearly shown up in the first instance for not being prepared to provide these documents, the government now has an opportunity to show if its promises in relation to transparency in the Parliament and to the Victorian public have any veracity at all, because the government has been seriously wanting up until now. I appreciate the support of the house in relation to testing that issue and having the documents released by the government.

**Motion agreed to.**

## ROAD INFRASTRUCTURE

**Mr DAVIS** (Southern Metropolitan) (11:02) — I am pleased to move:

That this house —

- (1) congratulates the Liberal-Nationals coalition on its recent commitment to build both the east–west link and a north-east link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal-Nationals coalition’s plan to remove 55 of Melbourne and Geelong’s most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor government for wasting \$1.3 billion of taxpayers money tearing up the east–west link contract and, in doing so, precipitating Melbourne’s ongoing congestion crisis.

There is no doubt that our city population is growing very significantly, with recent data showing that the population grew by 143 000 statewide and that 90 per cent of that growth was in Melbourne in the most recent year. Likewise, the year before that the population grew by 147 000, with more than 85 per cent of the growth in metropolitan Melbourne. So we are seeing huge growth in metropolitan Melbourne and a huge congestion load that is being felt by all Victorians. People know this when they travel to work or home. They know this when they seek to take their children to school or go to sporting or family events on the weekend. Even Saturday mornings and early afternoons have become incredibly congested times on our roads.

At the same time we know that Labor have been in power for 14 of the last 18 years, and we know that their general antagonism towards road projects is significant. Of course you need a balanced set of developments — both road and rail, as well as other transport options, including trams and particularly buses, which add to the mix of options for people to move around the city. We know that rail, tram and bus options — and occasionally ferries, as we have seen in recent days — can play a very significant role in reducing congestion. That is in no way in contradiction to the point that more roads are needed, and roads that are placed strategically to enable the right connections to be made and to enable people to move in a constructive and effective way without bad limitations or restrictions on their ability to move in a timely way.

We have also seen in our city — as the population has grown and Labor’s hatred of roads and their hatred of a balanced form of development have come to the fore over those 14 of the last 18 years in which they have been in power — a massive increase in the time it takes

people to move across our city. Every Victorian knows this. When you talk to people they say, ‘My life is being badly impacted because I cannot get home to see my children’. They say, ‘My ability to go and see family members is being restricted’ and ‘My ability to undertake further work opportunities is being restricted because of the massive congestion’.

There is not only a social cost to the congestion that is building on our major metropolitan city of Melbourne but also an economic dimension to this. Freight is a very significant part of our economy, and there are those who need to move the logistics of our lifestyle, whether it be food or consumer goods, or move our products to market, whether it be products coming from a construction or manufacturing site in metropolitan Melbourne or whether it be rural produce. All of that runs foul of the Melbourne congestion that has a significant impact on our city today and every day as the population increases, and the impact on people and our economy is getting greater and greater.

We know this government has dropped the ball on freight movements. My colleague David Hodgett in the Assembly, the shadow minister responsible for freight and logistics in this context — and I note that the government has not matched that focus of having a minister responsible for those freight and logistics issues — has called this out on a number of occasions.

We have made significant announcements that will assist with freight movements — a commitment to, for example, continue the ongoing movement of freight from inland ports and a focus on building up the concept of inland ports, particularly from country Victoria and places like Horsham — through a subsidy to make sure that freight moves on rail that is significant, reliable and predictable. That has been a successful subsidy, and we are concerned that the state government have indicated that they will only continue that subsidy for a further year. We have made a commitment that if elected in November we will fund it through the full period of the forward estimates. That is a very significant difference.

Imagine the impact of more trucks going through the western side of Melbourne in particular from that decision of the Labor Party to cut the freight subsidy into the future. This will all add to congestion and make it harder for motorists and for freight movements. This is a government that has no plan for freight and logistics. I noticed some sort of strange, soft announcement made by the government in recent days of some ‘Freight Victoria’, or some other announcement of that type. Well, this is a badging

operation; it is not a serious operation to address freight and logistics.

We know that the government has dropped the ball on the Murray Basin rail project. That Murray Basin project was funded by the coalition in 2014 in significant measure and matched by the federal government shortly thereafter, and this government was slow to get moving on that. In an effort to cover her tracks, the Minister for Public Transport has sought to rebadge the project, but nothing will take away from the fact that perhaps the wrong contractors were selected and the government had not supervised the project adequately. This ultimately is the responsibility of Jacinta Allan as the minister responsible for this particular project.

We know that the quality of the work on the Murray Basin project has been poor, we know that the ballast has not been properly installed, we know that in some places the wrong sleepers have been used and we know in other places the government is recycling old track. I was told by someone as recently as last week that some of the track was from 1928, that they have torn up old track and are re-laying this old and flawed track in short sections by welding it together in certain parts of the Murray Basin project in an effort to scrimp and save money.

I say that if you are going to do this freight-changing and economy-changing project, the Murray Basin project initiated by the coalition but botched to date by this government, you should do it properly. You lay the ballast properly, you lay the sleepers properly, you lay the sleepers at the standard that will enable the reasonably fast movement of those freight trains, you ensure the axle loads are sufficient to enable the movement of large grain and other trains at a decent speed and you lay new rails that are up to the standards and specifications that enable the movement of those heavier trains, the freight trains. That is what you want. You actually want those freight trains on those tracks because you do not want trucks moving all the way across the state and often through the city to the ports.

This is a really dumb idea by Daniel Andrews and his government to botch and mismanage the Murray Basin project by laying bad rail and inadequate sleepers and botching the ballast. I mean, this is really basic, dumb stuff. It just makes you tear your hair out. You look at this and you go, 'Really, can you just not get this important project right? The money was there from the last coalition government and from the federal coalition government, and all you had to do was use the money that was provided and lay the rails, the ballast and the

sleepers correctly'. Jacinta Allan has botched it. What a dope.

What a historic mistake. The government cannot even lay a railway line when they have got the money in the bank to do it. I cannot believe it, nor can people who are associated with rail freight believe it and nor can people believe it who are advocates of both passenger and freight rail in country Victoria who have correctly identified that congestion in Melbourne and Geelong will be much worse if every piece of freight coming from country Victoria has to come through the western side of the city through those congested and built-up areas. It is much better to get it on rail, it is much better to bring it those distances on rail, it is much better to open up Portland for these purposes some of the time and it is much better to have serious options for farmers and those in country Victoria who want to move freight to market. Instead of that we have Jacinta Allan, who will go down as one of the most hopeless public transport ministers in the state's history the way she is going.

Imagine if they had not squandered the money on the level crossings? Now we all support the level crossings, but we do not support the misuse of public money through the mismanagement of major contracts. We have seen more than a 60 per cent blow out in the cost of those level crossing removal projects from \$5 billion to well over \$8 billion and growing.

Having a good project does not absolve the government from the responsibility to manage the contract properly and to ensure cost control of the contract, but that does not seem to be what they are doing. If you blow \$3 billion or \$4 billion extra on a project because you have mismanaged it, that is money that could have been deployed on other projects elsewhere, other congestion-busting projects, other projects that would enable freight to move better, other projects that would enable passengers to move better and other projects that would enable cars and trucks to move better. Squandering public money through the mismanagement of major contracts and major projects is costing the state dearly. The opportunity cost of what is going on in this state is extraordinary, and I think this has to be called out on a broad front.

The coalition obviously believes that we need more passenger rail projects too. The commitment to extend passenger rail services from Maryborough to Donald is very important. There has been huge advocacy from Louise Staley, the member for Ripon, and from others around that area too, including councils and communities, for this significant project that will actually support the towns of St Arnaud and Donald.

That is a very significant project that the coalition is committed to. We are also strongly committed to additional passenger rail services to Ararat and to an openness — in line with council requests on the western side of the state — to undertake a proper analysis of a return of rail services to Horsham and Hamilton. We will do that if we are elected in November. That is a very important commitment and it is a commitment that will bring our regional cities much closer.

At the same time we have committed to doubling the number of services to Shepparton. The rail upgrades and additional services will make a huge difference to Shepparton which has not had support over the last 18 years from Labor governments. Over the 14 of the last 18 years that they have been in power Labor have done nothing to improve services to Shepparton. In fact services there have diminished. The reliability, the punctuality and the quality of services have diminished under Labor.

V/Line services are an absolute travesty state-wide. We have seen the performance of V/Line services deteriorate massively, and that deterioration is putting country communities at a big disadvantage. You cannot rely on the ability to get to Geelong, Ballarat, Bendigo, Shepparton, Warrigal, Bairnsdale, Warrnambool, Wodonga, Echuca and Swan Hill, our key regional cities, without the disruption and inconsistency that has now become the hallmark of V/Line services under Jacinta Allan.

Let us be clear: the rolling stock for the long-haul V/Line trains is poor. Some of it was ordered in Dick Hamer's day — it is that old — so we get that that has got to be looked at. That is why we have made a commitment of \$633 million for long-haul country rolling stock, for VLocity stock. I see the government has been bouncing around a little bit in the last few days, saying, 'Oh, we're going to do something about long-haul stock'. They can copy our announcement. We welcome the copying of our announcement; it is the nicest form of flattery in this respect. We note that that long-haul country rolling stock needs to be replaced. We have said that it will be replaced with purpose-designed VLocity carriages. Enough will be built in the first term to replace the old rattlers that are not up to scratch. Everyone knows that they are not up to scratch.

I was talking to someone the other day about the train that stopped down at Birregurra: they all had to get off the train and walk along the tracks because the train broke down. That is emblematic of the failure of V/Line under Daniel Andrews and his government.

Labor have been in power for 14 of the last 18 years — 14 long years under Labor, 14 years where they have actually run down much of the country infrastructure.

I note that the federal government have actually come to the party and indicated that they will fund the regional rail revival package. Let us be clear on that money: 91 per cent of that money is federal money. The state could only chip in a little bit for some reason. It was only Darren Chester and the federal government who stepped forward and said, 'We're going to put the money into revitalising those rail corridors, into fixing those old tracks, into lifting the standard of those old tracks', and 91 per cent of the money came from Canberra. I say thank you to the federal government for that, because it was well needed. I have no doubt that if Canberra had not provided that money, Labor would not have provided that money. Jacinta Allan and Daniel Andrews would not have provided that money to refurbish those rail corridors that are so very important for the long haul.

The coalition has a plan for decentralisation. If we are elected in November, my Assembly colleague Peter Walsh will be the first minister for decentralisation for I am not quite sure how long, but for a long, long time. That is important, because with the population growth we are experiencing now, we need to be focusing on ensuring that all of the state grows, not just Melbourne — that the regional cities and the country areas of our state are the beneficiaries of that population growth and are able to play their part.

People can have a very good quality of life in our regional cities, but they need the support to do so. That means the planning support. We have said we will support country councils with the rural flying squads. We need to have the proper planning arrangements in place, and we will work with councils to make sure that there are steps there. We will work in tandem with councils and local communities in country Victoria to make sure that the support is there to actually grow the whole state, not just metropolitan Melbourne, which has been carrying a bigger share of the challenge of carrying population growth than the other areas of the state. With the exception of Geelong, metropolitan Melbourne has been carrying the load with respect to this large population growth.

We need to change the mindset here. We need to make sure that decentralisation is squarely on the agenda with government decisions. We began this process when we were in government, and indeed the Labor Party could have followed through, moving the VicRoads office to Ballarat, but they chose not to do so. We are prepared to look at options with the public service in this respect.

But some of it must be about private sector opportunities, and we obviously need to make sure that the business support and incentives are there to grow employment in our country areas. Part of the challenge of decentralisation is better road and rail connections, and we are determined to see those better road and rail connections. We are determined to see that those rail connections in particular are brought forward in a way that has a better outcome for our community.

The focus on moving people in ways other than roads is important, and I welcome the commitment of the federal government of up to \$5 billion for the airport rail option. That is a very significant commitment by the federal government. It has moved Daniel Andrews and his government from their slothful approach to airport rail to a recognition that they needed to do something. The truth is an airport rail link was funded by our government in 2014–15 as part of the Melbourne rail link. That project was ditched by Daniel Andrews. But I also make the point —

**Ms Crozier** — It took in Fishermans Bend.

**Mr DAVIS** — It did take in Fishermans Bend, Ms Crozier, and you and I know the importance of a deep rail connection there that will move the population that is likely to cohabit there in the long term. We know that a deep rail connection is a very important part of that. Daniel Andrews's first action as Premier was to strip the station from Fishermans Bend — a station-stripping operation that actually left the area without proper transport. It is no wonder that area is now drifting. It is no wonder that there is no proper —

**Ms Crozier** — Inaction for four years.

**Mr DAVIS** — Inaction for four years — in fact, for those 14 years that Labor has been in power over the last 18 years.

I make the point that on airport rail Daniel Andrews was dragged to this. It is interesting to go back and read some old documents. The Labor Party policy in 1999, before that 14-year period had commenced, was a rapid transit link to the airport. That never eventuated; nothing at all came from that document. Nothing at all was delivered by the government — the Labor government of Steve Bracks at the time, nor Brumby, and on that, nor this current government — for 14 of the last 18 years. On that promise from 1999, they are now saying they will build the airport rail link in time for 2026. They will not build it in this term of government. They will not build it in the next term of government. They will build it in the term after — well, it is a long, long, long way away.

I also compliment the federal government on its announcement of \$475 million committed for a link that would bring Monash University into the public transport orbit in a satisfactory way. That \$475 million is a very significant contribution. I know that the Monash employment cluster is our second biggest area of employment in the state, including not just Monash University or the Australian Synchrotron but associated industries through that area and also importantly Monash Health. As a former health minister I know the difficulties that that health service has faced with transport and connection to the public transport system.

So all of these initiatives that look at additional public transport are important, and I note that the current government has failed to understand the importance of buses. Its way forward with the bus industry was to have a brawl with the private bus operators — have a full-on, wing-ding, all-in brawl with the private bus sector — and to seek to nationalise the private bus companies. Let us be clear about what Jacinta Allan was seeking to do in the original contracts that she wanted signed before 30 June this year: all versions of the contracts — and I have seen them — sought to transfer the assets of the private bus companies to the state or the state's nominee. So if you were a family bus company and you had owned a bus depot for 60 or 70 years, you were required to sign that over to Daniel Andrews and Jacinta Allan or their nominees.

**Ms Crozier** — Socialism.

**Mr DAVIS** — Socialism, pure and simple. If you owned a set of buses, and you might have gone out and purchased the most modern buses for the purposes of running all manner of services, you were required to transfer those buses to Daniel Andrews and Jacinta Allan or their nominee. If you owned intellectual property around your bus company, you were required to transfer all of that to Daniel Andrews, Jacinta Allan or their nominee, and do that in the term of the new contracts you were due to sign.

Well, I pay tribute to the private bus operators in the city who were initially in the gun from this nationalisation step and to the ones in the country who understood that if Daniel Andrews and Jacinta Allan were successful in nationalising their bus operations, in taking over their bus businesses and in running their bus businesses in a Stalinist style, the country services would not be far behind. Their contracts are due up next year, so you do not have to be a rocket scientist to see that if Jacinta Allan can tear away the private assets of the private bus companies in the city this year she might do it in the country next year.

And that was clearly the intention of the boffins in Transport for Victoria and Public Transport Victoria — two separate bodies of course. We now have an additional layer, and everyone of course says to me, ‘It’s good that there’s coordination’. I agree that it is good that there is coordination, and there should be proper coordination between the different transport agencies, but no-one believes — no-one I have met in any of the transport sectors believes — that Transport for Victoria is assisting with coordination.

**Mr Mulino** — You should get out more.

**Mr DAVIS** — I get out a lot, I can tell you. Everybody believes it is creating more confusion, more —

**Mr Mulino** — You’re stuck in here every Friday filibustering.

**Mr DAVIS** — Well, yes, you are the ones who want to sit Fridays. But leaving that aside, the truth of the matter is that Transport for Victoria is a good concept badly delivered. It is meddling everywhere. I think that the bureaucrats on the top of that agency think that they are some sort of grand pooh-bahs who can control the world. Everything has got to go through them. They are the filter to the minister, and I think that the minister is listening to the pooh-bahs at the head of Transport for Victoria more than enough. I think she is overly captured by the pooh-bahs at the top of Transport for Victoria. So they are sitting there, they are meant to —

**Mr Mulino** — Can you say pooh-bah one more time?

**Mr DAVIS** — I said pooh-bahs — grand pooh-bahs. It is a turn of phrase meaning a sort of over-puffed boffin. And the truth of the matter is that a good idea is Transport for Victoria but the delivery has been entirely and utterly botched.

**Mr O’Sullivan** — Are you surprised?

**Mr DAVIS** — Well, I am not. We have heard about the performance of the Murray Basin project — a very important project. We have seen the cost blowouts that are occurring elsewhere under the Minister for Public Transport’s watch, whether it be on level crossings or on the tunnel or on some of the other major projects around the state. None of them are coming in under budget, I can tell you that; they are all coming in over budget.

And let us be clear about what is going on with some of these budgets. There is an additional layer —

**Ms Crozier** interjected.

**Mr DAVIS** — Well, it is a complex process that is going on here. What they do is they take the invoices that are coming in, Ms Crozier, and they add to that. They add a cost centre charge, they add marketing charges and they add charges for the management of the project. I understand there is a risk component that is added on to the charge, and in some projects the additional charges over and above the actual invoices for the delivery of the actual project — the hard nuts and bolts — might be up to 60 per cent over and above the actual cost of the delivery. And that is funding bureaucrats, it is funding muffins out on stations and it is funding coffees. It is funding blowouts in wages costs where they have got communications staff who are working in huge numbers. I think some of these projects have enormous communications staff numbers and enormous communications costs. Well, these communications costs are sheeted home to the cost centre for the project. So in the case of level crossings, for example, there are the hard physical infrastructure costs, and then there is plus, plus, plus, plus as the costs go up. Then we wonder why the cost of these projects is blowing out so remorselessly.

Again the point I make is that these cost blowouts are opportunities lost for the state. Good projects managed properly and delivered properly are good outcomes. Good projects botched in their delivery and massively over budget because of mismanagement of the project and lack of financial control are not the right outcomes for this state, because that additional money that has been squandered could have been spent on alternate additional projects. So we are losing the capacity to deliver some of the projects we would want to deliver because the state government cannot manage the costs of these major projects.

Even good projects are being botched because of the cost overrun, and that is quite separate from the special and quite unique botching that has occurred with respect to that Murray Basin project, which I think we should rename the Jacinta Allan project. I think it is her project in terms of its delivery. It was the Liberals and The Nationals who funded the project initially and the federal government who funded it next, and all of the money was there. All Jacinta Allan had to do was to actually deliver the project, to get the ballast laid properly, get the sleepers laid properly and get new rails of the highest quality laid to enable heavy trains to run at a reasonable speed in all temperatures.

The risk is that if you have got 1928 rails — old rails, torn up, welded together bit by bit — you are going to have problems when the summer comes. If you have

got those laid on top of poor ballast, my goodness, what a terrible outcome for industries up there that will need to rely on that rail corridor. If they cannot rely on the rail corridor, you know what will happen? They will move back to trucks. Who could blame a farmer who has got produce that needs to be reliably moved at a particular time? Of course they are going to move back to trucks if they cannot rely on the rail.

If the rail has got these 1928 doozies there that have been rewelded, bits put together — people have shown me how it has been done and it is just shocking. I do not think Minister Allan should stick her head up on any country rail project until she has fixed the problems there. Rebadging it with a different name is not fixing the actual delivery. This is one problem with this government. They do not seem to understand that just having a spin or a marketing approach is not the same as actually delivering a project on the ground in terms of the rails and the actual construction. The government needs to get these projects right.

I want to say something about the east–west link contract. This was a project that was part of the John Brumby plan. It was part of Sir Rod Eddington’s plan. It goes all the way back there. Some of us have been around long enough to remember the details of those plans.

**Mr O’Sullivan** — Bill Shorten supported it.

**Mr DAVIS** — Bill Shorten supported it. I think Cesar Melhem, when he was at the CFMEU, or rather the Australian Workers Union I should say — whichever particular union it was — supported it; his name is on documents supporting it.

This is a project that ought to be built. We know it stacks up. There are two main reasons why it needs to be built. There is the obvious connectivity and the obvious movement of freight and movement of people, commuters and so forth, but there is also a redundancy reason. To enable proper east–west movements in this state you actually need a proper east–west corridor that provides redundancy. We know the risk. When the tunnel goes down, when the bridge has a problem or when that long corridor that is the Monash and the M1 has a problem, the whole city goes into gridlock, and we know that problem. Labor’s solution to that — we had obviously signed a contract and begun construction when the government changed — was to say, ‘We’re going to tear up the contract. It won’t cost a cent’. Of course they then tore it up after the election, but it did not just cost a cent. It cost \$1.3 billion to tear up the contract and to not build the road. So the road is not built and the state is \$1.3 billion poorer.

That is bad enough. Then the government came forward with this West Gate tunnel project. We accept that at this point the project has gone too far to stop. That is just a fact. Whether we think it is the right project or not, it has gone too far to stop. One of the key problems with West Gate — and I will come to several in a moment — is that it does not provide the true east–west redundancy that is required. There is still a major section of road which it connects to and which goes out towards the ring-road, where if a truck has a spillage or there is a major accident it will stop the road traffic on one side of the city, coming either in or out, whichever it is, or maybe both in some cases. That lack of redundancy is a major risk for the state. The Eddington proposal and the one which we adopted in a variant form would have provided true redundancy by ultimately providing access across to the ring-road. That would have provided the opportunity for people and goods to move fully east–west. If one corridor were down for whatever reason, the whole city would not be blocked in terms of east–west movement.

So that redundancy issue is a very significant one, and I do not think the government’s current proposal fully provides that. As I said, we are stuck with what they have done. They have signed the contract with Transurban. The road will provide some movements of course and will provide some assistance, but it is not the best outcome. However, it is an expensive outcome. It is very good for Transurban, a large company, obviously Victorian-based initially, with interests everywhere. Private companies have their own interests, and I do not judge private companies whose own interest is to do whatever they do and make a profit. That is understood. In the case of negotiations with government, government’s role is to stand there in the community’s interest and to say that this is in the community’s interest or it is not.

The agreement has been signed, and we still have not seen the full contract. Despite this chamber demanding it through a documents motion, we still have not seen the full contract.

**Ms Crozier** — It is hiding.

**Mr DAVIS** — Indeed. And we have not seen the full agreements with respect to tolls and variations of the old CityLink contracts. Despite the Melbourne City Link Act 1995 requiring that they be tabled in this Parliament within six days, they have never been tabled. The Parliament has sought through a documents motion to get those toll variation deeds, or equivalents. Maybe they have not signed the formal document. Maybe they have signed some additional codicil or some other commitment that ought to be in the public

domain. Let us be clear: this Parliament under the Melbourne City Link Act has a responsibility. We all have responsibility under that act to see those documents and to decide whether they are in the public interest. Actually individually, not severally, the chambers have got the power to revoke those agreements. Now what we know is in those agreements is a set of toll arrangements. Let us be clear about these toll arrangements: they are very, very generous to Transurban; they are not so generous to Victorians.

I will summarise quickly for the chamber, and I am conscious of the time. The contracts will have an escalator in them on the current roads. These contracts are not for tolls on the new road; these are for tolls on the current CityLink roads. They are due to expire sometime in 2030, but according to these toll variations they will go out sometime into the 2040s, so people will pay tolls for longer. But in the initial period starting in 2019 there will be an escalator: 4.25 per cent up in tolls every year, year on year on year for a decade. I make that a more than 50 per cent increase across that period in tolls that will be paid on every toll movement on the roads every day, by every family. If you go in and out of the city from Tullamarine — one movement each day to work and back and do that five times a week — your tolls are going to go up massively; you will be smashed. That is Daniel Andrews's toll deal with Transurban.

It is the same in the south-east. If you come in on the Monash, you will not only pay the CityLink toll for a decade or more longer but pay this escalated toll on the existing road. Nobody has difficulty with a toll being put on a new road. I think that is broadly accepted in our Parliament now. It was controversial in the 1990s, but I think now people accept that if you build a new road, a toll may well be an appropriate device to part fund that, and in that sense we have no quibble with that component. The new proposed city access charge is novel, and I think the modelling on that bears close analysis. I do not think the full ramifications of that or the impact on E-gate or flows of traffic into that close area of the city have been thought through.

That is what we know about the deal with Transurban. We have not seen the exact words in the toll deed variations, and nobody other than the government and Transurban, has seen any agreements or other arrangements that may have been entered into. They all should be properly lying on the table right now. We should be able to flick through them and examine them, and if somebody in this chamber wants to move a revocation or partial revocation of part of that toll funding, that should be an option available to this Parliament now. So arguably Daniel Andrews is in

breach of the CityLink act now. He should have brought this forward at a fair pace.

The coalition is committed to the north-east link. We understand the importance of the north-east link, and we understand that it will make a very significant difference. There are questions about exactly how this is to be implemented, and whoever the government of the day is, it will need to work carefully with local communities and councils in that area to make sure that the impact is minimised — the impact on vegetation, the impact on the creeks, the impact on public open space and the impact on those whose land may need to be acquired. That needs to be worked through. I can tell you that the coalition, if we are elected in November, are absolutely committed to working with those councils and communities to get a better outcome. We are absolutely committed to that. I have spoken to a number of the councillors and others in those areas. I understand as someone who represents Southern Metropolitan Region that there are challenges for parts of Southern Metropolitan in terms of the north-east link and how it will operate. Let me be clear: one thing that is absolutely crystal clear —

**Ms Crozier** interjected.

**Mr DAVIS** — That is the point: it will free up the Monash, and it will provide the redundancy in part for some movements, but not unless there is an additional component — and that is the east-west link — to join up with the West Gate tunnel project. We might have our reservations, but the project is now being built; we accept that. But at the moment the state government does not have a connection between that and the Eastern Freeway or the new north-east link that the government and the opposition both want to build.

We say that that connection has got to be built, and we will build it in tandem with the north-east link. We will build that link. It will provide more redundancy for the city. It will provide a significant congestion-busting step because it will remove people and traffic from many of our suburban roads and many of our secondary roads as well. It will actually have a very significant effect, and it will ameliorate the impact of the north-east link just coming to a halt and feeding out onto the already congested Eastern Freeway.

I am also fearful that this government, the Labor government, may well put a toll on the Eastern Freeway, and we would be opposed to that. We do not agree with putting a toll on that existing freeway. We think that it would be a mistake, and we have committed that we will not do that. If we build the east-west link, yes, there will be a toll there, as people

would expect with new major roads that are built, but that will provide a major link. At the moment we see the Eastern Freeway come to a screeching halt at Hoddle Street. You only need to see the traffic banked back, sometimes way back up past Bulleen Road. It comes to a screeching halt at Hoddle Street.

The government has just spent I do not know how many tens of millions of dollars doing traffic treatments — pulling down trees and trying to do traffic treatments on the north end of Hoddle Street. I know this area very well; I live not very far from it and I understand it well. The traffic treatments have been pretty much unsuccessful. They may have made some minor difference. But I will tell you that if you connect up the north-east link to the Eastern Freeway, the traffic that scoots down through there will come to a screeching halt at the end of the Eastern Freeway and then people will say, ‘Where are we going to go now?’. They are going to try to go down the slightly modified top end of the Hoddle Street area, but the traffic is going to be enormous. It will be like a traffic sewer, as people try to find their way out of the end of that Eastern Freeway area, going south into Boroondara, going north into Darebin, going north into parts of Banyule and going west. Whichever way, they are going to encounter slow movement and massive congestion. The state government has not thought this through.

If the north-east link is to be built, and we think it should be, we accept that the connection has got to be there with the West Gate tunnel project, a project that is now advanced and will be built, but we need to connect up the north-east link and the West Gate via the east–west link project and build the north-east and east–west links in tandem. That is the way that we should be proceeding.

The coalition has also said that there is an opportunity to deal with 55 of our road crossings. Those road crossings across the city — and I am conscious of my time here — are very important parts of our agenda. They will make a significant difference. The location of these major intersections will both provide an opportunity to both improve movement on roads and reduce the movement through many of the surrounding streets — the rat-running and the other movements that have a significant impact on local communities.

I also make the point that we have identified some of those and for others we have said we will work with communities to identify them after being elected. We would welcome that engagement with councils and communities as to the latter part of that list, because that list will provide an opportunity to re-form local

communities and deal with local congestion points and do that in conjunction with councils and communities. I say that we will work with those councils, both on the ones we have identified and on the ones that we would seek to identify in government, to work through the best way of implementing those road crossing removals and to do that in a way to get the best planning and land use outcomes for those communities. If we actually focus carefully on those outcomes, we can achieve a better outcome than just the congestion agenda that is very much a part of our focus.

In metropolitan Melbourne we are conscious of this congestion. We are conscious of what it means, and we know that it needs to be dealt with. We accept the West Gate project. We support the north-east link. We want the east–west link to be built, and we want to deal with the congestion that is facing Melbourne. Some of that will be dealt with with better roads; some of it will be dealt with with rail; some of it will be dealt with by trams; some of it with buses, and that is critically important; some of it will also be dealt with by our decentralisation focus, which says, ‘Actually our big regional cities can play a significant role’; and some of it is about managing the growth on the edge of the city in a sensible way.

In recent days we have committed to a number of important rail extension projects, including at Baxter, in concert with the federal government. The federal government has committed \$225 million, and we have said we will match that \$225 million and build the extension from Frankston to a new station at Frankston East, to Langwarrin and on to Baxter. In that case that is an opportunity to improve our bus services as well.

I was talking to our candidate for the Assembly seat of Nepean just this morning about the 788 bus route. It is a joke. It is a terrible bus route. It really is unreliable. It is like a slow milk run as it snakes down the peninsula from Frankston ultimately to Portsea. It takes well over an hour to do that, and that is when it runs on time. You have got to be thinking about those distances and how this can operate more effectively. A new Baxter hub is an opportunity to put a fast bus straight onto the freeway right near Baxter to travel down towards the end of the peninsula to improve transit times, to improve connectivity and to improve the travel experience of people who are coming to Melbourne.

It is the same with the Cranbourne corridor. We are being very clear on Cranbourne that we want to see the extension from Cranbourne to Cranbourne East and to Clyde. With the population growing like Topsy, that transport corridor is needed. We need to have people being able to access that rail corridor at an early point,

not years into the future. We have said we will build electrified double tracks through that zone. We accept that there has to be an upgrade of the line from Dandenong to Cranbourne. That is quite important. That capacity is going to be necessary for Melbourne Metro when it comes, but it is also going to be necessary for the further extension that we are talking about to assist in maximising the outcome of that. That Cranbourne to Dandenong duplication is incredibly important. I note the government has a small amount of study money in the current budget. We welcome work being done on it, but we need to get on with that project as well. That project is something that has got to be moved very far up the agenda.

Equally, down in that same corridor we have opened up the prospect of the rail to Koo Wee Rup. There is an old reservation there; in fact there are tracks through some of that. Minister Allan in her current very unfortunate mode might want to tear up the tracks and use them on the Murray Basin rail project! That is what she is doing in effect elsewhere. I am not actually suggesting that. I am saying that is a very bad idea, but there is a great rail corridor through to Koo Wee Rup and we, as part of the commitment we made the other day, will not only build new stations at Clyde and Cranbourne East but also look at the process of opening up that corridor to Koo Wee Rup. That is important for quite a number of reasons. Again, there is the huge population growth in that corridor, and that corridor will play a very significant role into the future, but it needs proper public transport, otherwise people will default back onto roads. Of course they will; they will have to. If we do not build that rail infrastructure, they will default to roads.

**Mr Leane** — How much rail infrastructure did you build?

**Mr DAVIS** — Let me be quite clear. You have been in power for 14 of the last 18 years, so let me talk about Cranbourne and your government's promise back in 1999. You said you were going to restore rail to Koo Wee Rup in 1999 — 18 years ago — and how many spikes have been driven into the rail to Koo Wee Rup? How many spikes have been driven? The answer is none. The regional rail link was a very important contribution, but you never drove a single spike. What did you do?

**Mr Leane** — Because you were the worst minister this state has ever had.

**Mr DAVIS** — I actually did a lot of health projects. I had \$4.5 billion in health projects around the state, whether it be at Bendigo Hospital, whether it be the

Royal Children's Hospital, whether it be the Victorian Comprehensive Cancer Centre. Do you want me to list them all? I could be here all day. I will run you through the detail of them at a quiet time if you like — \$4.5 billion in health projects. And what did you ever do? You did nothing. You sat on your hands and you tore up the east–west link contract. Your electorate is in the eastern suburbs and you tore up the east–west link contract — shame, shame, shame on you! You tore up the east–west link contract.

**The ACTING PRESIDENT (Ms Dunn)** — That is time, Mr Davis!

**Mr MULINO** (Eastern Victoria) (11:55) — I have got to say that felt like more than an hour. Can I say I think it is going to become an increasingly common feature of this place on Wednesdays that we face these debates where the opposition puts up motions congratulating themselves. I just wonder whether they have decided that people are going to be googling *Hansard* in the lead-up to the next election and saying to themselves, 'I'm really curious. Which party has received the most votes congratulating them in the Legislative Council?', as a way of deciding who they are going to vote for. They might say, 'Everybody gather round the kitchen table. I just extracted something out of *Hansard*, and Mr Davis managed to get 16 votes congratulating himself on their transport policy. There's got to be something to this. There's got to be. I mean, you can't just get 16 MLCs voting to congratulate somebody for this transport policy. There must be some content to this'.

It seems like it is almost a stress-relief session at times, with members opposite just unloading on things they are frustrated about with the transport situation. I think when you look at the actual content, there is a lot of rhetoric and not a lot of evidence, not a lot of content.

What I want to start with is that there is obviously a degree of scepticism in the community about words coming out of the mouths of politicians on all sides. I think that when members of the community look at the transport policies of all sides of this chamber they are going to look at what we say we are going to do, but I suspect they are also going to look at what we actually did — what this government did over its last four years, and what those opposite did when they were in power for their four years. That will be very influential.

Over the last four years, were we perfect? We will not claim perfection, but we have done a lot — and I will talk about that in a moment. We have done a lot when it comes to roads, when it comes to level crossing removal, when it comes to major rail projects. We will

stand up and defend our track record any day of the week.

Those opposite are going to have this panoply of incredible projects, like they did at the last election. After four years of doing nothing, they were handing out tickets at Southern Cross railway station for a new airport rail link. They had done nothing on it and would not have done anything on it. They had all sorts of grand plans in their last budget, but there was zero credibility — because they had done nothing. So, if Mr Davis wants to get up and vent for an hour every Wednesday for the remaining sitting weeks on his vision of a perfect transport system, that is fine, but voters will not judge us against a vision of perfection concocted by Mr Davis. What they are going to judge us against is what we have actually delivered versus what those opposite can credibly deliver.

Let us also look at this to start with from a slightly higher position. Mr Davis has just given us an absolute shopping list of bus routes he would like tweaked and this and that project where he would rather this tree was removed rather than that tree, but let us start with the bigger picture.

If you look back at the last 10 years before this government came in, there was an average of \$4 billion-plus on infrastructure a year. In this term of government we are now at a \$10 billion-plus average over the forward estimates, and this particular budget delivered \$13.7 billion. So, when those opposite say, ‘Nothing’s happening’, you just need to look at the actual figures. You need to look at the cranes in the sky. You need to look at the fact that the construction sector is being pushed to its limit. You talk to anybody in the construction sector, and they will say they have never been busier.

So let us start with the big picture. When it comes to transport — when it comes to rail, when it comes to road and when it comes to the interface of rail and road, removing level crossings — more has never been done by a government in this state’s history. So let us start with that. Let us move from the rhetoric to actual performance.

Thirdly, the hour-long contribution that we just heard was dripping with rhetoric: we hate roads. Well, how about the Monash? How about the M80? How about the Tulla? I drive on the Monash, and there is an extra lane open now — delivered, actually delivered. How about the \$2.2 billion for arterial roads in the south-east? How about the \$1.8 billion for the western roads?

*Honourable members interjecting.*

**Mr MULINO** — Those opposite again will interject about this or that project that they want to see, but their performance when they were in government gives them zero credibility. They have got great words. They had great words four years ago, and their words now will be judged against their actual performance.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Brauer College

**Mr PURCELL** (Western Victoria) (12:01) — My question is to Minister Tierney, representing the Minister for Education. In May I asked the minister to review plans regarding the demolishing of some buildings at Brauer College in Warrnambool following growth in student enrolments over recent years. According to the minister’s response, the plans are designed only to cover the school through until 2022 and do not account for predicted growth in enrolments in years to come. The buildings were built and self-funded by school families and are needed — and certainly will be needed in the future — and the cost to demolish them will be in the order of \$750 000. So I ask the minister: considering this increase in enrolments, will you reconsider the demolition of these buildings?

**Ms TIERNEY** (Minister for Training and Skills) (12:02) — I thank Mr Purcell for his question. I am familiar with the buildings that he raises. I was at Brauer College to announce the money for the redevelopment, and then of course there are the other outstanding buildings that he raises today. This is a question for the Minister for Education. I will obviously refer the matter to the minister and seek whether he will revisit this issue, and I am sure that he will provide a written response within the guidelines.

### *Supplementary question*

**Mr PURCELL** (Western Victoria) (12:02) — I thank the minister for the response. The buildings are actually in very good condition, and it is not because of the condition of the buildings that they are being proposed to be removed and knocked down in relocation of services. It is actually just because enrolment numbers have taken a dive and the predictions are that these will increase — they are already on the increase — and that the buildings will be needed in the very near future. The community and the council have gone through the process in the past of

building these when numbers were up and now they are going to be knocked over and then they will have to rebuild them. It just seems a waste of \$750 000, which the community believe could be much better used in providing education programs and services to the school. As well as that, the council are willing to take over the control of those buildings. So my supplementary question is: Minister, will you save the Victorian people \$750 000 by allowing the school council to take control of these buildings?

**Ms TIERNEY** (Minister for Training and Skills) (12:03) — I thank Mr Purcell for his supplementary. Of course the response to those questions will be contained in the response to your substantive question. I am sure that the minister will respond in a written form within the guidelines.

### Asylum seeker support

**Ms SPRINGLE** (South Eastern Metropolitan) (12:04) — My question is for the minister representing the Premier. At the beginning of May I called upon the Premier to establish services for asylum seekers to replace the Status Resolution Support Services program. This was as a result of the federal government announcing that they would be withdrawing financial support from an undisclosed number of people seeking asylum around Australia, resulting in many being unable to afford food and housing. In its response to my adjournment matter the government stated their concern and provided a list of existing programs that support people seeking asylum, none of which addresses the urgent needs faced by those people who have lost their payment. While the government's programs are commendable, those who have lost their payment need urgent assistance now, as many will be left homeless, which is particularly brutal at this time of year. My question is: is the government aware of exactly how many people in Victoria are losing their payment over the coming weeks?

**Mr JENNINGS** (Special Minister of State) (12:05) — I thank Ms Springle, predominantly for her concern more than her question. The reason why I thank her for her concern is that she and other members of the community and indeed the Victorian government are concerned about the quality of support that is provided to asylum seekers and refugees in this country and the support services that should be available to them. I would hope that all Australians would unite in recognising our obligations as part of the global community in terms of providing that care. The nature of her question I thought in the main was going to be effectively another adjournment matter in relation to calling for further action, and I think that is pretty much

embedded in her question, where she asks for information relating to the number of people who may be affected by or may be at risk of services not being able to be provided, so I will take advice on the information she seeks. I anticipate that she may want something more than that, and I will wait for her to supplement her initial request once I sit down.

### *Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) (12:06) — I would be happy to oblige the minister in my supplementary question. For a large proportion of these people the meagre status resolution support services payment of \$250 a week has been their entire income. The loss of this payment will render them homeless and unable to pay for food. What new measures are the government putting in place to assist these people?

**Mr JENNINGS** (Special Minister of State) (12:07) — There you are, President. I anticipated an action —

**Ms Springle** — It was a question.

**Mr JENNINGS** — I am not so fussed about the forms of the house as I perhaps should be. I understand that there are some considerations that the state of Victoria may need to be mindful of. Part of the challenge that this nation confronts is the appropriate support that is provided by different jurisdictions. What unfortunately quite often happens is a lack of a recognition or support provided by one jurisdiction that has been picked up by another. I do not think any jurisdiction should be let off the hook in relation to their obligations to people who live in this country, and I will be mindful of that as I talk with my colleagues about the way in which those issues are responded to.

### Epilepsy Foundation

**Ms PATTEN** (Northern Metropolitan) (12:08) — My question is for the Minister for Housing, Disability and Ageing, represented by Minister Mikakos. Somewhat arbitrarily the Epilepsy Foundation has historically been funded from the disability budget rather than the health budget. With Department of Health and Human Services disability funding set to cease in less than 12 months time and be redirected to the national disability insurance scheme (NDIS), people living with epilepsy stand to be adversely affected. Only 5 to 20 per cent of people living with epilepsy will be eligible for the NDIS, meaning that 80 per cent of clients currently accessing services through the Epilepsy Foundation will no longer be eligible for

support. This is creating a massive services gap. Research compiled by the Epilepsy Foundation demonstrates that this will increase the burden on the health system and very sadly lead to an increase in avoidable deaths. My question for the minister is: are they considering recurrent funding and what steps are being taken to avoid these tragic outcomes?

**Ms MIKAKOS** (Minister for Families and Children) (12:09) — I thank the member for her question. As the member would be well aware, the Andrews Labor government is absolutely committed to better support for people with disability, and that also means getting the NDIS right. I note that other members have also raised issues around I guess the poor implementation of the NDIS by the federal government, but our government is committed to making sure that people with disabilities get a better deal and are able to access the same services and supports as the rest of the community.

The issue that the member has posed really relates to the intersection between the health system and the NDIS, and this is a complex issue that requires further clarification by the National Disability Insurance Agency (NDIA) as the federal agency that is administering the NDIS, and it is a priority for our government to do this as it negotiates with the commonwealth government for an NDIS full scheme bilateral agreement.

The member has specifically raised the issue of the Epilepsy Foundation, and I can advise the member that this is part of a group called the Victorian neurological alliance, which is made up of Alzheimer's Australia Victoria, the Epilepsy Foundation, Huntington's Victoria, Multiple Sclerosis Limited, the Motor Neurone Disease Association of Victoria, the Muscular Dystrophy Association and Parkinson's Victoria. Our government understands the concerns about both clients being deemed ineligible for the NDIS as their conditions are episodic and their care and information needing to be considered by the NDIS to be a mainstream health system responsibility and also that alliance members have not been successful in their NDIS information linkages and capacity-building grant applications where these grants were expected to replace state-based grants.

Just last week I understand that the Department of Health and Human Services hosted a meeting with alliance members and other organisations concerned about the health interface with the NDIS. What I can advise the member is that our government will continue to work through these issues, particularly around funding certainty, with these organisations, also

working with the NDIA and the commonwealth government.

I want to also add that Minister Foley has been a true champion of people with disabilities in our state around these issues by really taking the commonwealth to task around the failure of the NDIS to deliver what was effectively promised to people with disabilities in our nation. There are many, many problems that are being experienced also in my own portfolio in relation to very young children, and that is why in relation to very young children we have had to step in and provide additional supports for children to make sure they are not missing out on early childhood intervention services, essentially because of the NDIA's failure to provide case plans in a timely way to families.

So I thank the member for raising these important issues on behalf of people experiencing epilepsy in Victoria, and we will continue to make all the necessary representations to the commonwealth around these issues.

#### *Supplementary question*

**Ms PATTEN** (Northern Metropolitan) (12:12) — Thank you, Minister, for that response. As you would be aware, and as Minister Foley would be aware, time is really of the essence. In speaking to the CEO of the Epilepsy Foundation, they are starting the process of actually downsizing now and reducing services because they do not have any funding commitments as we are entering into that caretaker mode. By way of supplementary, I ask: can the minister commit to a funding decision before the writs are issued so we can prevent this immediate loss of services for people living with epilepsy in Victoria?

**Ms MIKAKOS** (Minister for Families and Children) (12:13) — I will need to refer that supplementary question to the responsible minister, Minister Foley, to respond to the member, but as I have already explained to the member the department had a meeting just last week with the Epilepsy Foundation and the other organisations that I mentioned in my substantive response, and we will continue to work through these issues, particularly advocating to the commonwealth government in respect of these issues and working with all the organisations that are affected.

#### **Firearm statistics**

**Mr BOURMAN** (Eastern Victoria) (12:14) — My question today is for Minister Tierney, representing the Minister for Police in the other place. It has been a couple of years since I have asked this question, and it

seems like a good time now: how many lever action shotguns have been used in crimes since I last asked, which was in 2015?

**Ms TIERNEY** (Minister for Training and Skills) (12:14) — I thank Mr Bourman for his question. Obviously that is information that the Minister for Police would have, and I will refer that question to her.

*Supplementary question*

**Mr BOURMAN** (Eastern Victoria) (12:14) — I thank the minister for her answer. If this information is not kept, which I suspect it is not, why not, because government policy has been formulated down to this granular level? If the minister could give me an answer: if this is not a dataset that is kept, why?

**Ms TIERNEY** (Minister for Training and Skills) (12:14) — Again I thank Mr Bourman for his question regarding data capture. That matter will be referred to the Minister for Police, and I am sure that she will respond within the guidelines specified.

**Public sector employee information**

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:15) — My question is to the Special Minister of State as the minister responsible for both FOI and the public service. Minister, which department released the names and salaries of individual former staff of the Napthine government under FOI?

**Mr JENNINGS** (Special Minister of State) (12:15) — I thank Ms Wooldridge for her question. The advice that I have received is that there was no release under FOI by any government agency of the particular salary that was identified in media reports earlier this week. There was some information that was provided as an FOI release but not the details of individuals or their salary payments.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:16) — Thank you, Minister. Minister, then I ask: could you please advise who actually did release the information of named individuals who worked for the former Napthine government and their salaries?

**Mr JENNINGS** (Special Minister of State) (12:16) — I am not aware of who released that information, but I have had conversations with the head of the public service about the matter. He is very clear and I am very clear that those personal details were not released through departmental process. As to the availability of this information, I am unaware of who

beyond those departmental sources had access to that information and then who subsequently released it, but the department is concerned about this matter, as am I.

**Public sector employee information**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (12:17) — My question is also to the Special Minister of State and follows Ms Wooldridge's question. As the minister would be aware, the Privacy and Data Protection Act 2014 has a framework around the release of personal information. In the context of the minister's previous answer, is the minister able to indicate whether that release is consistent with the requirements of the Privacy and Data Protection Act?

**Mr JENNINGS** (Special Minister of State) (12:17) — Well, I think Mr Rich-Phillips knows — that was a preprepared question, and there is nothing wrong with him asking the question because it provides clarity for what I already volunteered, I think, in my substantive answer to Ms Wooldridge — that in fact it is inconsistent with the application of those privacy provisions and under normal circumstances would not be released as part of an FOI release.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (12:18) — I thank the minister for his answer. I note that there are obviously frameworks outside FOI which are nonetheless encompassed within the Privacy and Data Protection Act. Focusing on the broader framework under the Privacy and Data Protection Act, the principles do require consultation with individuals about the release of their private information. Is the minister able to inform the house whether that consultation took place in respect of the release of private information?

**Mr JENNINGS** (Special Minister of State) (12:18) — As I have already indicated, I am not aware who held that information and who released it. I am aware of concerns within the public service about the release of that information and the actions that the public service may take in relation to ascertaining that. My assumption would be that there was no consultation that took place, because in fact I cannot confirm who actually held it and who released it, but I would be amazed if consultation took place.

**Public sector employee information**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (12:19) — My question is again to the Special Minister of State, and I thank him for his previous answer. Will the minister ask the information

commissioner to undertake an inquiry into the circumstances surrounding the release of that information?

**Mr JENNINGS** (Special Minister of State) (12:19) — As I have already indicated to the chamber today, I have had a conversation with the head of the public service about this matter. He is contemplating what the appropriate course of action will be. I will take Mr Rich-Phillips's suggestion to actually have a further conversation with the head of the public service about that matter.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (12:19) — I thank the minister for his answer, but as the minister would appreciate, the responsibility for privacy and data protection is with the information commissioner, which is a new structure put in place by this government. Will the minister have a direct discussion with the information commissioner about this matter rather than the head of the Department of Premier and Cabinet?

**Mr JENNINGS** (Special Minister of State) (12:20) — President, I will take advice on that matter because, as you would understand, the information commissioner is an independent statutory office-holder. I will certainly be not an impediment to the consideration of the information commissioner making that determination himself. I will take advice about the appropriateness of a referral from me in relation to that matter. That is the issue that I will take advice on. There is no impediment to the information commissioner making that determination himself.

**Youth justice system**

**Ms CROZIER** (Southern Metropolitan) (12:20) — My question is to the Minister for Families and Children. Minister, you have previously stated that there is no connection between Don Dale and Victoria's youth justice centres. Today's *Age* article on Josh Searancke regarding hot boxes and punishment rooms at Grevillea have now proven that to be a lie. Why did the Andrews government endorse such brutal punishment techniques at Grevillea?

**Ms MIKAKOS** (Minister for Families and Children) (12:21) — Well, where do I start there, President? Firstly, the member and other colleagues of hers have asserted in the past some degree of infallibility. Apparently because I am a lawyer I can never make a mistake, I can never get it wrong, so they need to get their story straight in relation to that issue.

What we are seeing is crocodile tears from Ms Crozier, because she comes in here on one day saying the system is just too soft and young offenders need to face up to tougher consequences, and then she comes in on another day and says the system is just too tough. So which is it: it is either too hot or too cold, and she just cannot make up her mind as to what her position is in relation to youth justice in our state.

What I can say to the member, which she is clearly not aware of, is in fact the Northern Territory government consulted with my department in relation to the reforms that they have been putting in place there and in relation to the implementation and the action they are taking in relation to the royal commission in the Northern Territory. In fact the provisions that they are moving to introduce around isolation issues are in fact modelled on Victoria's legislation around these issues.

What I want to say to the member also is that I am obviously not going to comment on any specific claims made by any particular individual in any media outlet, and the member would be well aware of the limitations that exist around these particular matters. But what I would say to the member is that the only claim for compensation that is underway at the moment that I am aware of that my department is facing is actually one that relates to when Mary Wooldridge was the minister. So what I can say to the member —

**Ms Crozier** — On a point of order, President, my question was fairly specific. It asked the minister about the Andrews government endorsing such brutal punishment techniques, and she keeps referring to individuals and previous governments. I would ask you to draw the minister back to my question and ask her to answer it properly.

**Ms Shing** — On the point of order, President, Ms Crozier has indicated that the nature of the question was specific, and yet she ignores the fact that the preamble went on for some considerable period of time and opened the door to the context which the minister is entitled to provide in light of the breadth of the question when read in its entirety.

*Honourable members interjecting.*

**The PRESIDENT** — Order! In respect of Ms Shing's point of order, can I indicate first of all that there was a very short preamble to this question, which is actually out of context with most preambles that I hear. It was actually quite short, and it was a specific question. However, in regard to Ms Crozier's point of order, the minister referred but once to a previous matter that had occurred under the previous

government. She was not dwelling on the administration of the previous government; she was simply indicating that there was one ongoing matter that I think is under her consideration at the moment but it dates back to the previous government, and in that context what she has offered to the house is appropriate as part of the response to this question.

I will continue to listen. I do see that there is a matter of whether or not there is condoning of particular techniques. The minister has already referred to the fact that there are protocols in place, or a standard situation in place, to manage circumstances within the system. She was provoked by the suggestion that she had misspoken in the past in terms of a connection with Don Dale and the Grevillea detainment centre, so there was a provocation there. The question then went on to the government's current protocols and whether or not it condones certain punishments that were described as 'brutal', and I think the minister is providing an answer in that respect.

**Ms MIKAKOS** — Thank you, President. In respect of Grevillea I absolutely reject the parallels that the member opposite is trying to make. Where is the evidence that spit hoods were used in Victoria? You are just talking absolute nonsense in relation to these matters.

**Ms Crozier** interjected.

**Ms MIKAKOS** — I have actually explained that the Northern Territory has asked Victoria for advice on how to reform their system. We have been very willing and happy to assist them in relation to their reforms, but we make no apologies for what we did in relation to Grevillea. In fact your leader supported us in relation to that. Mr O'Donohue opposed it, and you were all over the shop — you did not quite know what your position was.

**Ms Crozier** interjected.

**Ms MIKAKOS** — What we know is that those opposite have got no consistency in relation to these issues. We have done what is necessary to reform the youth justice system, one that was absolutely left in a mess by those opposite. It was neglected for four years. You did not invest in Parkville. You shelved the master plan in the bottom drawer. That is why we had the problems that we had. We lost beds in Parkville, and we had to take the necessary steps to keep young people, our staff and the community safe.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Ms Crozier and Ms Wooldridge! Mr Finn!

**Ms MIKAKOS** — We have ensured that we have taken the steps necessary. But in relation to the matters that the member is raising, I can say to her that the member would be well aware that there are isolation rooms that are utilised under the legislation. There are isolation rooms that have been in existence — when Mary Wooldridge was the minister — and in use at Malmsbury, at Parkville and of course elsewhere as well.

**The PRESIDENT** — Thank you, Minister.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) (12:28) — I note the minister's answer, the very defensive answer, that she has given. But my supplementary is: Minister, the punishment rooms had no power or light, no toilet paper and no running water in the taps, showers or the toilet bowls; the hot boxes were cells with nothing but a toilet and a heater. You endorsed young Victorians being locked alone in that room for 23 hours, where the temperatures were cranked up so high they could barely stand. Minister, has anyone been stood down from their position on the use of punishment rooms or hot boxes at Grevillea?

**Ms MIKAKOS** (Minister for Families and Children) (12:29) — President, I actually do not accept what the member is asserting. I do not accept that, because isolation rooms are provided with standard amenities. In fact in relation to these matters and the recommendations that the commissioner has made around the use of isolation, we have actually gone and retrofitted isolation rooms at Parkville to make sure that we have these standard amenities available. So what I can say to the member is that their leader supported the use of Grevillea, which was utilised in very difficult circumstances. The member can make whatever assertions she makes, but what I can advise the member is that isolation is used under the legislation where it is necessary for the safety of the young person involved or the safety of the facility, and there are very strict provisions around these issues.

**The PRESIDENT** — Thank you, Minister.

**Minister for Small Business**

**Mr ONDARCHIE** (Northern Metropolitan) (12:30) — My question is to the Minister for Small Business. Minister, it has been revealed today that at a recent chamber of commerce and industry event that you attended with the Premier you produced an

electronic payment device and began approaching attendees directly to solicit political donations. Minister, do you accept that you have breached section 6.1 of the ministerial code of conduct?

**Mr Dalidakis** — On a point of order, President, let me say that I welcome getting a question; it has been some time since those opposite have seen fit to use democracy to ask questions on my portfolios, but I do seek your guidance. I am very happy to answer the question if you believe that that question fits within my portfolio responsibilities, especially given it was asked of me in my small business portfolio and it deals with a different matter in terms of a chamber of commerce event, I believe, in relation to my trade responsibilities, if he wants to make that connection.

**Mrs Peulich** — On the point of order, President, it is clear that this organisation would be a key stakeholder for the minister, that he was there in his capacity as minister and that his conduct would be in breach of the ministerial code, so I suggest that the question is entirely in order.

**The PRESIDENT** — Minister, I certainly expect an answer to this question on the basis that the fact is if you attended a function — and I do not care if it was as the Minister for Small Business or the Minister for Trade and Investment; I do not wish to be pedantic on that matter — and were identified and perhaps spoke or certainly were introduced or acknowledged within that function as being there as a minister of the state government and you went around as alleged in terms of activity at that function, then I think you do owe the house an explanation.

**Mr DALIDAKIS** (Minister for Small Business) (12:32) — As I said, President, I was very happy to answer the question. I was seeking your guidance as to whether the question was deemed appropriate. You have done so, so I can simply provide the advice to the member that in fact it was an event that was a fundraiser for me as a member of Parliament and had nothing to do with my ministerial responsibilities.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) (12:33) — Minister, have you personally solicited other payments during any other events you have attended and been acknowledged at as minister in the period you have been a minister?

*Honourable members interjecting.*

**The PRESIDENT** (12:33) — Mr Gepp and Mrs Peulich, go outside and have a conversation,

please, and part of that conversation might reflect on particularly how, Mr Gepp, you might see your role in the chair in future given that I am on my feet.

**Mr Gepp and Mrs Peulich withdrew from chamber.**

**The PRESIDENT** — I will allow the minister to answer the question, but I would point out that this is an interesting area because many members, be they ministers or members of this house, have fundraising functions and Mr Dalidakis has suggested that this event was in fact organised in support of him as distinct from an event which he attended as a minister in a government context. Now, there are members virtually right around this house who would be in exactly the same circumstance, and therefore that question, put to other members, might also raise some considerations. I think this is an area we need to be very careful about in terms of allegations, notwithstanding that our ethical behaviour as members of Parliament in fundraising activities is important and is of public interest.

**Mr DALIDAKIS** (Minister for Small Business) (12:35) — Thank you, President. I take the opportunity to respond accordingly. Can I point out, President, that on this side of the house I was one of the people that voted for electoral reform — voted for donations reform — while those people opposite opposed donation reform at every step.

*Honourable members interjecting.*

**Mr DALIDAKIS** — I can tell you, President, that my record, my ethical behaviour, is far beyond that of Mr Ondarchie or Mr Finn — people that lied to this chamber about their role on Good Friday.

**The PRESIDENT** — Order! Minister, that is not necessary.

**Mr DALIDAKIS** — President, I would put my ethical record as a member in this place and my conduct in and out of this chamber against Mr Ondarchie's and Mr Finn's every day of the week and twice on Sunday.

**Mr Ondarchie** — On a point of order, President, and it goes to —

**Mr Mulino** — Credibility.

**Mr Ondarchie** — Indeed. I thank the member for Fraser for his interjection! I pick up Mr Dalidakis's substantive answer and put to you that in fact he may have misled the house, because the Australia Lebanon Chamber of Commerce and Industry acknowledged they hosted a dinner for Daniel Andrews and Philip

Dalidakis, and it was their dinner, not in fact a fundraiser for Mr Dalidakis, and we are happy to give him leave to correct the record if he would like to.

**Mr Dalidakis** — That is not true. You are misleading the house now. You are misleading the house.

**Mr Finn** — I think you've already misled the house.

**Mr Dalidakis** — Another lie. Come in, spinner!

**The PRESIDENT** — Order! I actually do not see that there is a problem in the way that function was structured. I think that the minister does not have to correct the record in that respect, and again I might point out that there is a fairly standard practice in some of this with organisations in the community.

*Honourable members interjecting.*

**The PRESIDENT** — So the crime is that he uses an EFTPOS machine.

**Mr Morris** — On a point of order, President, in the minister's response I believe he used an unparliamentary term reflecting upon members of this house. He should withdraw that unreservedly.

**The PRESIDENT** — Order! The term was about people on this side having lied. He did not name any specific people. I will not seek a withdrawal.

**Mr Finn** — I think he did.

**Mr Morris** — Further to that point of order, President, Mr Dalidakis did name two members before he referred to them with an unparliamentary term. I will just say it again, that he should withdraw that phrase unreservedly.

**The PRESIDENT** — Mr Dalidakis, did you refer specifically to those members?

**Mr Dalidakis** — On the point of order, President, I do not believe I used any unparliamentary language.

**The PRESIDENT** — No, I asked if you referred to them by name specifically in your comments.

**Mr Dalidakis** — I would need to check *Hansard*, President.

**The PRESIDENT** — And so would I, and I will.

## QUESTIONS ON NOTICE

### Answers

**Mr JENNINGS** (Special Minister of State) (12:39) — There are six responses to questions on notice: 11 492, 11 515, 11 537, 11 559, 11 581, 12 715.

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** (12:39) — In terms of today's questions I direct written responses to Ms Springle's question to Mr Jennings, the substantive question, in two days; Mr Purcell's question to Ms Tierney for a minister in another place, as indeed was the previous one, both the substantive and the supplementary questions, two days; Ms Patten's question to Ms Mikakos, the supplementary question, two days; Mr Bourman's question to Ms Tierney, the substantive and supplementary questions, two days; Ms Crozier's question to Ms Mikakos, the supplementary question, one day; and Mr Ondarchie's question to Mr Dalidakis, the supplementary question, one day.

## CONSTITUENCY QUESTIONS

### South Eastern Metropolitan Region

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (12:40) — My constituency question is to the Minister for Public Transport regarding the much-needed extension of Cranbourne rail to Clyde. Last week the Leader of the Opposition announced that a Liberal-National government after 2018 will expand our transport network by extending the metropolitan rail network from Cranbourne to Clyde. As part of this transport infrastructure project new stations will be built at Cranbourne East and Clyde, along with 350 additional parking spaces. Local bus services will also be improved to connect commuters to the new railway stations at Cranbourne East and Clyde.

I ask the Minister for Public Transport, given this project is important to the people of Cranbourne and to the people of South Eastern Metropolitan Region, whether the Minister for Public Transport stands by her previous statements and the government's previous response to Infrastructure Victoria that this vital rail infrastructure is not needed for at least 10 to 15 years?

**Western Metropolitan Region**

**Ms TRUONG** (Western Metropolitan) (12:41) — My question is for the minister representing the Minister for Health. In the west our healthcare needs are being left behind. The new Joan Kirner hospital at Sunshine will be at capacity by the time it opens next year, and months after the state budget we still have neither a location, time frame, scope or scale for the sorely needed rebuild of Footscray Hospital. Meanwhile, Melbourne’s west is growing by 30 000 to 50 000 new residents per year, and Western Health’s service catchment will increase from 800 000 to 1.2 million people by 2026. That is eight years away, and our communities are already feeling the pressure. Over a month ago the Victorian Greens formally asked the health minister to outline how the department measures demand and the department’s position on future investment in health infrastructure and service delivery in Western Metropolitan Region. I ask the minister representing Minister Hennessy: when will the government respond to this simple request?

**Southern Metropolitan Region**

**Ms CROZIER** (Southern Metropolitan) (12:42) — My constituency question is to the Minister for Families and Children and it relates to concessions for those people requiring assistance with life support machines. My constituent, who is a pensioner, requires the use of a continuous positive airway pressure machine or, as it is more commonly known, a CPAP machine. My constituent has previously written to the minister regarding the recent and enormous increase in costs to his electricity bill and requesting assistance due to the power requirements to operate his CPAP machine. CPAP machines are used to treat medical conditions that if they go untreated can cause a decrease in the quality of life and they are associated with other serious medical conditions such as heart disease, obesity and diabetes. In a response received by my constituent from the department, it states that CPAP machines do not meet the threshold of 1880 kilowatt hours per annum to be able to obtain a life support concession. I note, however, that in some states CPAP machines do qualify for electricity concessions.

My question to the minister is: will she review the threshold for CPAP machines so that pensioners like my constituent, who have been hit hard with rising electricity bills as a result of the reckless decisions of the Andrews government with the closure of Hazelwood that have forced electricity prices up, will have some alleviation to paying their power bills?

**Eastern Metropolitan Region**

**Mr LEANE** (Eastern Metropolitan) (12:43) — Silcock Reserve or pavilion is in Croydon. There is a great soccer club at this particular arena. It has had a growth in female participation and also all abilities and so there is an application under the World Game Facilities Fund to the minister so that the capacity of the pavilion can be increased to accommodate this extra demand from the number of teams, especially in the area of female participation, which is a fantastic thing, in the world game, soccer. The question I ask Minister Eren, the Minister for Sport, is if he could let me know how this application is progressing so that I can let interested people and the council at the club know how this application is being seen.

**The PRESIDENT** — Order! It is somewhat of a difficult one if you are asking the minister to actually break the confidentiality of a grants process by allowing you to talk about it before it is actually completed.

**Mr Leane** — On a point of order, President, I am just seeing if it was actually being progressed. I am not asking the minister to intervene in any way, I just want to see where the application process is at, the timeliness of it. I am not asking for anything other than that.

**The PRESIDENT** — Okay. Thank you.

**Southern Metropolitan Region**

**Mr DAVIS** (Southern Metropolitan) (12:45) — My matter is for the attention of the Minister for Public Transport, and my question is: will the minister reconsider the Level Crossing Removal Authority’s approach to revegetation along the sky rail corridor? In recent days it has become clear that this revegetation effort is wholly inadequate. We have seen some of the plantings that have occurred, and I use that term loosely. They are tiny plantings in Noble Park and in other corridors as well — minute plants have been put there. This follows the destruction —

*Honourable members interjecting.*

**Mr DAVIS** — Let me be quite clear. What has happened is that hundreds and hundreds of trees have been clear-felled out of that corridor, including particularly in that Noble Park area and elsewhere, and between Murrumbeena and Carnegie — some of them very large established trees. In fact in the Noble Park case old red gums were actually just knocked clear down by this government. What I would seek is that the government review its replanting process and consider putting in more appropriate plantings.

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) (12:46) — My constituency question is for the Minister for Public Transport, and my question is: can the minister ensure that there are always buses available to provide public transport services for the community of Doncaster to utilise and ensure that local provision of services is mandatory? The reason I ask this question is it is in response to an email I received from a concerned resident, a constituent of mine in Doncaster, who wrote, and I quote:

My 21-year-old son, casually employed whilst at university, was left standing at the bus stop at the corner of Church and Doncaster Road between 7.00 a.m. and 8.00 a.m. ... All normal 907 buses zipped by as 'Express' and did not pick up any passengers — Transdev was too busy rectifying a problem with ... train line ... they totally ignored their Doncaster commuters, who have no other form of public transport ...

Her son finally called her and asked whether she could drive him to work because there were no buses to catch at all. This is a community that only has buses to ride.

### Eastern Victoria Region

**Ms BATH** (Eastern Victoria) (12:47) — My constituency question is for the Minister for Roads and Road Safety. A Leongatha constituent along with his visually impaired wife and their seeing eye dog almost met with disaster recently when a motorist failed to stop and use the correct road rules. Thankfully it ended without injury, but my constituent raised a broader issue around the responsibility of government to improve driver awareness of road rules. Millions of dollars are being spent on an aggressive rollout of wire rope barriers — my constituent tells me, and I agree with him — in poorly chosen locations rather than on safety awareness programs. The Transport Accident Commission data shows that in South Gippsland there were 46 road accident claims from patients requiring hospitalisation in 2017. With the current emphasis on run-offs, in terms of road crashes, my constituent wants to know: what is the government doing to implement driver safety education programs that focus on all aspects of road safety?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) (12:48) — My matter is for the attention of the Minister for Health, and it relates to a constituent who recently contacted my office and who has some significant concerns about the medical treatment her daughter is receiving. She has significant knee pain and has had so for quite a while now. Investigations have been undertaken and

ultrasounds and MRIs have determined that surgery is required to alleviate the problem. The concern is that the expected wait is between one and two years for this surgery. My constituent's daughter is presently on Endone to deal with the pain, and obviously there are concerns about the long-term use of a medication such as that. The question that I ask of the minister is: will the minister contact my constituent and work through the process to ensure that this medical treatment is done much sooner than in one to two years?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) (12:49) — My question is for the Minister for Public Transport. The minister and the member for Shepparton in the Assembly continually boast about the improvements made to passenger rail services on the Shepparton line to Melbourne since the last election. Yet page 28 of budget paper 3 in this year's budget tells us improvements to Shepparton rail services will not be delivered until 2022 at the earliest. Maybe Ms Allan and Ms Sheed should cease patting themselves on the back and actually talk to rail passengers about the current conditions of train travel on the Shepparton line.

On 11 July a passenger travelling to Melbourne from Shepparton posted on the SheppartonRAILS Facebook page the following:

On 6:28 a.m. train now — inside doors in B carriage not closing so heating is insufficient. It was 1 degree when I left station.

Minister, what measures will you implement to immediately improve travel for Goulburn Valley commuters and the deteriorating standard of passenger rail services between Shepparton and Melbourne?

### Northern Metropolitan Region

**Ms PATTEN** (Northern Metropolitan) (12:51) — My constituency question is for the Minister for Police. My constituent is a father of young daughters and is concerned around the protection provided to his children by the working with children checks and certificates. He points to Victorian Bishop Peter Hollingworth as an example. He stated to me that the Royal Commission into Institutional Responses to Child Sexual Abuse heard evidence that Bishop Hollingworth allowed confirmed paedophile John Elliot to continue in his role as rector at Dalby, and rape was also alleged against him.

Bishop Hollingworth had to stand down as Governor-General and as a patron of Barnardos, the Kids First Foundation and the National Association for

the Prevention of Child Abuse and Neglect, but he has been permitted by the Anglican diocese of Melbourne to continue working as a minister. It is a requirement that church ministers hold working with children certificates. My constituent asks: how can the minister assure him that the working with children check process is protecting his daughters if it is the case that someone with Hollingworth's history is granted such a certificate?

## ROAD INFRASTRUCTURE

### Debate resumed.

**Mr MULINO** (Eastern Victoria) (12:52) — I was in the middle of a contribution on a motion that relates to the opposition's transport plan and their desire to congratulate themselves for it. I was in particular responding to some accusations that this government hates roads, and it just does not really measure up or align with reality when one looks at the fact that major roads throughout this state have had works done on them and actually had works completed within this term. There are so many times when governments promise things and either do not start them or start them but do not complete them within a term, but if you look at the Monash Freeway and if you look at the Tulla widening, these are projects that people are benefiting from right now. If you look at the outer suburban arterial roads (OSARs) program, we have got the western arterial road program in the previous budget. We have got \$2.2 billion for the south-eastern and for the northern arterial road, with many, many major projects included within that.

We are talking about projects such as the Healesville-Koo Wee Rup Road in my electorate. I was recently there. I stood on that road and did a short video, which I put on Facebook, and it received a huge amount of response from the community. That is a road that is going to be duplicated and made safer and will see dramatic reductions in travel times — 20 000-plus vehicles per day, thousands of trucks, the very freight point that Mr Davis talked about. This is one example of many projects which are going to be delivered as part of the OSARs initiative. This is something which I also applaud the Treasurer for in terms of not just putting more money into outer suburban roads but providing a very innovative way of delivering improvements in outer arterial roads. It wraps up maintenance of roads with delivery of new roads in a way that the construction sector has applauded. There has been a great deal of appetite from the construction sector to take part in these OSARs packages.

We can contrast that with the 55 intersections removal proposal from those opposite. It is pretty light on with any kind of experts supporting this. Mr Davis, multiple times, talked about pooh-bahs in a very derogatory way, which is fine — it is the usual rhetoric we all adopt — but I must say if his rejection of the advice of pooh-bahs extends to transport experts within the department, if it extends to Infrastructure Victoria, if it extends to the kinds of experts we need to provide us with detailed independent advice on these major projects, then I think that is a major worry. If you look at this 55 intersection removal proposal, it has got real problems. Its costings are very, very light on, and we have seen some intersection removals and grade separations that VicRoads has costed in other contexts — relevant contexts — which suggest that it is highly unlikely the opposition will be able to undertake all the intersection removals they are proposing within the budget that they have allocated.

We hear those opposite talking about trees being removed and homes being purchased. Imagine how much disruption there is going to be if at every single one of these intersections we are going to see significant amounts of land acquired, we are going to see homes acquired and we are going to see schools and aged-care facilities affected. This is going to be a significant disruption to the community when there has been almost no public benefit analysis undertaken and there have been almost no benefits outlined by those opposite. In fact I can give you quote after quote from Mr Davis himself talking about the problems of 'ugly, intrusive and noisy 1950s-style viaducts'. He talks about the problems of grade separations cutting off schools and businesses. He talks about the problems of all these kinds of transport interventions in the community, and yet when it comes to the coalition's own policy, even those who are most open to it have said that it is going to simply push traffic light and congestion problems either onto off ramps or onto the next intersection. It is a real problem that their major transport initiative has almost no independent advice supporting it.

When it comes to north-east link, I think those opposite have been all over the shop over the last few months and years on that project. In April 2018 Mr Guy said:

... it is the Liberal Party's policy to build the east-west link, not the north-east link.

Then when he was on ABC radio in answer to the question of whether, if he was elected, he would sign those contracts for north-east link, Mr Guy said no. On the West Gate tunnel the opposition have said a whole range of similar things — that this is 'not in the public

interest for Victorians', that it is a 'dud project' — and now we have Mr Davis saying, in here, 'Well, it's too far advanced; we have to do it'.

But going back to the north-east link, we are now seeing all these various positions as they jump back and forth in relation to north-east link again. Mr Guy has made comments to people in the community. A local school principal, for example, said that Mr Guy had told him that he preferred option C, which went through Eltham and Lower Plenty rather than Mr Guy's own electorate, because it provided a more holistic response. This is the kind of slapdash way that they are deciding the particulars of major projects rather than relying on expert advice. Earlier in May 2016 he again went on the record saying:

... the coalition will announce a transport package for Melbourne and the north-east link will be a part of that.

And then later said that it will not be a part of it. Then of course after the federal government committed significant funds to north-east link, Mr Guy backtracked, saying that he does support a future north-east link. It is all over the shop.

Their position on north-east link is not consistent with the position of experts or with the position of Infrastructure Victoria. Their position is now not consistent with that of their own federal colleagues, which is why they are backtracking yet again. Infrastructure Victoria has clearly said the north-east link is a priority, and if those opposite, rather than coming in here with political rhetoric, came in here with analysis from Infrastructure Victoria, they would have been able to put on the record the fact that the east–west link does not provide significant economic benefit, particularly if one builds north-east link. If those opposite came in here and talked about the detail of projects such as the east–west link in light of the fact that the CityLink Tulla widening project has already occurred, they might explain to us what it is going to mean to do the east–west link and undertake that project in light of the fact that this government has actually already completed the CityLink Tulla widening. Are they suggesting tearing up major parts of that project?

I will not go on at length on this motion. It is enough to say that it is clearly ridiculous for this place to be spending its Wednesdays discussing motions that different parties are putting up to congratulate themselves. Well, actually it is only the opposition that tends to put these self-congratulatory motions up, but that is not what the community wants us to be doing. They want actions, not words, and this is not a motion that we will be supporting.

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

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

**Debate adjourned until later this day.**

## **FIREARMS AMENDMENT (SILENCERS) BILL 2018**

*Second reading*

**Debate resumed from 20 June; motion of Mr BOURMAN (Eastern Victoria).**

**Ms SYMES** (Northern Victoria) (14:05) — It is a pleasure to rise today to contribute to the Firearms Amendment (Silencers) Bill 2018, which is a private members bill from Jeff Bourman of the Shooters, Fishers and Farmers Party. I welcome private members bills from our crossbench. They always enliven debate in this place. Mr Bourman's bill seeks to increase the availability of suppressors or silencers, and I will probably interchange those words because I think they are commonly interchanged and known to be the same or similar items. Mr Bourman seeks to increase the availability of suppressors, in particular for recreational users. The main rationale that Mr Bourman puts is hearing loss for shooters, that firearm noise disturbs game and that it can be irritating for people even some distance away.

The bill also seeks to legislate access to silencers and remove the discretionary decision-making for access to such things from Victoria Police. The bill proposes to treat silencers like a firearm by extending the general possess, use and carriage offences to silencers, requiring registration, serial numbers and mandated storage requirements. The proposed laws seek to apply a broad definition of what is a genuine need and reason to possess, carry or use a silencer, and the changes are linked to the reason the individual has a firearms licence. This in effect would greatly increase the number of persons eligible to apply for silencers as recreational hunters would use hunting itself as a genuine reason when applying for a silencer. Further genuine reasons to hold a firearm licence currently include target shooting, working in security, being a collector or because the firearm is an heirloom, so the bill is potentially opening up other categories of genuine reason.

The current regulatory approach in Victoria is largely codified by section 57 of the Firearms Act 1996, which regulates possession, carry or use of silencers in Victoria. Victoria Police advises that it identifies

suppressors and silencers as being one and the same for this purpose, which is good because I have already started to use the two interchangeably. The legislation provides that the Chief Commissioner of Police may grant a permit to a person to possess, use or carry a silencer. It is an offence for a person to possess, use or carry a silencer without a permit. In line with the Firearms Act's general purpose, the possession, use or carriage of firearms is conditional on the need to ensure public safety and peace.

Victoria Police policy provides that police will consider a permit application for a silencer from the following: a government department — for example, the Department of Environment, Land, Water and Planning (DELWP) or a DELWP employee; a licensed firearm dealer or manufacturer of silencers; a professional hunter or vermin control business; a person who works as a subcontractor for a professional hunting organisation; a veterinarian; a wildlife shelter; and a zoo employer. Each application is assessed on its merits, and purely being in these occupations does not in itself mean a permit will be granted. The applicant will still need to show genuine reason for the silencer. What constitutes a genuine reason is narrowly assessed on a case-by-case basis by Victoria Police. Victoria Police has stated that noise in and of itself is not necessarily a genuine reason to obtain a silencer.

Whilst I certainly have some sympathy for the hearing damage argument, as put by Mr Bourman, it is of course advisable for licensed persons themselves to take steps to protect their hearing when using firearms. Hearing protection devices such as earplugs and earmuffs are readily available and decrease the intensity of the sound of a firearm and indeed protect hearing damage. I certainly wish that my husband had taken that advice during his band years in his late teens and twenties.

**Ms Pulford** interjected.

**Ms SYMES** — That is true. In relation to being able to hear noise as well, obviously hearing as one of our senses is something that enables us to detect warning signals and allows us to move away from danger. One organisation that is on the record as opposing reducing the restriction on silencers is the Alannah and Madeline Foundation. Its chief executive, Lesley Podesta, said:

All of us use sounds as a warning signal ...

Often you cross railway lines and you can look, but you don't always see a train because they're coming around a corner, but you can hear a train and that's a really important part of keeping yourself safe.

Victoria Police advice has been important in informing the government's position on this bill. I have to say that my exposure to silencers is only from television, and it is usually associated with something pretty murky, usually to do with killing someone. I think it is probably good that the government does not take its advice from Hollywood; it certainly looks to Victoria Police in this regard. We have formed our position on that advice. They have been very clear about the reasons against reducing the restrictions on noise suppressors. They relate to safety concerns for other land users and the risk that noise suppressors may be used to facilitate criminal activity if they were more readily available. Noise suppressors reduce sound and disguise the direction of the shots fired, which may make it difficult for other land users to identify the location and direction of hunters.

We have had commentary in the media also from some farmers that do not support this proposal. Sheep, cattle and grain farmer Leonard Vallance is the head of the Victorian Farmers Federation livestock group, and he is also a licensed firearm user. He said that while most shooters do the right thing, illegal shooting on rural properties is a problem, and he did not want that group having access to silencers.

Further in relation to the police's position on this, in a public hearing of the parliamentary inquiry into the control of invasive animals on Crown land in December 2016, Assistant Commissioner Rick Nugent said:

Obviously it is a real concern if we have suppressors in the hands of criminals, and from a CT perspective it is a real challenge. There was an incident in recent times overseas where an active shooter had a suppressor. It was really challenging for responding police to not know where the shots were coming from, and it resulted in a number of police being killed.

Further on that, I guess we are getting onto the topic of silencers being used in the commission of a crime. It is not in dispute that while the use of silencers and noise suppressors in the commission of a crime is rare, the restrictions in place at the state and commonwealth level in fact help to keep these offences down and keep silencers out of the hands of criminals. We have introduced new laws to get illegal guns off our streets, including cracking down on drive-by shootings, lowering the threshold for trafficking from 10 to two guns, tightening the meaning of 'possession' to make the work of police easier as well as creating a new offence of illegally manufacturing a firearm and possessing firearm parts or manufacturing equipment.

The government is focused on illegal guns in our community, which are causing huge harm. This is not about targeting law-abiding gun owners. Indeed it is about strengthening our approach to support registered gun owners. In a 2016 report the Australian Criminal Intelligence Commission conservatively estimated there were 260 000 illegal guns across Australia. There were 250 000 long arms — for example, rifles and shotguns — many from the grey market, and 10 000 illegal handguns circulating in our community.

Firearm prohibition orders in particular have been key to targeting and searching members and associates of bikie gangs, serious organised criminals and others who pose a risk to the community who we know have access to guns. Firearm prohibition orders came into operation on 9 May 2018, and by June, 85 firearm prohibition orders had been issued, with 53 of these orders served to individuals. Police can now conduct warrantless searches on those individuals who are subject to these firearm orders to ensure they do not have access to any guns or pose a risk to community safety.

From those searches I am advised that criminals and would-be criminals have been found to be accessing silencers for no other reason than to commit criminal activity. In June of this year one person was arrested after being found with ammunition and a silencer, following a firearm prohibition order search. So while there are examples that clearly show that people who are in the business of committing crimes and doing harm to the community are also seeking to acquire and use silencers in the commission of offences, we do not think it is appropriate to make it easier to access these devices.

With those arguments put against the bill today, I confirm that the government will not be supporting Mr Bourman's private members bill. However, I wish his hearing all the best.

**Mr O'DONOHUE** (Eastern Victoria) (14:15) — I am pleased to speak on behalf of the opposition in relation to Mr Bourman's private members bill, the Firearms Amendment (Silencers) Bill 2018. I will try to consistently use the term 'silencer' rather than 'suppressor', given that is the term Mr Bourman has chosen for his legislation.

In researching this bill I have come to understand that Mr Bourman has taken an active advocacy role in expanding the use of silencers to recreational hunters for a number of years, including before his time in this place. As Ms Symes articulated, and as is referred to in the second-reading speech, the issue of hearing loss and the ability for recreational hunters to operate in a quiet

manner when out in the field are reasons why Mr Bourman is seeking to have this legislation passed, and therefore it can be seen in the context of an occupational health and safety issue.

In responding to this legislation the opposition has consulted widely. For the record my thanks go to those who provided advice and feedback from the Police Association Victoria. Advice was sought from Victoria Police, the Law Institute of Victoria, the Criminal Bar Association of Victoria, the Sporting Shooters Association of Australia Victorian branch, the Combined Firearms Council of Victoria, the Australian Deer Association, Field and Game Australia and the Alannah and Madeline Foundation. I note the public comments by the Victorian Farmers Federation this morning in media reports opposed to this legislation.

The primary purpose of the bill is to amend the Firearms Act 1996 to introduce changes to the controls around the acquisition, possession, use, registration and storage of silencers for the use on firearms; to consequentially amend certain other acts; and for other purposes. In essence the bill seeks to establish a system permitting the possession, use, carriage and acquisition of silencers; establish a system of registering silencers; and establish requirements for the secure storage of silencers. In seeking to do this, Mr Bourman's bill runs to some 40 clauses. In that context it is quite a significant piece of legislation in and of itself. It raises a question around the introduction of an extensive new legislative framework, adding 40 provisions to the statute book. It is not an insignificant piece of legislation. In doing that it seeks to replace section 57 of the Firearms Act, which basically empowers the Chief Commissioner of Police to regulate the possession, carriage or use of silencers in Victoria. Just so we are clear, the bill as Mr Bourman has set it out seeks to do those three things: a system permitting the possession, use, carriage and acquisition of silencers; a system for registering silencers; and a system for the secure storage of silencers. Those purposes can be achieved, and indeed are already permitted, through section 57 of the Firearms Act 1996 which, as I said, regulates the possession, carriage or use of silencers in Victoria. I suppose the key point is that Parliament in effect delegates that responsibility to the Chief Commissioner of Police in Victoria, whereas Mr Bourman is seeking to codify that in legislation.

Victoria Police, in seeking to apply section 57 of the act through the licensing regulation division of Victoria Police, says on its website:

To be eligible for a silencer, you must be an employer or employee in one of the occupation fields listed below ...

and it goes through some government departments —

licensed firearms dealer ...

manufacturer of silencers;

professional hunter;

person who works as subcontractor for a professional hunting organisation;

professional vermin control business;

veterinarian;

wildlife shelter; and

zoological employer.

Importantly it goes on to say:

Each application for a silencer permit will be considered on its merits and a determination will be made by the delegate of the Chief Commissioner of Police.

Whilst it is Victoria Police's opinion, to summarise that point, that you could have consideration for a silencer if you need it for your work, I do note the catch-all, which I just read into *Hansard*:

Each application for a silencer permit will be considered on its merits and a determination will be made by the delegate of the Chief Commissioner of Police.

I suppose I am just making the general point that Mr Bourman is seeking to codify the regime around access and the storage and regulation of silencers, but that already exists in section 57. I do accept that the current application of that section does not meet Mr Bourman's expectations, but I think it is important to note for the debate that section 57 already permits in effect what Mr Bourman is seeking to do through this legislation.

While there is a general discretion for the chief commissioner in section 57, if this bill passes its second reading, I will seek to ask Mr Bourman in committee, or perhaps he could address this issue in his summation in the second-reading stage, why his clause 15 also provides a general discretion for the chief commissioner to refuse to issue a permit to acquire a silencer.

So we have 40 clauses in the bill, which seek to codify the storage, acquisition, regulation and management of silencers, but from my reading of clause 15 of the bill, it still provides the chief commissioner with the power to refuse to issue a permit to acquire a silencer, which in effect takes us back to where we are with section 57 as it currently stands. I invite Mr Bourman to address that point in his summation, because from my reading

arguably this bill will not change anything. I seek his advice on that.

The bill, by creating new offences — as I said, there are 40 clauses in the bill — creates a more complicated regulatory framework for silencers, which Mr Bourman acknowledges in his second-reading speech, where he said:

My bill would actually tighten up the requirement for getting and keeping a suppressor, but it would open it up to recreational users.

I note Ms Symes's comments about the response from Victoria Police. The opposition did not receive information from Victoria Police, but publicly available there is, for example, the *Government Response to the Environment, Natural Resources and Regional Development Committee's Inquiry into the Control of Invasive Animals on Crown Land*, which states on page 15:

Victoria Police does not support the use of noise suppressors (silencers) by recreational hunters unless genuine need and reason can be demonstrated by an applicant. In general terms —

so this is not a categorical denial —

a recreational hunter would not meet the requirements ...

On page 255 of the same report a more detailed reasoning by Victoria Police was provided. It says:

The main arguments raised against reducing the restrictions on noise suppressors are safety concerns for other land users and the risk that noise suppressors may be used in criminal activity if they were more readily available. Noise suppressors reduce sound and disguise the direction of the shots fired, which may make it difficult for other land users to identify the location and direction of hunters. This difficulty in locating a shooter is also an important factor in relation to noise suppressors used in criminal activity. This concern was outlined by Assistant Commissioner Nugent when questioned about how common incidents involving suppressors in crime are ...

Leaving aside the criminal issue, the first issue about the reduced sound and disguise of the direction of the shots fired I suppose is the point that the VFF was making in its public comments this morning.

The Firearms Act 1996 at section 57 provides for the regulation, possession and use of silencers in Victoria, and Victoria Police have applied a policy to implement that section. It is the view of the opposition that Mr Bourman has not made the case why that current section as it operates should be replaced.

**Ms PENNICUIK** (Southern Metropolitan) (14:27) — I rise to make a contribution on the private members Firearms Amendment (Silencers) Bill 2018 introduced by Mr Bourman. The main purposes of the bill are to amend the Firearms Act 1996 to establish a system permitting the possession, use, carriage and acquisition of silencers; to establish a system of registering silencers; and to establish requirements for the secure storage of silencers. They are the technical purposes of the bill, but I suppose the real purpose of the bill is to expand the eligibility for possession of a silencer.

As Ms Symes and Mr O'Donohue have already outlined but I will repeat, noise suppressors or silencers are regulated under the Firearms Act — section 57, as Mr O'Donohue was saying — and in Victoria silencers cannot be possessed, carried or used without a permit granted by the Chief Commissioner of Police or his or her delegate, as delegated by the Parliament. The persons who are eligible at the moment include government departments — particularly the Department of Environment, Land, Water and Planning — licensed firearms dealers, manufacturers of silencers, professional hunters and persons who work as subcontractors for professional hunting organisations, professional vermin control businesses, theatrical armourers, veterinarians, wildlife shelters or zoological employers. That is quite a lot. That is quite a large list of people who are already eligible to apply for a permit to possess a silencer and attach a silencer to their firearm or firearms.

I think from first principles the Greens would be saying we would not want to see that list be expanded at all. The reasons are really the issue of safety of persons in the vicinity where a firearm is being discharged. We know from the report of the inquiry into the control of invasive animals on Crown land that the police outlined their concerns with regard to silencers being more readily available, being less regulated and falling into the hands of criminal organisations.

In my contribution to the debate on a recent firearms bill in this place, where the government — with the support of everybody in the chamber — tightened up the rules of trafficking of firearms, I made the point that one of the areas where there is quite a lot of concern is on the importation of parts of firearms. I will not repeat what I said — people can go back and have a look at that — but it remains a concern where firearms are actually being imported into Australia in parts and are slipping through customs. I think that is another issue that is of concern with regard to silencers.

The points that were being made in the committee with regard to that inquiry were that if people in the vicinity in rural areas where firearms are being discharged cannot hear the firearms being discharged, they are not sure where they are coming from. That is clearly a safety issue. It is a safety issue in and of itself with the number of people who are on public land as it is. For example, recreational hunters of deer — not to mention recreational shooters, because I would not call shooting ducks any type of a hunting activity; it is just a blast-them-out-of-the-sky activity — would not have a problem with exposing their hearing to damage if they did not actually participate in that activity. I think the government can assist in that regard by bringing in a ban on duck shooting, as it is banned across the country. That would take out that hazard for that cohort of occasional shooters, because they are certainly not hunting throughout the year. It is only the three months of the duck shooting season that they are exposing themselves to the sound of shotguns.

They are also exposing the people who live around those wetlands to incessant shotgun noise over those three months. There have been quite a lot of reports from local people in the rural and regional media of late who have spoken up about this issue. The sound of gunshots is an occupational health and safety hazard — I agree — to a person who is discharging a firearm, but they can of course know they are going to discharge the firearm and put in place the hearing protection that is widely available, as Ms Symes pointed out, in terms of earplugs and/or earmuffs. But the people who live around there have no control over when those firearms are going to be discharged, and they do start from sunrise and can go through to sunset for three months of the year. There are a lot of people who are exposed to that noise who are becoming more vocal in their objections to being exposed to that noise.

But back to the point, which is about the safety of people in the vicinity who are unable to ascertain from where a shot is being fired. Of course this becomes much more of a problem in a metropolitan or built-up area where a criminal may have access to a firearm and a silencer and chooses to discharge that in that metropolitan area. That is an obvious hazard for any people in that vicinity, including the police.

The police have made it very clear — and I do not intend to repeat what Ms Symes and Mr O'Donohue have already read into *Hansard* from the inquiry — not only in this inquiry but in other public statements that I have seen them make, that they do not support widening the eligibility of silencers to any other groups other than those that are already there. As I previously

said, I think that is already quite a wide group of people who are eligible.

I am quite surprised really that as a former policeman Mr Bourman — I know this is an area that he has been prosecuting for a while — is not aware of the great concern of the police with regard to this issue and their lack of support for his advocacy in this area. Of course we have had the Victorian Farmers Federation this morning also saying they do not support it. There is not a lot of support for this particular move, and of course there is not, because it puts at risk public safety, and that is really the bottom line with regard to that.

Can I say too with regard to this private members bill that this is not an isolated move but it is part of a concerted strategy and campaign to wind back the gun laws in Australia that has been going on particularly in the last 10 years across the parliaments of Australia. This is a campaign that is well funded by the gun lobby and gun importers. You do not have to look very far to find out the amounts of money that certain gun importers with certain relationships to certain politicians across the country are actually —

**An honourable member** interjected.

**Ms PENNICUIK** — I am not making anything but a general comment here about what I can easily find out with half an hour of looking around. I do know that there has been a winding back of the gun laws state by state. Tasmania was the latest one to go down that road; Victoria has. In the time I have been here there has been a winding back of the numbers of bona fide competitions that sporting shooters have to be involved in to prove, to demonstrate, that they actually do need to have a firearm because they do actually compete in sporting shooting competitions and that they do not just register with the sporting shooting club and not actually ever compete in competitions.

Those particular provisions were put in as part of the National Firearms Agreement to make it difficult for people to actually obtain a permit to have a firearm. That was the point: to make it difficult and to make sure people had to jump through a few hoops, to put it that way, to prove that they actually were a bona fide sporting shooter. So that is what has happened here. But across the country as a result of lobbying by the gun lobby, including gun manufacturers and firearms and parts manufacturers, that is what we have been seeing happening. Of all people, Tim Fischer has come out saying he is deeply concerned about the emergence of what he has described as a US-inspired firearms lobby.

**Mr Bourman** interjected.

**Ms PENNICUIK** — Mr Bourman might scoff at that, but as I have said, there is a well-funded and organised gun lobby with ties to weapons importers and manufacturers and they are supporting this type of campaign.

I think Australians should be concerned about it, because we have seen a winding back, as I said, of the gun laws in the states, piece by piece. For example, one obvious one is that under the National Firearms Agreement no person under 18 should be able to hold and discharge a firearm. In Western Australia there is no actual age limit. In Victoria, children as young as 12 can go out with a shotgun into the wetlands and discharge a shotgun at a native waterbird. I find that unacceptable. I do not think any child of 12 years should be in charge of a firearm, whether or not someone is so-called supervising them.

In Queensland, for example, gun owners can be licensed for 10 years, which is double the time limit in the national agreement. In Western Australia, gun owner safety training is not required by law as it is in the other states et cetera. We do as a community need to be very aware that there is a campaign by the gun lobby, by the Shooters, Fishers and Farmers Party and by their supporters to weaken Australia's gun laws, and we do that at our peril. They have already been weakened over the last 10 years, bit by bit, state by state. That is what I see this as part of, and the Greens cannot possibly support it.

**Mr YOUNG** (Northern Victoria) (14:40) — I rise today to speak on the Firearms Amendment (Silencers) Bill 2018 put forward by my colleague Mr Bourman. It has been very interesting listening to some of the debate in here, and I rise today wanting to put a number of things across to address some of the sentiments that have been expressed by other members today and to address some of the rhetoric that has been introduced but also to share my experiences and my knowledge of suppressors and their use for recreational purposes.

I will not talk too much about the technical elements of the bill. Mr O'Donohue has done that, and Mr Bourman has explained several parts of this in detail, so it is probably not worth labouring those points. Rather, I go back to the point of what this bill is trying to achieve. Yes, this bill is trying to achieve a level of access for recreational hunters to be allowed to use silencers or suppressors, whatever you may want to call them, in the pursuit of their recreation. But this is something else. It is also an opportunity for both the government and the opposition, and anyone else in this chamber, to exhibit an ability to be able to assess an issue surrounding firearms objectively, without emotion and without

some of that rhetoric and sentiment that gets injected into it based on emotion and to be able to look at an issue to do with firearms with a commonsense approach. It is something that is severely lacking most of the time when we talk about firearms laws in this country. In my experience over the last few years here in this place, it is something that has been seriously lacking. Every time we either bring an issue to the Parliament — that is, the Shooters, Fishers and Farmers Party — or are faced with an issue that has been introduced by the government, the lack of a commonsense approach when talking about firearms is astounding.

People get caught up in a whole range of other things that are just completely not relevant, and even with something as simple as what we have seen here today with an amendment about access for certain kinds of people to suppressors for recreational activity, we have seen things like duck hunting brought up. The member speaking about it would not understand that this does not really apply to duck hunting. We saw the member speaking for the government bring up Hollywood and have a good talk about the fact that they are relying on their knowledge of this issue from Hollywood. That is probably an admirable statement to make; however, the sentiment that has allowed them to form their opinion and in the end their decision on this bill is based on what they know of suppressors and silencers, and the only knowledge they have of them is from Hollywood. I feel that we encounter this every single time we talk about firearms, and it is quite simply astounding.

Suppressors and their use could be quite useful — they really could. They have got a number of applications that would be beneficial in a range of areas. The first one I want to talk about is occupational health and safety, and that is why we have certain categories of people that are already allowed to have access to suppressors, for reasons of occupational health and safety. But health and safety goes beyond just occupations. Many recreational activities that people partake in have an element of health and safety attached to them, where we try to eliminate risks and stop hazards from doing damage. That really is, for me, the core element of why this bill is in the Parliament today.

I myself am a victim of it. I am almost 50 per cent deaf in both of my ears — an issue that I discovered when I was about 18. That issue actually cut the career path that I was on as an applicant to the Australian Defence Force very short. It is the reason that I was not able to join the Australian Defence Force, something that I had worked towards for a number of years and particularly throughout my year 11 and 12 period. I worked very hard towards that application, and it was absolutely

devastating for me to find out that I had a hearing problem that was not going to allow me to join the air force.

I am not alone in that. I am not alone, because there are thousands and thousands and thousands of firearms owners in this state and in this country who have hearing problems. It is really annoying when you get together with a bunch of people who partake in this recreation and you are all shouting at each other. It is not because we are having heated debates. It is not because we are speaking from long distances away — no, we are in a reasonably small room and are all having civilised conversations. We find that some people have got to get their good ear towards the conversation. Other people like me, who are deaf in both ears, find themselves shouting either because the other person they are talking to is deaf or because they cannot hear what they are saying. It is something that is so common amongst shooters that I cannot believe it has not been addressed already. This is a step that we can take towards improving the health of these people.

I used to work in the construction industry, and I did a lot of OH&S as part of that. I was a representative for the company I worked with for a little while and did an OH&S course when I was younger. One of the first things they talk about is risks and hazards and trying to minimise them. It has been asked of me by a number of people, ‘Why don’t you wear earplugs? Why don’t you wear earmuffs when you’re shooting? Isn’t that the obvious solution if there’s a loud noise — just put on some earmuffs?’. Most often — sorry, all of the time — that suggestion is made by someone who has absolutely no knowledge of hunting, because it is not practical. For numerous reasons hearing is one of the senses that you need available when hunting to assist you in the hunt, but also for safety reasons you need to be able to communicate with other people and know where they are. It is something that is done very well, but hearing protection does get in the way of that.

Going back to what I learned when I was a young construction worker about occupational health and safety: personal protective equipment (PPE) is the last resort; it is the last thing you do after you have exhausted every other avenue to eliminate a hazard that could pose a risk to someone’s health or safety. Personal protection is the last thing, so you would go back a step and eliminate that hazard altogether. Now, you cannot eliminate it altogether, which is another misconception that I will talk about in a minute — the Hollywood factor — due to the fact that you need to fire a gun. We are not going to eliminate the noise completely, so let us try and reduce its harm before we resort to PPE. This is one of those steps in being able to

reduce the harm done by noise. If this was a workplace, it would be mandatory. Given the way we emphasise occupational health and safety in this state and in this country, this would be mandatory, which is why it is so confusing when a serious tool that could be used to improve the health and safety of people partaking in an activity is denied; it is irresponsible to be denying it.

If this had been implemented many, many years ago — I started shooting when I was a little kid or started going hunting with my father when I was a little kid — maybe I would not be here today, because I may not have suffered the hearing damage that I have. I may have been on a very different career path; I may have been in the Australian Defence Force by now. It hurts me to this day that that is not the path I was able to take, but maybe if this was done at the time, that would have been the case. So it annoys me that I am standing here today still arguing the case.

I mentioned that Ms Symes mentioned Hollywood being the source of knowledge for most people of suppressors and firearms use, which is really true. Most people get their knowledge of firearms from TV, which is something else that really annoys me. If it would be of any benefit to people watching at home who can only see me on the TV screen, I would ask for a show of hands of people in this room who have heard a firearm fired with a suppressor on it, because I dare say Mr Bourman and I would be the only two.

**Ms Pennicuik** — I have heard plenty without, though.

**Mr YOUNG** — You may have heard plenty without, Ms Pennicuik, but until you have heard one with a suppressor on it, your knowledge of how suppressors work, as demonstrated by your contribution, is very minimal — very minimal. You still did not even understand, after banging on about duck hunting for a few minutes, that this really would not apply to duck hunters because there is no practical way of attaching a suppressor to a shotgun. So you should brush up on your knowledge before coming to a debate about suppressors, and that is not done by watching TV.

People talk about this issue without having any real-world experience in it. Mr O'Donohue actually brought up in his opening statement the use of the term 'suppressor' or 'silencer', which is interesting. Mr Bourman has used the term 'silencer' in this bill because that is the term that is used in the act. So in essence to make it consistent and to not have several more pages of amendments changing the word in the act everywhere, we have used the word 'silencer'. But

rarely — rarely — does a silencer silence a firearm. It reduces the noise by a significant amount, yes, but it does not silence it.

In terms of the impact it would have on hearing and health and safety, it is phenomenal. There is a phenomenal amount of difference in that volume drop. It takes the edge off and it makes it a lot safer, but it does not mask, in most cases, where a firearm shot is being fired from. It does not silence a firearm. That is a misconception that is born from Hollywood. It is a misconception. I really think people should go and experience these things before coming to a place like this and trying to have a debate on them, because the technical knowledge on how they work is very much key to forming an opinion on this issue.

In closing — I will keep this brief — I would like to say thank you to Mr Bourman, first and foremost, and to all of our staff who have worked towards this bill. It has been an enormous amount of effort, and I commend them for that work. But given what I have heard from the opposition and the government, we will not be able to progress with this bill, which is very unfortunate. As I said at the start, this is a chance for both the government and the opposition to show that they can approach this issue with a bit of common sense without the fear, without the Hollywood sentiment and without people rejecting the idea because they do not know about it. This is not about watering down gun laws, this is not about the gun lobby; this is about a tool that is going to help shooters in many different ways.

There is a real opportunity here. Ms Symes said this is not an attack on licensed firearm owners. Well, it is. This is throwing them in the same category as criminals, because the whole argument about opposing this bill was that criminals might get them. Well, I have got news for Ms Symes: if a criminal wants a firearm, they can already get it. If a criminal wants a suppressor, they can already get it. They can already make them. It is not that hard. A criminal will do what a criminal does, and by having firearm silencers illegal the only people you are stopping from having access to them are good, law-abiding people — the honest ones. They are the only ones.

I am bitterly disappointed that the opposition will not be supporting this, given that they did not actually enter any of that rhetoric into their contribution, and it seems like they are going to oppose this on a technical detail, which is unfortunate. I hope that one day all people in this house can see past what is being said by those who are blindly opposed to firearms and look at this issue objectively and that there can be a sensible outcome. I commend the bill to the house.

**Mr BOURMAN** (Eastern Victoria) (14:54) — It is going to be hard to follow such an excellent contribution. I am going to sum up and jump around a little bit, but special mention must be given to the Greens for what was clearly an election year speech. It was full of innuendo and inaccuracies that are just really not worthwhile.

So, 5935 — that is the number of people who signed an online petition. That is more than double the number for the next-biggest online petition. That does not mean there is no support for this; that just means we are not getting support in this house.

I am going to go through a couple of the issues. I did not write who brought them up, except I will not deal with any of the Greens stuff. The delegation of power to the police is the issue. That is the problem; that is why we are here. The police have the ability to issue a suppressor to a recreational shooter, but they do not — as far as I am aware, never have and, under the current regime, never will. Section 15, I believe, was mentioned as to the ability for the chief commissioner to be able to still refuse an application for a suppressor. Well, that is consistent with my approach in this bill in aligning it with having and holding a lawful firearm. However, I make the offer to the coalition: if they would like me to remove that and would then support the bill, I am happy to go there. I am happy to take it to committee and do that, because I too am a bit disappointed at getting no support, but that is the way it goes in this place.

The criminals already have suppressors. There are regular news stories about seizures. The government admits it. As Mr Young put it, the only people being affected by the refusal of this bill are the people that obey the law, which is sad.

Another issue that was raised was I think by the Victorian Farmers Federation that they will not be able to hear the illegal shooters because of suppressors. Saying that you cannot hear the illegal shooters because the law-abiding shooters have suppressors is just not logical. Illegal shooters are illegal shooters; they are criminals already. From my experience and understanding most of them are unlicensed — well, they are all doing illegal stuff — so it just does not work for me, that whole thing.

Probably the biggest disappointment, but not really surprising to me, is that The Nationals fail to support this. Now, The Nationals purport to support shooters, and that is part of their thing. I see a lot of shooters that feel they are going to get support from the Nats. But this shows their true colours. Over the years the

coalition in various forms have enacted at different times different firearms laws, and every single time The Nationals have supported them. The Shooters, Fishers and Farmers Party are supporters of the law-abiding firearms owners, and from that respect we will never support anything that will make it harder for a law-abiding firearm owner, just because. I mean, there is legislation coming up to do that shortly, which we will work on. With that, I am going to commend this bill to the house, and we will see exactly how we go.

#### House divided on motion:

##### *Ayes, 4*

|                               |                             |
|-------------------------------|-----------------------------|
| Bourman, Mr ( <i>Teller</i> ) | Purcell, Mr                 |
| Carling-Jenkins, Dr           | Young, Mr ( <i>Teller</i> ) |

##### *Noes, 36*

|                 |                                  |
|-----------------|----------------------------------|
| Atkinson, Mr    | Mulino, Mr ( <i>Teller</i> )     |
| Bath, Ms        | O'Donohue, Mr                    |
| Crozier, Ms     | Ondarchie, Mr                    |
| Dalidakis, Mr   | O'Sullivan, Mr ( <i>Teller</i> ) |
| Dalla-Riva, Mr  | Patten, Ms                       |
| Davis, Mr       | Pennicuik, Ms                    |
| Dunn, Ms        | Peulich, Mrs                     |
| Eideh, Mr       | Pulford, Ms                      |
| Elasmar, Mr     | Ramsay, Mr                       |
| Finn, Mr        | Ratnam, Dr                       |
| Fitzherbert, Ms | Rich-Phillips, Mr                |
| Gepp, Mr        | Shing, Ms                        |
| Jennings, Mr    | Somyurek, Mr                     |
| Leane, Mr       | Springle, Ms                     |
| Lovell, Ms      | Symes, Ms                        |
| Melhem, Mr      | Tierney, Ms                      |
| Mikakos, Ms     | Truong, Ms                       |
| Morris, Mr      | Woolldridge, Ms                  |

#### Motion negatived.

## ROAD INFRASTRUCTURE

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

That this house —

- (1) congratulates the Liberal-Nationals coalition on its recent commitment to build both the east–west link and a north-east link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal-Nationals coalition's plan to remove 55 of Melbourne and Geelong's most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor government for wasting \$1.3 billion of taxpayers money tearing up the east–west link contract and, in doing so, precipitating Melbourne's ongoing congestion crisis.

**Ms DUNN** (Eastern Metropolitan) (15:06) — I rise to speak this afternoon on Mr Davis's motion, yet another self-congratulatory motion from the opposition in relation to a range of roads, which I think should be generally encompassed by saying Mr Guy has to stop playing Pin the Tail on the Donkey with Melbourne's infrastructure. It must have been a cold night early this winter when the Leader of the Opposition, Mr Guy, and his hapless sidekicks realised they had no policies to speak of and nothing to offer the people of Victoria, so they thought, 'How do we out-Dan the Premier? What policy does Labor have that is not backed up by evidence and is unwanted by the community that we can double down on in a "My toll road's bigger than your toll road" competition?'

So they presented to the voters their rather unfortunately named triple bypass, which has as its heart, if you will excuse the pun, a combination of two toll roads. It combines the north-east link and the east-west link into a ridiculously huge toll road that manages to touch on all but one of the cardinal directions in its compound name.

But that would not be very original, would it, squishing two proposed toll roads together? Everyone would see straight through it and come to the horrifying realisation that in the four years of opposition the Liberals and The Nationals were completely devoid of new ideas. So to try and dispel this notion Mr Guy released a map, and on this map are two lines which have all the detail one would expect of a highlighter streaked over the *Melway*.

You see, Mr Guy is trying to design infrastructure for this city in the fashion of a classic children's birthday party game, and I am sure we have all played it in this chamber: pin the tail on the donkey. To Mr Guy Melbourne is the donkey and the tail is his silly toll road plan. Where he pins it is where the tunnel portal will be. He could pin it at the Chandler Highway, adding billions to the construction costs and draining the Yarra. Or he could be all traditionalist on us and pin it closer to Hoddle Street and wipe out half of Clifton Hill and Collingwood. Then there is a drop of the donkey's tail: will it go due west, just like the east-west proposal in 2014 that was a flop according to the government's own business case, or will it go south-west in a straight line from Hoddle Street to Footscray Road, hollowing out Collingwood, Fitzroy and Carlton and condemning West Melbourne and Docklands to be soulless traffic sewers forevermore?

How exciting this is! The notional alternative government of this state has pretty well no idea what it is doing. It is a blindfolded child with a \$30 billion

thumbtack and a danger to all around it. But this is not to let the Andrews government off the hook here. Let us be clear: the north-east link is a complete abomination. At present costing, which will no doubt blow out due to its horrendous complexity, the north-east link will be the most expensive road built in the history of roadbuilding — the most expensive in the world. It will be maligned like other costly flops: the Big Dig in Boston, the Clem7 in Brisbane and the Cross City Tunnel in Sydney.

I know what government members will contribute to this debate: 'Oh, but it completes the ring. You see, it's a ring-road. It's like a circle. The traffic will go round and round'. Why is it that we cannot learn from past failures? Why do we insist on making the same mistakes over and over? Toll roads do not reduce traffic; they induce demand such that traffic times are reduced to what they were before the road was built. This is a scientifically proven fact built on data collected from hundreds of cities around the world. Yet the Andrews government refuses to listen, and instead more than \$22 billion of public and private investment is slated to be wasted on two toll roads that will not even substantially improve traffic conditions according to their own modelling.

So what is the difference between the east-west link and the north-east link? As members of this chamber know, the east-west link was a proposed toll road between the end of the Eastern Freeway in Clifton Hill and the Western Ring Road in Sunshine West. The first stage proposed by the then Napthine Liberal government was going to extend from the Eastern Freeway to CityLink in Royal Park. It would have cost \$6 billion and taken six years to construct. The government's own modelling showed that the east-west link would return a meagre 40 cents in benefits for every dollar spent and worsen traffic conditions on Hoddle Street and other arterials.

A grassroots opposition campaign that was supported by local councils and the Greens pressured the Labor opposition at the time to oppose the road. The campaign succeeded and the road was scrapped. Of course we know that campaign against the east-west link was called 'Trains not toll roads', and while the Andrews government cancelled the east-west link it has not started building or planning a new train line to Doncaster. Instead it has committed to building a new toll road: the north-east link.

I am going to concentrate in this part of my contribution mainly on the north-east link, because of course that is a toll road that has enormous potential impacts in the electorate that I represent of Eastern Metropolitan

Region. Will the north-east link reduce congestion on the Eastern Freeway? No, it will not. The north-east link will make congestion on the Eastern Freeway worse than it already is by dumping an extra 150 000 vehicles per day on the Eastern. This traffic will be confined to local access lanes of the Eastern Freeway. Traffic from EastLink will have the option of taking express lanes at the centre of the expanded Eastern Freeway, but no Manningham, Whitehorse or Boroondara residents would benefit from these lanes. The north-east link would increase congestion on the Eastern Freeway by encouraging even more people to drive where they need to go instead of taking public transport. The government's own transport modelling shows that it expects this mode shift to be so strong that 25 000 people a day will shift from trains to cars. They have got to be kidding themselves. We should be encouraging people to take the train, not enticing them away from it.

The north-east link will push more traffic to the same bottlenecks that exist today: Hoddle Street and Alexandra Parade at the city end and the Mullum Mullum tunnels in the east. Both of these bottlenecks will be exacerbated by the north-east link.

Will the north-east link reduce travel times? No. Within five years travel times will deteriorate and return to what they are today and then get even worse. That is not much of a benefit for \$15.8 billion and eight to nine years of inconvenience and delays caused by construction.

Will the north-east link reduce the number of trucks on local roads? That is an issue that I know my colleague Ms Truong faces in her electorate as well. No, the north-east link would just push the truck problem from one neighbourhood to another. Some local roads will experience an increase in trucks. This is for three reasons. The first is rat-running: trucks will dodge tolls, particularly if they are doing low-value trips such as when they are empty, and instead they will use local roads to get to their destination. The second is local trips: the toll road will not provide direct access to shopping centres and industries in the north-east, such that trucks will still need to take the arterial and local roads to their destination. The third is dangerous goods and oversized loads: trucks bearing dangerous goods and oversized loads are banned from entering tunnels for safety reasons, and of course they will still have to use the same local roads that they do today.

If it does get built, will the north-east link carve up local parklands, green space or school grounds? Yes, it will. Trinity Grammar School, Marcellin College, the Veneto Club and the Freeway Golf Course will lose

land to the north-east link. The Boroondara Tennis Centre, recently awarded best club in Australia, will be demolished. The toll road will also take up nearly all the linear parkland next to the Eastern Freeway between the Chandler Highway and Springvale Road. These parks were initially given to the local community as compensation for building the Eastern Freeway in the first place, so this is a massive loss of trust.

Will the north-east link create a physical barrier in the community? Yes, it will. The north-east link will bisect the City of Banyule and the suburb of Bulleen and exacerbate the disconnection between suburbs on either side of the Eastern Freeway. The road will effectively create a wall, which will cut off access from one side of the road to the other, making it near impossible and very difficult for people to get to the other side by walking, cycling or driving a car. It will also limit options for bus routes and transport connectivity.

I want to go just a little bit to the motion of Mr Davis. Point (1) of this motion is that this house 'congratulates the Liberal-Nationals' on their commitment —

**Mr Finn** interjected.

**Ms DUNN** — No, the Greens will not be congratulating the Liberal-Nationals coalition for this. This is one of the most retrograde moves in relation to transport planning that this city has seen, so there will be no congratulations coming from the Greens to the opposition on this plan. Point (2) of the motion acknowledges that combined with this commitment there is a 'plan to remove 55' of the 'most congested and dangerous intersections' in a 'bold plan', as they describe it, 'to get Victoria moving again'. The one way you can make sure that Victoria will not be moving anywhere is by building more roads. Local trips: the toll road will not provide direct access to shopping centres and industries in the north-east, such that trucks will still need to take the arterial and local roads to their destination. Dangerous goods and oversized loads: trucks bearing dangerous goods and oversized loads are banned from entering tunnels for safety reasons. Of course they will still have to use the same local roads that they do today.

There is a very, very straightforward law around this. It is called the fundamental law of road congestion, and it goes like this: extensive research in cities around the world has shown that building more roads or widening existing roads invariably induces more traffic, such that travel times return to what they were before the road was built. As I have said, there is a name for this phenomenon. It is very well documented. It is called the fundamental law of road congestion.

**An honourable member** interjected.

**Ms DUNN** — I would suggest that you look it up and you learn what it means, because as we continue to pave this state in roads we are only going to get more traffic and more car dependency. The fundamental law of road congestion: increased provision of interstate highways and major urban roads is unlikely to relieve congestion on these roads. It is a very straightforward principle and very well known in transport circles.

The Greens are the only party that are standing up to these wasteful toll roads. While Labor and Liberal members for Ivanhoe, Eltham, Bulleen, Kew and Box Hill stand by idly while their own parties trash the precious parks and recreational facilities of their electorates, the Greens will be standing with the community and opposing this abomination of a toll road. Roads are not the answer to a sustainable future in this city. If we truly want to get people out of cars, we need to provide public transport options for them. Ninety-two per cent of vehicle traffic on our roads is private motor cars. We need to get those people out of those cars and onto public transport. We do not need to keep building roads. It is not the solution to our transport issues, and it is certainly not the solution for a city that is going to see exponential growth.

We will not be supporting the motion. It is not the way forward for our city and our state. We need better public transport. We need to get freight onto rail. This is the only way forward for our city.

**Mr FINN** (Western Metropolitan) (15:19) — What an uplifting experience that was, listening to Ms Dunn. It reminded me very much of that old poem, “‘We’ll all be rooned”, said Hanrahan’. Listening to Ms Dunn, one would think that there is not much hope for any of us. It was probably one of the more bleak and more depressing contributions in this place since Mr Dalidakis’s contribution in question time today, it has to be said. But you have got to admire her power of clairvoyance, because she was able to tell us everything that is going to happen in Melbourne for the next 50 years. I would suggest that whether it be by bus, by train or by car, she get herself down to the local Tattslotto shop, because with the ability to tell the future that she has, I think a huge fortune awaits her.

**Ms Dunn** — I don’t gamble.

**Mr FINN** — She doesn’t gamble. Well, fair dinkum, if you can see the future, if you have the power of clairvoyance and you do not gamble, where is the value in that? What a disappointment!

It is a wonderful thing, I have to say, as a member of the Liberal Party, to have a leader with vision. Because Matthew Guy is just that: he is a leader with vision, and he will be, in 122 days, a Premier with vision. And that is exactly what this state needs, because over the last four years we have seen some extraordinary decisions made by a government that has shown precious little vision. In fact, the most extraordinary decision of all must surely be the decision by the current Premier, the outgoing Premier, to cancel the east–west link at a cost to the Victorian taxpayer of 1.4 thousand million dollars. That was after he told us before the election that it would not cost us a red cent. I suppose he was right, because it did not cost us a red cent. As I said, it cost us 1.4 thousand million dollars.

In some of my more melancholy moments, and listening to Ms Dunn I almost got into one, I think of what \$1.4 billion could buy and what it could do for the people of Victoria, particularly in my own portfolio area of autism. I see so much need in that area. I see so many people, so many children in particular, who need that support, who need the extra money. But instead that money has been wasted by a government that has indicated already that it really does not care about the autism sector at all and it is just prepared to flush thousands of millions of dollars down the public sewer system. It is a sad indictment of a government that has failed in so many areas to respect the community and to do its job properly.

I travel from time to time from the west out to the east and back again. It never ceases to amaze me when I am coming back from the east, where I visit a number of services. I was out with the member for Burwood and the member for Ferntree Gully visiting some autism schools just recently, in fact. I was able to travel with relative ease, I have to say, down the EastLink and onto the Eastern Freeway. But at the end of the Eastern Freeway what have we got? What have we got at the end of the Eastern Freeway? We have got Alexandra Parade, and at Alexandra Parade everything comes to a stop. It is a bit like Carmageddon. It is a bit like that place where cars go to die, because they are all queued up for kilometres. It will take you 20 minutes to get from the outer east, and then it will take another hour to get through Fitzroy and Brunswick and Carlton. That is a —

**Ms Dunn** — Imagine if you took the train!

**Mr FINN** — It is a disgrace, I agree. It is a disgrace, and that is why we need the east–west link. That is why the previous government was going to build the east–west link. That is why the next government, the Guy government, will build the east–west link. That is

why the people of Victoria want the east–west link — because it is a disgrace.

**Mr Melhem** interjected.

**Mr FINN** — Well, you supported it too, Mr Melhem. Mr Melhem, you supported it too. Do not start on me. We all remember what you said about it. You were a big wrap for the east–west link until you got in here, and then you changed your tune very quickly. You had the thumb of the Socialist Left upon you, and they squashed the life out of you.

Nonetheless I digress ever so slightly. The fact of the matter is that we need a link between the east of Melbourne and the west of Melbourne — it makes eminent sense — and a tunnel between the end of the Eastern Freeway and the Tullamarine Freeway and then the Western Ring Road. How good would that be; how sensational would that be; how much time would that provide for people who are either getting to work or trying to get home to see the families at night; how much extra time in the space of a year would that give families together; how much money indeed would they save in petrol, because we all know petrol is a pretty expensive commodity; how much in the space of a year would people save with that sort of tunnel where they could zip through?

I have to say it is absolutely bewildering that those people who live around Alexandra Parade and who live in Fitzroy North and Carlton and Brunswick and places like that are apparently opposed to the east–west link. Why the hell wouldn't they want all that traffic, which is pouring all sorts of nasty stuff out the back of cars, underground? Why wouldn't they want their own streets clear? Why wouldn't they? Fair dinkum, some of them are so stupid they even vote Green. That is the simple fact of the matter. It is a sad state of affairs that these people have their streets clogged every day with cars, and they voted for it to continue. If you can explain that to me, please do, because it makes absolutely no sense at all.

Then of course we have a government — this government — which went to the election promising a West Gate distributor. They were going to spend \$500 million on the West Gate distributor.

**Mr O'Sullivan** — Shovel-ready, it was.

**Mr FINN** — It was! Indeed, as Mr O'Sullivan correctly points out, it was shovel-ready.

**Mr Ondarchie** — We know what was shovel-ready.

**Mr FINN** — Exactly, we know exactly what was shovel-ready, Mr Ondarchie, and I have to say the Premier has been very handy with a shovel over the entire term of his government. For a Labor man, he has been spreading it liberally all over the place, and that in itself is quite extraordinary. But we had this great plan that the Premier put forward — shovel-ready, \$500 million — which was the West Gate distributor, and then it became —

**Mr Melhem** — WestLink.

**Mr FINN** — No, it was not WestLink. You are thinking of the east–west link. You are going back to your days, Mr Melhem, when you supported the east–west link before you did the Andrews tumble to get into the party room. You are thinking of the wrong thing indeed. It changed its name about three or four times. It was the Western distributor but it was something else before that and I cannot remember what it was, but it will come to me in a moment.

We have now a West Gate tunnel, and how much is that going to cost us? Well, we started off with a \$500 million commitment from the government; we now have a project worth \$6500 million. I do not care what anybody says, that is one hell of a blowout. That is a blowout to be proud of! That is a blowout that any Labor leader would be mighty proud of because, as we know, nobody wastes money like a Labor government wastes money, and they are certainly doing it because, as this plan for the West Gate tunnel currently stands, it is a disaster. It is a dog of a proposal, it is a dog of a project, and you might ask: why would anybody go along with this? Why would anybody want to build this? Well, we have a situation where a company called Transurban decided that it would get into the rivers of gold.

I have said in the past and I will say it again today: I reckon the deal between this government and Transurban will one day be examined by IBAC. I say this as the chairman of the Economy and Infrastructure Committee, having examined this at length. It is my belief that there is real dodginess in this particular deal. Interestingly enough, despite our many inquiries into this, nobody was prepared to come to the party and actually give a straight answer on any of the deals that were done, so it would not surprise me at all if in years to come — perhaps in the not-too-distant future — the propriety of these deals with Transurban was examined a lot more closely.

But at the very least with the proposal being brought forward by our coalition — the Liberal-Nationals coalition, as distinct from the Labor-Greens coalition,

which is the alternative government after November, a horrifying prospect, I am sure, for everyone — the fact of the matter is that the linking up of the east–west link and the north-east link would actually provide a useful purpose for the West Gate tunnel. It would make what is now a dog of a project actually something that would contribute to the betterment of the state, the betterment of metropolitan Melbourne and indeed of country people. They have to drive their trucks with their food and their crops through Melbourne quite often, to markets, to the airport and to the ports. People of the country clearly would appreciate the east–west link and the north-east link as well. So even the West Gate tunnel would be of some value with this proposal being put forward by Matthew Guy.

For many, many years I have suffered the congestion that people in the western suburbs have suffered. Every morning we see the West Gate —

**Mr Melhem** interjected.

**Mr FINN** — Well, you don't. You don't get out of bed until about midday. The people in the western suburbs have to put up with the most appalling traffic congestion. You often see the West Gate Freeway and the Princes Freeway blocked. Quite often that traffic is banked back, sometimes to Werribee, and it is just appalling. It takes hours to get to work. It is just an appalling thing that people in the west have to put up with. We know that Labor does not care about people in the western suburbs, we know that, but here is an opportunity with this proposal being put forward by Matthew Guy to actually do something to help the west. That is why I support it, because I am from the west, I represent the west and I will fight for the west — and this proposal is a good proposal for the west of Melbourne. So I congratulate my colleagues. I congratulate the Leader of the Opposition, the incoming Premier, Mr Guy, and I cannot wait for these roads to be built.

**Mr ONDARCHIE** (Northern Metropolitan) (15:35) — It is always a very hard thing, to follow Mr Finn's often animated and energetic contribution to the chamber, which is always accurate and detailed. He summed it up well today when he said, 'This mendacious government'.

**Mr Finn** — Did I say that?

**Mr ONDARCHIE** — Well, I am paraphrasing you, Mr Finn. This mendacious government have gone about three and a half years of misleading the people of Victoria. One thing is clear out of Mr Davis's motion today that congratulates the Liberal-Nationals

coalition on its commitment to build both the east–west link and the north-east link. It also acknowledges the commitment of the Liberal-Nationals coalition under Matthew Guy to remove 55 of Melbourne's and Geelong's most congested and dangerous intersections and gets ahead of a plan to get Victoria moving again. It also condemns this Labor government for wasting \$1.3 billion of taxpayers money to rip up a road that they said was not worth the paper it was written on. They spent \$1.3 billion of Victorian taxpayers money.

When I was first elected in this place in 2010 the people of Clifton Hill, Carlton and Brunswick, those people around Alexandra Parade, Cemetery Road, Royal Parade and Brunswick Road, came to me en masse and said, 'The traffic is bad. We're breathing it in. The fumes are getting all over our houses. It's ridiculous. Can you do something about it?'. Well, we did. We had a proposal to take the traffic off those roads and move it underground away from those residents. Interestingly enough, when that proposal hit the deck, people objected to it: 'What do you mean, you're building a tunnel under the road?'. These are the same people, predominantly voters of the Greens party and Labor Party, who came to me and said, 'We wanted the traffic off our road'. We gave them a solution and they said, 'No, we don't want it'. The now government, then opposition, ran a line that 'It's not going to work, it won't help, it won't reduce traffic' — and they are more than happy to promote something like the north-east link or to run all that traffic, as Ms Dunn rightly pointed out, into a T-intersection on Hoddle Street and just leave it at that.

**Ms Mikakos** interjected.

**Mr ONDARCHIE** — I will pick up the interjection from Ms Mikakos, the biggest spender of the rorts, according to the Ombudsman. I wonder — she also represents the Northern Metropolitan Region — if she has ever been down there to that area to inspect the traffic. It would be a good thing for her to get out of her office or out of her ministerial limousine and go and actually have a look at what is down there, because I have been down there. I talk to the people and I see what the issues are. Cleopatra, the queen of denial over there, will not deal with the fact that there are traffic problems in Melbourne, particularly in that precinct. There is a solution on the table, and they will not deal with it.

But more so than not wanting to deal with it, they are happy to pay \$1.3 billion of taxpayers money to do nothing. Today they still say they do not need that issue down there. Well, here is an idea, Minister — novel for you, I know — go and meet the people of your

electorate. Do something unusual. Go and meet the people of your electorate, and you will see it for yourself. This is the same minister who claims she is in touch with the people of her electorate. While I digress from the motion before us, right outside her own electorate office is one of the most dangerous level crossings that they promised they were going to do, and they still have not done anything about it. They said, 'We're thinking about it. We're planning. There may be a sky rail. We're not really sure'. It is right outside her own electorate office. Here is an idea: go and meet the people of your own electorate. You might discover something.

Only the Liberal-Nationals support an east–west link and a north-east link.

**Mr Melhem** interjected.

**Mr ONDARCHIE** — Well, I will tell you what, Mr Melhem, before we need to get the defib out here and you get too excited, just hold your horses, I am about to talk to your commitment to the east–west link. I will talk about that. Don't worry about it.

We need to fix congestion in the north, but doing that without fixing the end of the Eastern Freeway will only see more people stuck in traffic by putting 100 000 more cars on the Eastern Freeway. Only the Liberal-Nationals support an east–west link and a future north-east link. Daniel Andrews and Labor, and Mr Melhem apparently now, did not support an east–west link and wasted \$1.3 billion of taxpayers money when they tore up the contract after promising voters it was not worth the paper it was written on. If the east–west link project had gone ahead, it would almost be complete now and ready for the north-east link to connect to the Eastern Freeway, but this government wasted four years and \$1.3 billion of taxpayers money to do nothing.

At some point in my career I worked for a publicly listed company. Imagine if I had gone to the board of that company and said, 'Give me \$1.3 billion for a capital project to do nothing'. It would be the shortest meeting I had ever had, and I tell you what, I would have been looking for a new job the next day. Imagine going to your bank to borrow money for a house that you were never going to build. It would not be a very good meeting with the bank. These people, the government of Victoria, spent \$1.3 billion of hard-earned taxpayers money to do nothing. If I had done that when I worked for a listed company, I would have been sacked. If you went to the bank and tried to get \$1.3 billion to not do a project, they would not want

you as a customer anymore. This mob should be sacked.

In November Victorians will be reminded, and they will remember, that this mob shamelessly spent \$1.3 billion not to build a road, also spent \$20 million to build an upside-down triangle with the word 'Vic' in the middle of it and said, 'That's Victoria's new logo'. They spent \$20 million for an upside-down triangle with the word 'Vic' in the middle.

**Mr Morris** interjected.

**Mr ONDARCHIE** — Mr Morris, I will pick up your interjection. If I was to, for example, take a sample of school students today and ask them to go to Microsoft Word, take an upside-down triangle and put the word 'Vic' in the middle, I am tipping they would not charge me \$20 million for it. They might do it for \$20; they would not do it for \$20 million. This government, the Daniel Andrews government, spent \$20 million for an upside-down triangle which had the word 'Vic' in the middle and charged Victorians \$20 million for it.

If students were to ever visit this place and hear me talking about that, I reckon they would be going, 'You've got to be joking'. They would think there was no way you would spend \$20 million to make an upside-down triangle, put the word 'Vic' in the middle and say, 'That's your new logo'. Unfortunately it is not a joke. It is not funny, because that is what this government did — \$20 million!

Somebody who trolled me on Twitter today said, 'Oh, well, \$20 million is not that much'. Go to any average family in this state and try telling them that \$20 million is not that much, when they are living with traffic congestion every single day, when crime is up in Victoria and when the cost of electricity is going through the roof. Try and tell the average family that \$20 million is not that much.

That is the sort of thinking we are getting from this government, because it is not their money. They think it is okay to spend \$1.3 billion not to build a road. They think it is okay to spend \$20 million to create an upside-down triangle that any year 7 student could create on Microsoft Word in 5 minutes. They think it is okay for a minister to transport their dogs in their ministerial limousine from one house to another. Let me get that right so everybody understands what I am talking about. A minister decided to send his limousine driver down to his home in the suburbs to pick up his dogs and transport them to his country property while he was here in Parliament, and they think that is okay.

They think it is okay because they do not think it is their money.

*Honourable members interjecting.*

**Mr ONDARCHIE** — Government members will interject now and say ‘That’s away from the motion’ because they do not want to talk about this stuff. They do not want to talk about the stuff that they waste money on in Victoria.

It is about getting Victoria moving, and we have announced the biggest traffic congestion-busting project in Victoria’s history. A Liberal-Nationals government will commit between \$4.1 billion and \$5.3 billion to remove traffic lights and roundabouts through grade separations at 55 of Melbourne and Geelong’s most congested intersections on our busiest arterial roads. Traffic congestion costs our economy about \$5.5 billion a year. Traffic congestion makes our arterial roads dangerous for all road users. Traffic congestion creates delays and frustrations, which means we have less time to spend with our family and friends.

*Honourable members interjecting.*

**Mr ONDARCHIE** — We talk about \$1.3 billion not spent on the east–west link; I am telling you that apart from that \$1.3 billion, people are getting to work late because you wasted \$1.3 billion. People are getting home late and missing meals with their families and their children because you spent \$1.3 billion not to build a road. It is shameful that you are doing this. We are talking about supporting Victorian families, and you spent that money not to build a road, which means that either they get to work late or they get home having missed time with their families. It is totally unacceptable. And they do not apologise for it, because they do not care. They think it is not their money and it does not really matter. It is unacceptable.

Census data shows that 74 per cent of Melburnians take a car to work every day. That is why that same bandaid approach that this government has to doing something about traffic congestion will not work; it simply will not work. The traffic light removal project continues the work of the level crossing removal program to eliminate the congestion hotspots across Melbourne and Geelong. We all agree that the removal of level crossings, which started under the Napthine government, has helped free up traffic congestion, but it is only one part of the solution. The other part is trying to remove some of those dangerous and congested intersections right across Melbourne and Geelong.

This gives me a chance to talk about Matthew Guy’s announcement, as the potential incoming Premier,

about the Melbourne superhighway — building an east–west link and a north–east link, and it is going to lead all the way down to Geelong. We recognise, although we are not happy about it, the West Gate tunnel project. We think it is a badly formed project and we think it could have been done better, but we are not in the business of ripping up contracts and spending money not to build a road. That is not what we do. We accept that the government has moved ahead with it and we accept it is going to happen, so we are going to link them all up together and create a superhighway from Melbourne’s east all the way to Geelong. That is going to improve productivity, stimulate our economy and more importantly create more jobs for Victorians, and that is why we have taken this broader approach.

Victorian voters, and I dare say Australian voters, are sick and tired of the three-to-four-year cycle of decision-making, when we just think about the next election. This is a generational project that is going to transform Victoria and particularly Melbourne and Geelong for a long period of time. They are sick and tired of these little projects from election cycle to election cycle. We are talking about a generational project that is going to help Victorians.

*Honourable members interjecting.*

**Mr ONDARCHIE** — Let me pick up some interjections that we have had from across the chamber, particularly those related to defending, interestingly enough, the \$1.3 billion not to build the east–west link. I take you to comments that have been made by government members about the east–west link. I will talk about the contribution that the member for Footscray and the member for Williamstown in the other place both made on the east–west link needs assessment. On 15 July 2008 Wade Noonan said:

I do accept that we need to find a balance in terms of freight movement through the inner west. I will work with stakeholders and residents to find the most appropriate short and long-term solutions. Certainly this government’s investment in the east–west link needs assessment study is a significant step down that path.

A Labor member of Parliament, the member for Williamstown, said, ‘Yes, we need the east–west link’. Marsha Thomson said similar things about the east–west link. Julia Gillard, the then member for Lalor, who subsequently became Prime Minister; Brendan O’Connor, the member for Gorton; Nicola Roxon, the then member for Gellibrand; and — surprise, surprise — the current leader of the federal opposition, the member for Maribyrnong, Bill Shorten, said that they thought the east–west link was very, very

important for Victoria and very important for Melbourne.

But then let us take that a little bit further. Bill Shorten, the then national secretary of the Australian Workers Union (AWU) and current federal member for Maribyrnong, along with Cesar Melhem, the then Victorian state secretary of the AWU and a current state member of Parliament for Western Metropolitan Region, said in a submission of 14 June 2007 —

**Mr Morris** interjected.

**Mr ONDARCHIE** — Let me tell you what Mr Melhem said, Mr Morris:

The Australian Workers Union ... believes that the ... east-west link is crucial to jobs and economic growth.

That is what he said. He said that it is crucial. He went on:

A new transport link from Melbourne's booming west to the south-east and eastern suburbs has the AWU's strong support ...

He spoke of their 'strong support' for the east-west link. He arrives in here and says, 'No, I'm against it, absolutely against it', because he toes the party line. Mr Melhem, you know better than this. If you have always been an advocate for the people, as you claim, here is a chance to stand up today and be an advocate, as you claim. On 14 June 2007 you supported the east-west link as being crucial to jobs and economic growth. Today is a chance to repeat those words. Here is your opportunity to say, 'Yes, we get right behind it'.

An editorial in the *Herald Sun* on 26 October 2013 said:

Some Labor MPs are ... anxious that ... Daniel Andrews may be backing the wrong horse in opposing the east-west link.

MPs spoken to by the *Herald Sun* think Mr Andrews's position is no longer sustainable and this could lead to caucus tensions and trouble for Mr Andrews's leadership.

The opposition leader finds himself in policy gridlock.

This is the same man who told Victorians, 'I will not increase taxes'. He told us that before the election, and he has increased or created 12 new taxes. This is the same man who said, 'The east-west link contract is not worth the paper it's written on and it won't cost Victorians a cent to cancel it' — and here we are in the middle of 2018 when traffic is at its worst in Melbourne. The mob over there spent \$1.3 billion to not provide a solution. Not only have they done badly as a government, not only have they rorted money from

Victorian taxpayers, they do not deserve to be re-elected.

**Mr LEANE** (Eastern Metropolitan) (15:50) — Obviously I am happy to get up and oppose this motion in which the coalition want to congratulate themselves. In saying I oppose it, I will say: bully for you, good for you. It must be a sad world you live in if this is your highlight, if your highlight is to find some type of significance for yourselves by moving motions congratulating yourselves on election commitments that probably will not be delivered by you — election commitments that, even if you get the opportunity, which you will not in the next term, we expect will not be fulfilled, based on your track record from the last time you transferred from opposition to government, when you made huge election commitments.

You were going to build a rail line to Doncaster. Ted Baillieu was out there with Mary Wooldridge and he said, 'Look, it's not going to be a feasibility study. We're going to do the study, we're going to find the money and we are going to build a rail to Doncaster'. And then? I might be wrong, but I am pretty sure that there is no rail to Doncaster. You spent four years in government and you did what I think was called part 1 of a feasibility study. It was not even a full feasibility study.

I remember around the election campaign there were blue shirt people at Southern Cross station handing out mock tickets to the airport via rail, because you promised to build rail to the airport. You were handing out fake tickets and probably the advisers during caretaker mode, who were getting paid a fortune, were out there standing with their blue Liberal shirts rorting the system. It was rorting the system by the ministers — outrageous waste and outrageous use —

**Mr Ondarchie** interjected.

**Mr LEANE** — Mr Ondarchie, you can say whatever you want, but I have lost interest. I cannot put a lot of weight in anything you say anymore after Good Friday, so just keep going if you want.

Let us talk about what you said during your contribution. You were talking about a waste of money for the east-west link. When we came to government all of a sudden it had been exposed that there was a side letter from previous Treasurer O'Brien making an outrageous commitment of taxpayers money to the contractor. It was an outrageous commitment that no-one knew about — a secret side letter. Why did he do that illegal act?

**Mr Ondarchie** — Why didn't you build the road?

**Mr LEANE** — Why didn't we build the road? You went out there, you had your short-form business case and you said that for every dollar — you said this when you lied — this project will return \$1.40. And when the facts came out —

**Mr Morris** — On a point of order, Acting President, as I have listened to Mr Leane's contribution here I have heard him use some unparliamentary language directed at a member in this place. I well know and Mr Leane well knows that that is unparliamentary, and he should immediately withdraw unreservedly.

**Mr LEANE** — I am happy to withdraw.

**The ACTING PRESIDENT (Ms Patten)** — We are not sure what he is withdrawing, but we will consider it withdrawn.

**Mr LEANE** — I am happy to withdraw anything, and I might suggest that if that is something that members across there are offended by maybe on their way home they can go through a Dan Murphy's drive-through and buy themselves half a dozen cans of Toughen Up. If you are offended by that, you need to maybe find a different occupation — because if you are in this occupation to boost your ego, you are in the wrong spot.

Actually, you went out there and said, 'This is going to return \$1.40 for every dollar spent on the east-west link', but then when the facts came out and the real documents came out, it was only returning 45 cents in the dollar. You went out there and you would not release —

**Mr Ondarchie** interjected.

**Mr LEANE** — You are all pious about documents being released now, but when the then opposition and concerned community groups asked you to release the full business case, you did not. And when the full business case came out it was 45 cents in the dollar, after you said it was going to be \$1.40. And then the best bit was — there are a lot of good bits, but this is probably one of the best bits — you were going out and saying, 'For people that live in Ringwood, this road will mean they will save themselves something like 45 minutes or an hour to get to the airport'. When you looked at the traffic times at the time, it was about 45 minutes to get there anyway, without the road. My concern is that for people heading to the airport first thing in the morning it was like a time machine. They might have been still in their shower when they turned up at the airport. It was just complete lies about this project.

And now why do we think anyone would believe you or put weight on any commitment that you make when it comes to anything after you had a four-year kip in government? You had a bit of a kip, nothing moved — a four-year kip — and now you are some big infrastructure heroes and you want to grade separate 50 road intersections when the traffic signal system is all linked to a main computer and eventually you stop at a red light.

You are going to spend hundreds of millions of dollars on doing grade separations on road intersections when it is not going to make any difference to congestion anyway. The experts in the field have said this. The experts in the field have said that this 55 road intersection separation policy could possibly be the dumbest policy in the world ever. This could possibly be the dumbest policy in the world ever, and the quotes about how you are going to spend X amount of hundreds of millions of dollars are far from correct. It will be billions of dollars so people in their cars can catch the next red light down the road that little bit quicker.

All the compulsory acquisition of traders with their shops and houses and all that to accommodate this thing that is, just like I said, probably the world's dumbest policy ever — all that grief — would be for nothing. It is just absolutely amazing that you would congratulate yourselves — that you would get up and use time in this chamber to congratulate yourselves — on what could possibly be the world's dumbest road policy ever. Congratulations on getting to that point! That is a special effort that you have made. Maybe that is something that you should be congratulated for. Other than that, I am not so sure why you are congratulating yourselves on anything.

As far as the north-east link goes, my understanding is the opposition opposed the north-east link project — opposed it for months — until eventually they went out there and people in the electorate said to them, 'We don't want you to oppose this. We actually want the ring-road completed'. Then, by weight of demand of people that you are supposed to actually represent, you did a backflip on that particular project.

I think you are getting up and congratulating yourselves on policies that you will never enact. There is a stark difference between that and what this government has actually done. I have said it before: maybe you just need to drive around the suburbs, drive around some of the main roads, and you will see it. You will see the hoardings up. You will see the cranes up. You will see the workers in the red vests around the suburbs doing what they do best in building infrastructure in this state.

I look forward to you congratulating yourselves over things that you are not going to do in the future. We find it quite entertaining. If it gives you some solace and some feeling of meaning and purpose, then who are we to deny you that? What we will keep doing is building the much-needed infrastructure, which we have a track record of doing. If the Liberal-Nationals want to go to an election that is all about who they trust on infrastructure, we more than welcome that. We plead with you to do that and we plead with you to continue to attempt to do that, because we know that actually doing things rather than talking about them has a much bigger impact on the electorate, and we will be proven right in a few months time.

**Mr MORRIS** (Western Victoria) (16:02) — What an extraordinary contribution from Mr Leane. I think all members could agree that that contribution was basically entirely devoid of contact with reality. Indeed I am not sure anybody could necessarily gain anything from it. But nonetheless, I do rise to make my contribution to Mr Davis's motion:

That this house —

- (1) congratulates the Liberal-Nationals coalition on its recent commitment to build both the east–west link and a north-east link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal-Nationals coalition's plan to remove 55 of Melbourne and Geelong's most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor government for wasting \$1.3 billion of taxpayers money tearing up the east–west link contract and, in doing so, precipitating Melbourne's ongoing congestion crisis.

In reflecting upon this motion I was going back to a time when Mr Mulder was the roads minister in Victoria — an exceptional roads minister, particularly when you compare him to the current person fulfilling that role. Mr Mulder came to Ballarat and was discussing the then recent announcement about the east–west link, so there was a lot of excitement in Ballarat about this proposal, because we in Ballarat know that one of the most crucial things to business and indeed industry in Ballarat is the connection to Melbourne and the capacity to be able to get things to port and the like. We knew that the east–west link presented a significant opportunity for manufacturers and others in Ballarat to be able to make their business more sustainable and efficient with regard to transporting those goods to where they needed to go.

Unfortunately, though, post the election Daniel Andrews, despite committing to Victorians that it

would not cost a cent to scrap the east–west link, went and spent \$1.3 billion to not build the east–west link. Now, \$1.3 billion is easy to say, but when you think of it in the context of \$1300 million, it sort of gives you a different perspective on how much money this reckless and irresponsible government has wasted not building a crucial piece of infrastructure that we needed then in 2014 and we need even more now in 2018. We know that our state is absolutely crippled by congestion. We know it is costing billions of dollars as a result of this government's reckless actions.

I am reminded not only of the impact that tearing up that contract had on the state of the state budget — wasting \$1.3 billion — but also of the sovereign risk issues that arose due to the recklessness of this government. One might say that this is something that governments around the world have done before, but I was reminded of a news article that I read a little while ago — it is on Reuters — entitled 'Libya to honour all Gaddafi oil deals'. It goes on to say:

A Libyan rebel government would honour all the oil contracts granted during the Muammar Gaddafi era, including those of Chinese companies, Ahmed Jehani, a senior rebel representative for reconstruction told Reuters in an interview.

So, we have rebel governments in Libya who honour contracts and we have an Andrews Labor government that tears up contracts, wasting \$1.3 billion. I do not think it should be lost on anyone in this place and indeed on any Victorian that you can trust a Libyan rebel government more than you can trust the Andrews Labor government. It is a sad indictment of this government that they went about the actions that they did when they tore up that contract and wasted \$1300 million.

It is an indictment of this government and it is something that will mark their time in office, which we all hope will come to a conclusion in November this year and that we will have a Matthew Guy-led government that will honour contracts, as other speakers have said. There are things this government have said and have committed to that we on this side of the house do not necessarily agree with. However, we understand that responsible governments do not go around tearing up contracts, and that is something that a Matthew Guy government will not do.

I am reminded of a very specific project that is unfortunately currently occurring in Ballarat, being the railway station precinct redevelopment, which the community in Ballarat are certainly up in arms about because, to be frank, it is a disgraceful project. The only winner out of it is the private developer, who is going to go on and receive in effect a block of flats on

previously public land reserved for railway purposes, which they could at some time in the not-too-distant future just sell off as residential apartments, which would be a very, very sad indictment of the actions of this government.

There are some very good people who have formed a group called Save Our Station, and I certainly acknowledge their very hard work in holding the government to account for the abysmal plan they are attempting to carry out. Those people have come to me at different times and have said, 'What are you going to do about this when you win in November 2018?', because they are obviously very keen to get rid of this Andrews Labor government, but interestingly a few of those people are actually Labor Party members. There are not just members of the Liberal Party in this group. It is a broad cross-section of the community: there are expelled Labor members in this group; there are members of the Greens party in this group; and there are indeed a few Liberals in this group as well. They have all come together with a very specific purpose, and that is to stop the irresponsible redevelopment of the railway station precinct firstly and, secondary to that, to bring down the Andrews government, which is something that we can all agree would be a very, very good thing.

There has been the question posed to me of whether, if we were to come to government, we would just tear up the contracts with the railway station precinct. As much as we would like to see that project halted and the community consulted about what that project is going to look like, we recognise that it would be irresponsible to go and tear up a contract like that, because of the sovereign risk issues that it presents. If there is not certainty from one government to the next with already-signed contracts, then the cost of doing business in this state, as Mr Ondarchie well knows, will absolutely skyrocket. The value for dollar that you can get with public moneys would be far and away reduced. There would be more and more money spent getting fewer and fewer projects done, and this has already happened as a result of what the Andrews government has done in trashing Victoria's reputation on the international stage. Victoria has become known as the place where governments are so reckless as to tear up contracts.

But then again, they also look after their mates at Transurban, don't they? They look after them with new projects like the West Gate tunnel, or distributor, whatever it is called at the moment. It has gone through so many iterations it is rather difficult to keep up with what it is going to be called today or indeed tomorrow. We know that they do certainly look after their friends

at Transurban, and that is to the detriment of the good people of Victoria.

Our roads are completely congested, and it is certainly very hard to get anywhere. I know many people who travel from Ballarat, Geelong and further out in western Victoria. If they have got an early morning meeting or appointment in Melbourne — perhaps it is a doctor's appointment — rather than risking not getting to the city on time —

**Mr Ondarchie** — They come down the night before.

**Mr MORRIS** — Indeed, Mr Ondarchie, they come down the night before and stay in the city. They incur the cost of a hotel room because they want that certainty to know that they are going to get to their specialist appointment or whatever it might be, because we do not have the road infrastructure that we know we need.

**Mr Ondarchie** — That's their tourism strategy, isn't it?

**Mr MORRIS** — Indeed. People might say, 'If you can't drive, just catch the train, because surely the train is going to get you there on time'. But of course we know that the V/Line service under the Andrews government has gone from bad to worse to even worse than worse, because so far this year on the Ballarat line we have seen the worst two months for on-time performance in the history of V/Line. Since records have been kept this mob opposite have overseen the worst on-time performance that we have ever seen. Day in, day out, my email inbox is full and my office phone is ringing off the hook because rail commuters are just beside themselves. I have heard from commuters who are talking about taking the Andrews government to court because of its lack of support of V/Line in actually getting people to Melbourne on time.

This is not just a one-off. This is not one month that there was a poor performance. This is continual; this is every month. Once we think it cannot get any worse, it does. But what is even worse than this is that in 2015, when we would probably just describe the Ballarat train service as bad, because it has gotten a lot worse since then, Daniel Andrews actually came to Ballarat. He apologised to commuters and he said that everybody from the Minister for Public Transport down was on notice and it was not good enough and it needed to improve. Now we have actually gotten worse than that. We have actually gotten worse than when the Premier came to Ballarat and apologised and said everyone was on notice.

I am not sure how much notice the Minister for Public Transport can have, how many more lives she can have or how many more projects she can completely mess up and make a complete shambles of before she loses her job. Because without a shadow of a doubt, perhaps with the exception of Ms Mikakos, a more incompetent minister is not known to this Parliament, I do not think. Ms Tierney might —

**Mr Ondarchie** interjected.

**Mr MORRIS** — There could be. Unfortunately this is the state of Victoria at the moment. As most would know, I am normally a fairly positive person, but it is difficult to have a positive outlook on the future of our state when we have those opposite on the Treasury benches making such decisions as flushing one thousand three hundred million dollars down the drain, because that is in effect what we have seen here.

I would like to congratulate Mr Davis on proposing this motion and indeed I would like to also congratulate Mr Guy and our whole team for the work that has been done.

*Honourable members interjecting.*

**Mr MORRIS** — Indeed, and Mr Mulino, the member for Fraser! I should congratulate the member for Fraser, who is going to be making that trip up there. I wonder if he will remember us when he gets up there to those lofty heights in Canberra. Indeed. Goodness me.

So I would like to congratulate Mr Guy and Mr Davis as well as the whole team who have come together to actually propose a positive future for our state, because, good heavens, I know we need it. The good people of western Victoria certainly need it. We have been neglected. We have been completely forgotten by the Premier for Melbourne. He does not think that Victoria exists beyond the tramlines. I am not surprised, actually, that the Minister for Small Business managed to confuse Bendigo and Ballarat on his recent —

*Honourable members interjecting.*

**Mr MORRIS** — Do you remember that? He could not quite work out where they were.

**Ms Crozier** — Was that Mr Dalidakis?

**Mr MORRIS** — It was Mr Dalidakis. He could not tell the difference between Bendigo and Ballarat.

**Mr Ondarchie** interjected.

**Mr MORRIS** — Yes, swiping. He was too busy with the EFTPOS machine, I think. Everyone has got \$99 — there are just no pin numbers. It is an important motion this one, and I look forward to it receiving the support of the house.

**Ms CROZIER** (Southern Metropolitan) (16:17) — I am very pleased to be able to follow Mr Morris in support of Mr Davis's motion. As he said, it is an excellent motion. Just to remind members what Mr Davis's motion is about, it is very important because it is about giving us the infrastructure that we require. I note that it says:

That this house —

- (1) congratulates the Liberal-Nationals coalition on its recent commitment to build both the east–west link and a north-east link if elected to government;
- (2) acknowledges that this commitment, combined with the Liberal-Nationals coalition's plan to remove 55 of Melbourne and Geelong's most congested and dangerous intersections, represents a bold plan to get Victoria moving again; and
- (3) condemns the Andrews Labor government for wasting \$1.3 billion of taxpayers money tearing up the east–west link contract and, in doing so, precipitating Melbourne's ongoing congestion crisis.

I do not know in which order to start speaking on this motion, but can I say the congestion in Melbourne around the area that I represent is absolutely out of control. If you think about it, we have had a Labor government in Victoria for 14 of the past 18 years, and they have done very little up until recent times. They spruik a lot about that. I heard Mr Leane with yet again another extraordinary contribution to the house. It was more like a rant, actually. He just carries on like a pork chop, does not say very much and keeps barking on about various things that the Liberal-Nationals coalition have done. Let us not forget that it has been a Labor government in power in this state for 14 of the past 18 years. During that time we have had enormous population growth and expansion. That is what I am referring to in terms of the congestion that I am talking about, because much of that congestion and development and inner-city living where we cannot even move is occurring within my area of Southern Metropolitan Region. The M1, the Monash Freeway, runs through parts of it and on the edge of it. If you think about that very busy thoroughfare and what we need, we need another thoroughfare to assist with traffic movement in Melbourne but also to assist Victoria as a whole. That is why this motion is important, because it really is the plan that we have in place. A Liberal-Nationals government will have that and will actually be dealing with this problem.

We have seen and you all know because members in this house have heard us talking about the disgraceful act of the Premier when he ripped up the east–west link contract. He looked down that camera barrel to Peter Mitchell on the eve of the 2014 election and he said there would be no new taxes. Well, that was absolutely a complete and utter furphy, because we know that taxes have increased somewhat. And we know that he said on another occasion that the east–west link was not worth the paper it was written on. Well, that was an extraordinary statement at the time, how somebody in his position of responsibility could make such a reckless decision. Victorians are paying for that reckless decision, because it has cost us in excess of \$1.3 billion. That is an enormous amount of money, in anyone's terms. To think that that has just been wasted! I do not understand how the Premier can actually think that that is a reasonable thing to have done on behalf of Victorian taxpayers and still try to justify it. When you say, 'It's not worth the paper it's written on', and then go ahead and rip up something that has actually cost us \$1.3 billion, that is an enormous amount of money, as I said, that could have been spent on services and resources in very worthy areas.

**Mr Ondarchie** interjected.

**Ms CROZIER** — Mr Ondarchie, you are right. The east–west link would be part way finished. It is a very necessary piece of infrastructure that this city needs. We are growing by in excess of 120 000 and up to 140 000 people a year, and most of those people are coming to metropolitan Melbourne. They are living in this metropolis, requiring all the services of hospitals, schools, public transport — all range of things — and that \$1.3 billion could have gone a long way to assist in meeting those needs.

It also could have assisted in the area that I have shadow responsibilities for, in child protection. This government goes on about their record achievements in child protection, but we do not know actually the full disclosure of how many child protection cases are unallocated. The last figures showed that almost 3000 children in this state did not have a case worker — did not have a case worker. The most vulnerable of children did not have a case worker.

What is this government saying? They keep speaking about their recruitment programs in this area and that area. Well, there is a huge churn because they have not been able to manage that, and nor have they been able to manage many other areas in actual fact. Look at the track record of the minister I shadow in youth justice. In question time she just displayed again her ineptitude and gross mismanagement of this very important area.

We have seen the destruction of youth justice, the entire youth justice system actually, where rehabilitation — counselling, education — within those facilities is now required. It is complete mayhem. There is a complete breakdown of the system. We are seeing that with the activities that are occurring inside but also on the outside. When those young offenders come back out into the community there are not the proper services in place to provide the support they need so that they can contribute to the community. Instead they go on and commit very serious crimes. I am deviating slightly here, but my point is there is a huge wait list for necessary counselling services.

**Mr Mulino** interjected.

**Ms CROZIER** — That \$1.3 billion, Mr Mulino, could have been put into necessary counselling.

**Mr Mulino** — It is a transport motion.

**Ms CROZIER** — I know it is a transport motion, but I am talking about the \$1.3 billion that was wasted by your government.

**Mr Mulino** interjected.

**Ms CROZIER** — I said, Acting President, that I was deviating slightly. My point is that the \$1.3 billion could have been put into very necessary services. Instead, it was wasted. Mr Mulino may shake his head, but Victorians remember that enormous amount of money that has been blown, absolutely blown.

I see the Greens over there. Ms Dunn, hello.

**Ms Dunn** interjected.

**Ms CROZIER** — Quite right. You would not agree with the proposition of having an east–west link, but our proposition is to have more public transport, more roads and more rail. We have been on the record time and time again saying what is needed. You cannot have one without the other. As I said, this state is growing at an exceptionally fast pace. We are not keeping up with the necessary infrastructure, and now the government is playing catch-up.

The government talks about the east–west link and what happened under the previous government. Well, let us just think about what has happened under this government with sky rail — that proposition that was never taken to the public. They did not know when the level crossing removal promise was made that a sky rail would be in their backyards — huge concrete and steel structures just inches and metres away from backyards and private properties. That has been an absolute slight

on those communities, which have been extremely concerned about how it will impact on their property prices, and this government could not give a hoot. They could not care less. There are terrible situations. People have certainly come to me, and I know that they have been to Mr Davis, who has put this motion forward, and to Ms Fitzherbert, and spoken very deeply about their concerns about their properties that have been disregarded and devalued.

That is a shameful thing that the government has undertaken. They have not taken into consideration at all the concerns of that community. They did not even tell them. They did not even have the decency to tell them what they had planned. Now we have got kilometres of corridors of massive structures that are sitting in our sky ways, and the government will congratulate itself, saying it is getting people from A to B. We had a plan to get people from A to B along that Cranbourne-Pakenham line, but it was not putting these monstrosities in people's backyards.

I want to commend Matthew Guy, David Hodgett, Mr Davis and others, who have really thought through this plan. Of course, we had our \$30 billion announcement, a few weeks ago, which takes into consideration the West Gate tunnel. There was some contention around that project at the time, but the government started digging. We cannot take that back, we cannot fill in the holes, so we have to incorporate that into the overall plan that we are talking about here, and that is part of what needs to be done. With the north-east link, again look at the government's plan on that and their business case. They have not actually released any business case. They have not done anything to really get people to understand what they are talking about here.

They talk a lot. It is all smoke and mirrors with this government. We have seen that time and time again with many, many projects. They put a press release out, they get their spin doctors out, they run it all out to the media and they spruik it, cutting ribbons before projects are even finished — and we have seen that with the level crossing removals. They are pretty good at that. They get their spin doctors out. You would think it was some political thriller on the television, but they are living it in real life, and it is extraordinary how many people can see through this facade of this government with their spin and their rhetoric.

It is incredibly important that we do have the necessary infrastructure, that we have a mix of road, rail and public transport needs to get the state moving. That is why we need to have a plan to get cars moving along the major freeways as well. Anyone going through the

suburbs through the major road thoroughfares will know how difficult it is with traffic light after traffic light and the accidents that can occur in peak hour and how that clogs the whole system. We have seen that around the inner-city edges and further out. It just clogs the whole system. So if we can relieve those intersections, which the plan of Matthew Guy and the Liberal-Nationals will do, that will be a good thing. That will be an excellent thing to get commuters but also very necessary produce moving from A to B.

I know that I have only got a couple of minutes left to my contribution, but I want to just reiterate the points I made when I started out by saying that Mr Morris's contribution on this motion was indeed excellent. Mr Davis put it on the notice paper so that we can debate it, so that we can actually speak to people. What we are seeking to do here is to explain our position and to expose the government's flawed position but also to remind Victorians of that waste of \$1.3 billion. I know that I am reiterating that point, but I think you have to say it to believe it. It is an extraordinary figure to have just squandered. It is like they think it is Monopoly money or something. I am not quite sure. I just do not see the rationale. And then to think that they have also allowed these projects to overrun by billions of dollars. It is not millions; it is billions.

The level crossing removal project has blown out by 60 per cent — over \$3 billion. Again, this is money that is just thrown down the drain by a government that has got a very poor track record — let's face it — on managing projects. We saw that in the last Labor term, how hopeless they were. Well, they have not improved their situation in this term. They have been absolutely useless and actually quite disgraceful in the way that they treat the public purse and taxpayers money. They do not show any regard for it. It astounds me that they think it is okay for these major projects just to overrun by billions of dollars. They think it is okay and come up with some other spin line from their little media team to say that they are getting on with it. Well, they might have gotten on with some projects, but they have caused a huge amount of consternation within the community — they have — and it is causing people to understand why their taxes are going up. Never have we had such revenue coming in, with the high taxes and other revenue streams, and yet people's cost of living is still going up and they cannot move because of the congestion.

The government, as I said, has been absolutely hopeless in managing projects and in being able to understand that the east-west link is required. It should not be an ideological argument, as it has been taken. It is absolutely ridiculous to say that we do not need an

east–west link. Of course we need another road that is parallel to CityLink and the M1 freeway because of all the issues that occur when we have a situation on those roads. I commend Mr Davis’s motion, and I would urge all the government members to support us in doing so.

**Ms BATH** (Eastern Victoria) (16:32) — I also rise today to speak to Mr Davis’s excellent motion outlining our policy positions and our commitment to the Victorian people to build both the east–west link and also the north–east link to create those very important transport corridors needed by not only all city people who travel along those byways but also in particular our rural and regional people in Gippsland who need to be able to transport their very important agricultural products either to processing plants on the west side of Melbourne or into the airport and out into overseas markets. I will give you a couple of examples of those.

Certainly in my Eastern Victoria Region electorate the dairy industry is very important. It employs massive numbers of people, not only in farming communities on farm but also in processing plants. When I was in the education space we were working to connect people and schools more so schoolchildren could get an understanding of our local industries. We connected with Murray Goulburn at the time and went to the Laverton processing plant where they use very innovative methods — robotics and the like — to process fresh raw milk. Of course those transports have to come across town, so right across Gippsland and in through our congested cityscape and our city highways and freeways. That is one example of where on a daily basis we have tankers coming across from Gippsland into the outer western suburbs of Melbourne.

I also talk frequently with transport people and horticulturalists in and around Central Gippsland and the Sale region who ship a lot of their fantastic products through the airports. I spoke to Gino Tripodi, who is a very well known person in and around Central Gippsland and transports the asparagus grown in Koo Wee Rup, about how very important it is to get that clean and clear through there and out to our airports and our overseas markets. Time is money for these people. They feel like they have been let down. They feel like there has been a lack of consultation in terms of the Monash Freeway upgrades and the slow lane there. They feel that they were not consulted — and I do believe them — and that there was not that detail around whether it would be safer with that lane and what the government thinking was around that. It was imposed on them, and I know that they are still quite bitter in relation to that. Time is money in terms of access through our supply chains.

With respect to this debate here today it is interesting in terms of the east–west link, which is certainly part of that corridor for the transport of produce from regional and rural Victoria — and we have heard it before so I will not go into it in great detail — the Andrews Labor government just ripped up that contract, costing \$1.3 billion. I know there was a cost analysis done at one stage as to what could have been done — hospitals, schools, sporting infrastructure, and the list went on and on — with that \$1.3 billion that was ripped up and washed down the drain. When we look at the east–west link it is interesting how many third-party endorsements there are for this great project saying how important this project is. The Victorian Chamber of Commerce and Industry endorsed the east–west link and the north–east link. They made some comments around how important it is to build both of those to ease congestion and that they are vital for our long-term economic and social development. Again, talking about peak times and congestion and the billions of dollars that were wasted in terms of time lost and lack of productivity, there is a figure in the \$5 billion range for lost productivity in that time period.

We are planning not just for now — we did not just need it today; we needed it yesterday — but for 10, 20 and 30 years from now. This state is growing by something in the vicinity of 120 000 people per year, including people migrating from other states and from overseas. That is a huge amount of people to stuff into Melbourne, so we also need to look at decentralisation and the importance of growing not just a city state but a state of cities. That therefore includes our rural and regional areas into the west, into Ballarat, certainly up to Bendigo and Shepparton and into my patch of Central Gippsland, the Latrobe Valley, Morwell, Traralgon and the like and down into our fabulous green growth area of South Gippsland as well. It is very important that we make the case for people moving to this state that the regions are a great place to live and work. It is also important that you can have connectivity back into the city, whether it be for medical appointments or entertainment et cetera, and that there is potential to live in the regions and commute into town.

On Monday I took the train down here. Now, I live in South Gippsland, which does not have a train service, so I normally catch the bus into the city if I need to or drive as sometimes I have to, but I took the train to experience what it is like to travel on the train from Traralgon. I met up with the Gippsland V/Line Users Group convener, Natalie Thorne, who was most instructive — and a very passionate and sensible lady she is. She lives in Warragul, and she travels in from Warragul regularly for her work. Now, she provided

some great insights as to what is needed in terms of our rural connectivity and the issues around the Gippsland line. She certainly availed me of information in relation to the signalling issues that happen on the Gippsland line and the importance of improving those. She raised issues around the fact that the V/Line train from Southern Cross station that goes all the way to Traralgon and Sale is constantly stuck between Metro trains, meaning V/Line train users can only go as fast and as far as Metro trains will allow them.

There needs to be a solution to this problem. She also availed me of the fact — and this is quite interesting — that in the early days Labor members were very interested in having a conversation around this with her, but in recent times they have been deafening in their silence, which is quite disappointing. What the Liberals and The Nationals are more than prepared to do is to have conversations with people who have insights on this and to work with them to find solutions. This is a key issue that we need to solve right across the regions but no more so than in Gippsland.

Interestingly enough Natalie also talked about carriages and infrastructure. It is really great to see that the Liberals and The Nationals will be providing \$633 million worth of new trains and carriages. In my patch that will go all the way through to the Bairnsdale line, and it will give those in far East Gippsland really comfortable places to stay and have a normal proper service on a great carriage. It also means that when the tracks are up-to-date these trains will be able to go reasonably fast and travel at 160 kilometres per hour. So it is very important that we find a solution to that.

Another interesting thing of note on that train on Monday was that the disabled toilets were not operating. I asked the V/Line users group member, Natalie, about that and she said that that is a regular occurrence. She also identified the need to find solutions for having better access for disabled people. These are the issues that we would like to address when we get into government, and they are the issues that the Labor government at present is woefully silent on.

There is another group of people that are most interested in this besides the Victorian Chamber of Commerce and Industry that gave it a third-party endorsement. The RACV has also argued for the east–west link, as has Infrastructure Victoria. Infrastructure Victoria is an interesting place because although they are independent road and rail advisers, when they put out their 30-year strategy plan in 2016 it had very little detail around Gippsland, and I found that quite frustrating. But in this case they have said very loud and clear that the east–west link that is required to

make those connections is top of their priority list and must happen. The other thing that we will look at doing is dovetailing the north-east link and the east–west link so that there is synergy around the completion dates. I know Matthew Guy has outlined some of the time frames that make sense for people both working and living in the area.

The other interesting part of this — and I think Mr Davis is very wise here — is to acknowledge the plan to remove those really congested areas, the 55 grade separations, around Melbourne and Geelong. I have identified one crossing in Traralgon that I travel through every day that could be looked at for grade separation; it is the Princes Highway-Breed Street crossing. It is always quite clogged there, so I will be putting my bid in for one of those when that opportunity arises.

In summary this is a good and sensible motion. It outlines what a number of people are saying on a regular basis: that we need to have through-flow of our transport system, good connectivity and we need to have the east–west link for those people who are moving into the regions and those who are moving into our state at a huge rate year upon year.

People do use their cars frequently to get in and around the regions and the traffic needs to be able to flow. Yes, there needs to be a better public transport system — I wholeheartedly endorse that — but we also need to be able to provide an avenue for our rural and regional products via transport systems to be able to get through to their markets and overseas exports as required. I commend Mr Davis and I endorse and support the motion wholeheartedly.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (16:45) — I am pleased to rise this afternoon to speak to the motion moved by Mr Davis which has three key elements to it. The first element is to acknowledge and congratulate the Liberal-Nationals coalition on their recent commitment to build both the east–west link and the north-east link if elected to government. The second element is to acknowledge that we have made this commitment and that we are also committed to removing 55 of Melbourne and Geelong's most congested and dangerous intersections. The third element is to condemn the incumbent government by noting its decision to tear up the previous contract for the east–west link. That was a petulant action by the then incoming government which cost Victorian taxpayers around \$1.3 billion.

The commitments from the coalition are important commitments that recognise the longstanding need to

complete Melbourne's arterial infrastructure. For decades Melburnians have recognised the need to connect the Eastern Freeway through to the Tullamarine Freeway. It was the leadership of the previous coalition government, the Napthine government, which put that project on the map, so to speak, that got that project underway with the creation of the east-west link project. It developed that project and saw that project through to contract with a view to that project, had the Napthine government been re-elected, today being underway.

We had a bizarre situation in 2014 that because the then coalition government committed to undertaking the east-west link and had contracted to undertake the east-west link, the then Labor opposition said it would not do the east-west link in an exercise of blatant partisanship — a desire to have a point of difference. Only because the incoming government said it would build the east-west link did we have the Labor opposition say it would not build the east-west link. We had the fiction created by the then opposition leader, Mr Andrews, that to not build the east-west link, to exit the contracts that had been signed by the incumbent Liberal-National government, would come at no cost to Victorian taxpayers.

Of course we saw in November 2014 a change of government, and rather than back away from the rhetoric of his previous period in opposition, rather than make a decision which may not have been in his political interests but would certainly have been in the interest of Victorian taxpayers, Mr Andrews refused to actually complete the project which had been legitimately entered into by the previous government, to continue with those contracts and to see that piece of infrastructure constructed. We had the petulant action by Mr Andrews in actually ripping up those contracts — contracts which he had said in opposition, based on dodgy legal advice, were 'not worth the paper they were written on' but in fact cost Victorian taxpayers \$1.3 billion to break, to exit.

Indeed that was done in an environment where the government was even threatening the prospect of legislating to exit those contracts. We had a bizarre situation where a critical, needed piece of infrastructure was about to commence construction and the incoming government decided, in its political interest and not in the interest of the Victorian taxpayers, to threaten to void those contracts through Parliament means, which was put on the table by the government, to ultimately rip up those contracts and pay penalties under those contracts, costing Victorian taxpayers \$1.3 billion to actually not commence the construction of that vital piece of infrastructure, which is one of the most bizarre

acts of an incoming government, I think, in the state's history. To raise the spectre of sovereign risk by threatening to legislate out of a contract and then to void that contract at a cost of \$1.3 billion and get nothing for it was a bizarre action of an incoming government, but it highlights the petulance and arrogance that was shown by the Premier in particular as the incoming head of government in 2014.

We now jump forward to 2018. The state has incurred those costs of \$1.3 billion, Victoria has nothing to show for it and we still have the need for an east-west link. So I was delighted when earlier this year the coalition committed to build that east-west link and also committed to build a north-east link, recognising that there are two significant links in the puzzle which are required to complete Melbourne's arterial network

The east-west link has two options on the table: a northern route and a southern route, depending on whether the connection is to the West Gate project or is to the Tullamarine Freeway. Either of those options will mean commuters on the Eastern Freeway will be able to connect through to the CityLink-Tullamarine Freeway and potentially through to the West Gate, completing a major and critical link in Melbourne's infrastructure, which has been an impediment to commuter traffic, has been an impediment to business traffic and has been a major drag on Victoria's productivity.

For my electorate, the South Eastern Metropolitan Region, that has also been a major limitation for constituents in my region — that if they have wanted to travel to the north of the city or to the west of the city their only option has been the Monash Freeway and CityLink. The completion of an east-west link will provide a vital second link, which will provide an alternative when obviously the Monash and CityLink are congested and will provide a vital link for those businesses and commuters in eastern Melbourne who currently do not have a convenient east to west link other than travelling south on EastLink and then using the Monash and CityLink. So for commuters and businesses in the east it will be a particularly beneficial project, and even for those businesses and commuters in the south-east and indeed through to Gippsland it will provide a vital duplication to allow east to west traffic.

Likewise our commitment to the north-east link recognises that it is not a case of needing one project or the other. With the growth we are experiencing in Victoria — with well over 100 000 people settling in Victoria a year — it is important that we complete that link as well. Again that will be of particular benefit to

commuters in the south-east, being able to connect to northern Victoria without needing to travel through CityLink, through central Melbourne and out through the Tullamarine. That will be a vital link for commuters in eastern Melbourne and in the south-east.

Likewise we see that not only is the arterial network important but we also need to work on the local road network, and that goes to our commitment to remove 55 congested intersections on our arterial commuter road network. South-east Melbourne will be a major beneficiary of that, with commitments to remove level intersections at Western Port Highway, at Thompsons Road and at Hall Road; and to remove a number of intersections on the Nepean Highway at Mentone and also at Frankston Road in Frankston. They will have a major impact on productivity and they will also have a major impact on safety.

It is only the coalition that has a complete package looking at our arterial requirements to connect the state east to west and north to south and also addressing those congestion issues in suburban Melbourne and in Geelong. The coalition has a complete package to deliver on infrastructure, in contrast to those opposite who ripped up contracts, cost the state \$1.3 billion and had nothing to deliver for it. We have a package that will complete Melbourne's arterial road needs, and I would urge the house to support the motion that was moved by Mr Davis.

**Mr DAVIS** (Southern Metropolitan) (16:55) — This is a very simple motion in its structure and in its importance. If you are in favour as an MP of seeing an integrated set of projects that actually connect these key roads — and that is the east–west link and the north-east link through to the West Gate tunnel project that is being built at the moment — and if you see that connecting those is a sensible way forward, you should vote for this motion. If you believe that leaving those roads disconnected so that freight and commuters cannot move in that east–west direction in a sensible way through an integrated road system, you should vote against this motion. If you believe that removing those 55 difficult intersections — congested intersections, some dangerous intersections — in metropolitan Melbourne and Geelong is an important —

**Mr Jennings** — Started off so simple.

**Mr DAVIS** — You are a silly goose, aren't you, really? Just be quiet for a moment, won't you?

**Mr Jennings** — You're spending the Parliament's time so wisely.

**Mr DAVIS** — Like you — your wonderful contributions. Well done.

Let me just say, if you think that the tearing up of the contract on the east–west link, costing taxpayers \$1.3 billion, was a smart way forward, like Mr Jennings obviously did, you should vote against this motion. But if you think it is a squandering of public money to tear up a contract for a road that is partially progressed, you should vote with this motion.

It is critical that the chamber sends a message on these points today, and it is critical that the chamber looks for an integrated solution on many of these key road transport projects. This in no way says we do not need rail projects, and much of my contribution pointed to the need for integration between these projects — more rail projects, more tram projects, more bus projects and other alternative transport solutions — but that in no way diminishes the need for a road project to be brought together in a sensible way. We need those three main road projects, we need these intersections and we need to send a message about the squandering of \$1.3 billion of public money on the east–west link.

#### House divided on motion:

##### *Ayes, 17*

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

##### *Noes, 21*

|                            |                             |
|----------------------------|-----------------------------|
| Dalidakis, Mr              | Pennicuik, Ms               |
| Dunn, Ms ( <i>Teller</i> ) | Pulford, Ms                 |
| Eideh, Mr                  | Purcell, Mr                 |
| Elasmar, Mr                | Ratnam, Dr                  |
| Gepp, Mr                   | Shing, Ms ( <i>Teller</i> ) |
| Jennings, Mr               | Somyurek, Mr                |
| Leane, Mr                  | Springle, Ms                |
| Melhem, Mr                 | Symes, Ms                   |
| Mikakos, Ms                | Tierney, Ms                 |
| Mulino, Mr                 | Truong, Ms                  |
| Patten, Ms                 |                             |

**Motion negatived.**

**Business interrupted pursuant to standing orders.**

**STATEMENTS ON REPORTS AND PAPERS****Department of Treasury and Finance: budget papers 2018–19**

**Mr MORRIS** (Western Victoria) (17:06) — I rise to make my statement on a report this afternoon with regard to the budget papers 2018–19. I did want to make some comments about some of the projects that are either funded or not funded in this particular budget. One incredibly important project is the Lake Wendouree lighting, which is a project that I am very proud to say the Liberal-Nationals are very supportive of, and we have indeed committed \$1.7 million if we are elected to ensure that Lake Wendouree is lit after the next election. We know that this is incredibly important not just for the health and wellbeing of the Ballarat community but also as an important safety measure to ensure those who choose to walk, run or other around the Steve Moneghetti Track are kept very safe in doing so.

Another significant project which has been a completely abysmal mess in Ballarat is indeed the railway station precinct. This is a project that the Andrews government has botched from day one and one that the Ballarat community has vehemently opposed, despite the Andrews government pushing ahead headstrong with a project that nobody wants and nobody supports. One of the incredible omissions by the Andrews government in the railway station project is the fact that it is not going to make it easier, indeed it will make it harder, for people with mobility issues to access the station. There is a significant issue with access from platform 1 to platform 2 at the Ballarat station. The Andrews government, despite saying that they are spending millions of dollars on this redevelopment, are not addressing any of the concerns. Indeed they are going backwards with regard to access for people with mobility issues at the Ballarat railway station.

So I certainly call upon Daniel Andrews and Labor to immediately come up with a plan, indeed a proposal, that can be put to the community about how it is that they can ensure disability-compliant access from platform 1 to platform 2 at the Ballarat station. It is shameful that the Ballarat station is the only station on the Ballarat line that is not accessibility compliant. It is shameful that this government has turned its back on people with disabilities and their access to public transport.

Further to the railway station, the train service in Ballarat has just gone from bad to worse. Now we are seeing really a Third World train service in Ballarat and

one that Ballarat should not have to put up with. But it is of little wonder, I suppose, from this government who cannot tell the difference between Ballarat and Bendigo, as we well found out when the Minister for Small Business put out his brochure confusing the largest and second-largest inland regional cities in our state. It is beyond belief that we could have a government this incompetent. But then again when we have a Premier for Melbourne, as Daniel Andrews is, it may come as little surprise to many.

I also wanted to make mention of a project that again has little to no support in the Ballarat community, and that is the Mair Street redevelopment, which the government are choosing to press ahead with against the will of the community. Not only are they pressing ahead, they are hiding the exact plans for the Mair Street redevelopment. They are refusing to release these plans to the community and to the traders whose businesses are going to be decimated by the slashing of hundreds of car parks in the precinct. Not only are they going to decimate these businesses, they are refusing to release the plans so that these traders can understand the impact that this is going to have on their businesses. We know that this government likes to run and hide, but refusing to show these plans to the affected traders is nothing short of disgraceful.

The Minister for Roads and Road Safety has completely botched this proposal. The community are vehemently against it. Despite the fact that this minister thinks there are too many vacant car parks in the Ballarat CBD, he is the only person of this view, and it is not representative of the Ballarat community's views at all.

**Victorian Multicultural Commission: report 2016–17**

**Mrs PEULICH** (South Eastern Metropolitan) (17:11) — I just take the opportunity of again speaking on the Victorian Multicultural Commission's (VMC) annual report 2016–17 and to perhaps express some serious concerns about the way the restructure is now functioning following the VMC being drawn back into the Department of Premier and Cabinet without any of its statutory authority status being exercised robustly or as intended.

The most recent example has been the length of time it has taken for the government to produce an African communities action plan. It is an issue that obviously has attracted a lot of commentary, with some very serious ramifications for the families whose children need help, and the nature of that help will vary according to opinion. Many of those people are victims

of circumstance, such as the young woman who was sadly killed at an Airbnb all-girls party the other night, at the age of 19, when she had her whole future ahead of her.

The government released its African action plan that had been much too long in the making. It has had nearly three years to develop it. It was initiated by the African community at my encouragement at a Kensington town hall meeting, following some disturbances in the CBD, which first of all alerted us and caused an extensive amount of commentary, including the publication of video clips of the CBD riots at the time on WeChat. I remember receiving many, many calls from members of the Chinese community asking for explanations as to what was going on.

I have to give credit to the African community for coming together, despite perhaps not always being as united as we would want them to be. They are indeed now from 55 countries and they are divided by so many divisions — whether they are from a region, whether it is political or whether it is religious or tribal. Some of them find it very difficult to sit around the table together to discuss common issues and common problems. I encouraged them to do so and they did so. They made a presentation to the government at the time and the minister, who moved at a snail's pace and failed really to deliver any on-the-ground results, said the African communities needed to put 'some skin in the game' and that they had to fundraise for an African communities action plan. I thought this was inappropriate, that it needed to be funded and advanced quickly as there were some emerging and time-sensitive issues.

Given Labor's lack of leadership on this issue and the desire by African leaders to make progress but not always being able to do that, I called on numerous occasions in this chamber for the establishment of a multi-agency task force to help do the job. The government did not heed that in a timely fashion, and while the Chief Commissioner of Police had undertaken some recruitment of African community leaders to help him deal with the law and order issues, the government failed to do so.

I have repeatedly called for support and funding for an African communities action plan to help address the challenges faced by Victorian African-Australian communities. In response to that we now have an \$8.6 million commitment for a 10-year strategy. That is approximately \$860 000 a year, and divided by 55 African countries that is an allocation of a mere \$15 636 per country per year.

For too long the government has been treading water on this issue. In an election year it now offers election sweeteners to silence dissent and criticism of a plan with very few identifiable deliverables. I think the sad part is that there are victims. There are victims within the African communities who are honourable and amazing people. They are aspirational and good citizens. There are those who perhaps get drawn into crime, and they deserve more, especially where youth is concerned, from us in terms of a response. And then there are those who are victims of crime. Irrespective of colour, whether they are white or not white, irrespective of their language or religion, they all deserve our protection. This government has failed to give it. It has belatedly funded a communities action plan, but it has so far delivered nothing on the ground.

### **Environment, Natural Resources and Regional Development Committee: control of invasive animals on Crown land**

**Mr O'SULLIVAN** (Northern Victoria) (17:17) — I rise this afternoon to speak on the inquiry into the control of invasive animals on Crown land. This report was undertaken by the Environment, Natural Resources and Regional Development Committee, a committee that I am a member of, but I only joined the committee part way through this inquiry being undertaken.

There are a few issues in this report that I wish to speak on, but one in particular that I am going to focus on is that of kangaroos. Kangaroos in Victoria are becoming a particular problem. The number of kangaroos around the state and in regional Victoria, particularly in northern Victoria, is increasing at an alarming rate. There are a number of reasons for that, but probably the predominant reason is the drought that is being experienced in Queensland and New South Wales. As the feed runs out in those states the kangaroos, and also the emus, are migrating south in very large numbers looking for some grass to eat because there is not much up in New South Wales and Queensland. We certainly feel for those farmers and communities up in those drought-ravaged areas.

But one of the consequences of that is that kangaroos are coming down to Victoria in very, very large numbers. It is not just in the north. We have seen a whole range of references on social media and in other places where people are taking photos of kangaroos. I certainly see them, and anyone who travels up the Calder Freeway just south of Bendigo will see them around Ravenswood, where they are very, very thick. I was up at my farm at Patchewollock in the Mallee just 10 days ago or so, and the numbers up they were extremely thick. With the crops for farmers in the north

coming through and taking some sort of shape now, the kangaroos are dining out on those crops, so it is becoming a significant problem.

Also, we are seeing a whole range of situations where people are having kangaroo accidents. It can be very dangerous if you hit a kangaroo. They are a big animal and they can cause a lot of damage to your car. When kangaroos all of a sudden appear in the middle of a road, people can instinctively swerve to avoid them and can run off the road and have an accident. I was very lucky when I was coming back from the farm on a Monday morning. Only about 2 kilometres from the house I was driving along a dirt road and a kangaroo jumped out in front of me. Fortunately I did not hit it straight on, but the tail of the kangaroo certainly made a big whack on the front of the car, and you can see the dust mark that came out of the tail on the front of the car. I was very lucky that I was not one of those people who has suffered damage from hitting a kangaroo. I know my colleague in the other place Tim McCurdy has hit one with his car in the last few days, as has his son, who wrecked his car as a result.

There are lots of kangaroos around, and they are increasingly becoming a problem, so we need to continue to make sure that we are doing everything we can to keep those numbers as low as possible. There are some things that this side of the chamber intend to do. We started a pet food trial with kangaroos. The government, after having its arm twisted behind its back, announced that it would extend the trial that we put in place. But we will take that even further. We will make that pet food trial using kangaroos a permanent fixture in Victoria.

Some statistics in relation to the number of kangaroos in Australia show that there were 27 million in 2010 and there were 45 million in 2016, so the number of kangaroos has almost doubled in six years, and I would suggest that there has been a significant increase on top of that as well.

Over the trial period 87 000 kangaroos were processed into pet food, which is a good use of that protein and that resource, so I think it is a good idea. The trial also created a significant number of jobs. Once we make that trial permanent across 16 local government authorities throughout Victoria, the number of processed carcasses will increase, which means there will be more of this resource being used for pet food and also there will be a lot more jobs as a result. It will also have an impact on lowering kangaroo numbers, which will be very fortunate for farmers who are trying to grow a crop or for someone who is driving in a car

and does not want to hit a kangaroo, which is something that happens quite often.

### **Law Reform, Road and Community Safety Committee: drug law reform**

**Ms BATH** (Eastern Victoria) (17:22) — This afternoon I would like to make a couple of comments in regard to the Law Reform, Road and Community Safety Committee's report *Inquiry into Drug Law Reform*, tabled in March 2018. This is a very weighty report, and I know that the members who were involved in this undertook information gathering across the state, around the country and overseas in order to collate this very fulsome report. I am wading my way through one particular area that I would like to speak about this afternoon.

According to the Coroners Court's submission to the inquiry, in 2009 there were 379 Victorians who died from a drug overdose. If we look at the latest figures available, in 2016 there were 477 persons who died from a drug overdose in that year. What we see most unfortunately is that we are not winning the war against drug overdoses and that it is actually getting worse. I do not say that with any glee at all. In fact it is with a very heavy heart that I say that. Indeed my patch in the Latrobe Valley and greater Gippsland has one of the highest rates of drug overdoses in regional Victoria. If I look at a couple of other statistics for the record, the Moe-Newborough-Traralgon-Morwell area in 2016 exhibited the highest increase in rates of illegal drug use and possession at 1400 cases per 100 000 population. It now trails behind the Gisborne-Macedon area with the second-highest rate across the state in that period. I am highlighting those statistics because they really show the need for adequate and improved services in that area.

The other key thing that is linked with this is of course drug-related crime in our area. Again it is very serious in that last year we had 317 drug-related offences, which was an increase compared with the previous year, with only 280 drug-related offences. So there is certainly a link between crime and the need for people to feed their habit, meaning that people steal on a regular basis. Unfortunately a lovely family I know has been hit very hard by this. Whilst part of that family is supporting their young people to move into a unit in the Latrobe Valley area, setting them up and buying them furniture, unfortunately the young man has slipped back into his habit, and when my acquaintance opened the garage door they saw that there were stolen goods inside the garage. That person went to the police and said, 'What can we do about this?'. The police said, 'We can't do anything unless someone comes and

highlights the fact that the goods are there, rather than you as an outsider, or we can find the perpetrator', who had absconded.

It is a very serious situation, and there is a need for increased services. The Latrobe Community Health Service certainly provides services around drug and alcohol, including day programs, counselling and withdrawal programs, but we need to have more. I noticed that the government in their budget allocated \$9.7 million to acquire land and/or property in — and it listed them — the Gippsland, Barwon and Hume areas. Minister Foley came out the other day and announced recurrent funding for the Hope centre in Bairnsdale, East Gippsland. I think there is real confusion around whether Minister Foley has taken money that was allocated in the budget for property — for land acquisition — and put it into recurrent funding.

I am in total awe of the Gippsland community and the wonderful people who have donated their own private funds, and there is also the support through council for the Hope centre, but I think it still highlights the dire need, certainly in Central Gippsland, for greater support from government to support these people to get through their addiction, to be supported away from crime and to heal and get back into their communities in a positive way.

### **Department of Treasury and Finance: budget papers 2018–19**

**Mr DAVIS** (Southern Metropolitan) (17:27) — Today I am talking to the state budget and the challenges for our population growth and the transport of our citizens. In particular I want to draw attention to the huge impact on our growth areas, particularly on the south-east and the areas beyond Frankston as well, and note that the coalition has recently made very significant policy commitments that will in part address some of the transport needs in those areas. They will have game-changing impacts on the areas, particularly the announcement with respect to the Cranbourne to Clyde rail extension.

We have indicated that we will electrify and build a double line from Cranbourne to Cranbourne East and to Clyde at a cost of \$487 million if elected. We will do that in our first term of government. That is a very important transport project. Obviously Cranbourne East, Clyde, Casey in general and further into Cardinia are areas of massive population growth. The rail extension will be significant in terms of the level crossings and also significant in terms of those new stations. The Cranbourne–Clyde rail extension will have a significant role in reducing congestion and

improving access to education and indeed recreation precincts.

We have also made a commitment, which I have reiterated to Casey council and will do so shortly in detail to Cardinia, around the extension of bus services that will hub from those stations. We will work with the councils to get a very good outcome for them.

Ann-Marie Hermans, our candidate for Cranbourne, and Brian Paynter, the member for Bass in the Assembly, have been extremely active in their advocacy for this rail extension. We recognise that this will have to work in unison with a duplication of the line between Dandenong and Cranbourne. The huge population growth and the need to have that duplication to support the movements that will be part of the rail corridor that will be part of the Metro Tunnel project does mean that that duplication will need to occur, and we have got a sharp focus on an outcome for that duplication.

I make the point very clearly here — this is outlined in our press statements on this and our statements to the community — that it will be a key focus, but equally we will also be looking to a future extension to Koo Wee Rup. This is important for all of Gippsland. It is important for the growth areas out into Cardinia and beyond. That rail corridor is an important one. It is one that was closed decades ago. The Labor Party promised to reopen it in 1999 — there was a commitment to an extension from Cranbourne in the 1999 Labor election promises. It was not until 2008 that they ditched that promise. In 2008–09 John Brumby quietly ditched the promise to extend the line beyond Cranbourne. That was unfortunate, given the huge growth in the area and the need to put better public transport into those important corridors. As I say, Brian Paynter and Ann-Marie Hermans are very strong advocates for these steps, and we will certainly be focusing on it.

There has been a long period — 14 of the 18 years since 1999 — that has seen the Labor Party in power and failing to produce the infrastructure that has been required. They themselves identified in 1999 that this extension from Cranbourne was needed, and they did nothing for 14 of 18 years.

I make the point too that we have in recent days committed to the extension of the line from Frankston to Baxter. Our candidate down there, Michael Lamb, is very active in that process. Neale Burgess, as is the member for Hastings in the Assembly, and I pay tribute to the consultation work that Michael Lamb has done on this Baxter extension. I also pay tribute to the work the City of Frankston and the Committee for Greater

Frankston have put forward on this important electrification and dual line, with new stations at Frankston East and Langwarrin and an upgraded station at Baxter. These are important projects that will bring key pieces of infrastructure — like the hospital, like the university — closer to services. There will be a level crossing removal at Moorooduc Highway, which is important. I make the point that with the growth in these corridors, the location of Baxter is a perfect location for a hub onto the rest of the peninsula and a perfect location just next to the urban growth boundary — a very sensible terminus for a dual line electrified from Baxter to Frankston.

**The ACTING PRESIDENT (Mr Purcell)** — Thank you, Mr Davis.

## ELECTORAL LEGISLATION AMENDMENT BILL 2018

### *Assembly's amendments*

**Returned from Assembly with message relating to amendments.**

**Ordered to be considered next day.**

## CORRECTIONS AMENDMENT (PAROLE) BILL 2018

### *Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Ms TIERNEY (Minister for Corrections); by leave, ordered to be read second time forthwith.**

**Ms TIERNEY (Minister for Corrections) (17:35)** — Pursuant to standing order 14.34, I declare this to be an urgent bill and move:

That the bill be treated as an urgent bill.

**Motion agreed to.**

### *Statement of compatibility*

**Ms TIERNEY (Minister for Corrections) 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)*, I make this Statement of Compatibility with respect to the Corrections Amendment (Parole) Bill 2018 (**Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is incompatible with human rights in the Charter. I base my opinion on the reasons outlined in this statement.

### Overview

The Bill substitutes, and also inserts new, provisions in the *Corrections Act 1986 (Act)* dealing with the powers of the Adult Parole Board (**Board**). Specifically, the Bill provides that the Board:

must not (except in limited circumstances) make a parole order in relation to certain persons who have been convicted of murder and sentenced to a term of imprisonment with a non-parole period, where the person murdered was a police officer and the Board is satisfied that at the time of the conduct the prisoner had a certain state of knowledge about the victim's status as a police officer or the likely effect of the prisoner's conduct; and

must not make a parole order in relation to the prisoner Craig Minogue except in certain limited circumstances.

### Human rights issues

In 2016, the Parliament passed the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016 (**JLA Bill**), which introduced s 74AAA to the Act. The purpose of that provision is to ensure that prisoners who have been convicted and sentenced to imprisonment for murdering a police officer with a non-parole period are not granted parole. This year, the High Court in its decision in *Minogue v. Victoria* [2018] HCA 27 held that as a matter of construction this provision did not apply to Craig Minogue, who was sentenced in 1988 for the Russell Street bombing which killed Victoria Police Constable Angela Taylor. The Court held that s 74AAA only applies to a prisoner convicted of murder who was sentenced on the basis that they knew that, or were reckless as to whether, the victim was a police officer. The Court further held that the only materials that could be relied upon to determine whether a prisoner fell within one of those classes were the reasons of the sentencing judge and the reasons of an appellate court if, and only if, that appellate court had re-sentenced the offender.

This Bill will address the issues raised by this decision, and make it clear that the provisions are intended to apply both to Craig Minogue specifically and to persons generally who meet the relevant criteria and who the Board decides had sufficient knowledge that the person they killed was, or was likely to be, a police officer.

Clause 4 of the Bill substitutes s 74AAA. New s 74AAA(5) provides that after considering any parole application by a prisoner where the provision applies the Board must not make a parole order unless it is satisfied (based on a report from the Secretary to the Department) that the prisoner is in imminent danger of dying or is seriously incapacitated, and as a result, no longer has the physical ability to do harm to any person and has demonstrated that they do not pose a risk to the community. The Board must also be satisfied before making a parole order that the making of the order is justified.

New s 74AAA(1) only applies in respect of a prisoner who has been convicted of murder and sentenced to a term of imprisonment with a non-parole period, where the victim of the offence was a police officer (who at the time of the murder was performing any duty as a police officer or where

the murder was connected to their role as a police officer), and, where the Board is satisfied that at the time of their conduct, the prisoner either intended to kill or cause really serious injury to a police officer, knew that the person killed was a police officer, or knew that it was probable that a police officer would be killed or really seriously injured. The new section further provides that in reaching this state of satisfaction, the Board must have regard to the record of the court, which is defined to include specific materials.

Clause 5 inserts new s 74AB into the Act, which provides that the Board must not make a parole order in respect of Craig Minogue unless it is satisfied, based on a report of the Secretary of the Department, of certain factors, which are the same as those discussed above in respect of new s 74AAA(5).

Both sections include an override for the purposes of s 31 of the Charter, providing that the Charter has no application in relation to those sections. The sections further expressly provide that s 31(7) of the Charter, which limits the operation of any override provision to a 5 year period, also does not apply to their operation.

These clauses collectively are relevant to, and in some cases limit, the following human rights in the Charter:

the right to equality before the law (s 8(3));

the right to liberty (s 21);

the protections against cruel, inhuman and degrading treatment (s 10(b)) and the right to humane treatment when deprived of liberty (s 22);

the protection of children, generally (s 17(2)), and the protection of children in the criminal process (s 23);

the right to fair hearing (s 24); and

the prohibition on retrospective criminal laws (s 27).

#### Human rights protected by the Charter that are relevant to the Bill

##### ***The right to equality before the law (s 8(3))***

Section 8(3) of the Charter provides that every person is equal before the law. There is some uncertainty whether this right is intended to operate as a prohibition on unequal treatment by reference to discrimination based on a protected attribute, as defined in the *Equal Opportunity Act 2010*, or has a broader application beyond protected attributes.

In relation to the parole reforms in clauses 4 and 5, it could be said that removing the possibility of parole for certain offenders (both Craig Minogue and those convicted and sentenced for murder where the victim was a police officer) treats these offenders differently from other offenders having committed the same offences (but against different, non-police victims). Affording equal protection of the law means properly allowing those who have committed the same offences to have equal access to the parole regime.

In my view, the concept of equal treatment has been interpreted in Victoria as being directly tied to discrimination by reference to the protected attributes in the *Equal Opportunity Act 2010*. 'Equality before the law' refers to the enforcement and administration of laws, rather than their content or enactment, and requires that all court or

administrative decisions not be applied in an arbitrary or discriminatory manner. The second limb of s 8(3) of the Charter is concerned with the content and substance of a law, and requires that a law provide equal and effective protection without discrimination. This comprises two elements: preventing discriminatory laws from being enacted, and ensuring that laws treat people in the same way except where there is reasonable justification for not doing so.

These reforms treat certain convicted offenders differently based on their conduct and the circumstances of their offending. This is an accepted form of differential treatment, which already occurs in many other aspects of the sentencing and parole system. The nature of these systems involves differentiating categories (and circumstances) of offending based on their nature and seriousness, and attaching different legal consequences and administrative procedures to different categories. As this differential treatment does not engage a protected attribute, I do not consider that the right to equality is limited by these reforms.

##### ***The right to liberty (s 21)***

Section 21(1) of the Charter 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 the grounds and in accordance with procedures established by law.

The severe curtailment of certain offenders' ability to be granted parole may appear to constitute a deprivation of liberty, as an offender will, in most circumstances, no longer be eligible for early release (or any release if serving a life sentence).

However, the constraints on the granting of parole in clauses 4 and 5 do not themselves deprive any persons of their liberty. That deprivation will have already occurred by way of the relevant offenders' sentences of imprisonment. The right to liberty 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 provisions of this Bill do not purport in any way to alter the original sentence of the court, in that they do not affect the head sentences of imprisonment imposed by the court or increase the limitation caused by the court's sentence. The reforms only alter the conditions on which the Board may order release on parole during the currency of the sentence, and after the expiration of a non-parole period. This does not change the fact that the prisoner has been deprived of liberty and lawfully detained for the duration of the head sentence. As such, the constraints on the granting of parole cannot properly be construed as depriving a person of their liberty.

I note that the setting of a non-parole period does not create a right or an entitlement in a prisoner to release on parole, nor to the continuation of a particular legislative scheme for release on parole for the duration of a prisoner's sentence. The High Court held in *Crump v New South Wales* (2012) 247 CLR 1 that the power of the executive government to order a prisoner's release on parole may be broadened or constrained or even abolished entirely by the legislature of the state, to reflect changeable policies and practices.

Accordingly, I am of the view that the human rights in s 21 are not limited by these reforms, which ultimately permit deprivation of liberty on grounds, and in accordance with procedures, established by law.

***Children's rights (ss 17(2) and 23)***

Section 17(2) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Section 23(3) provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

In my view, the parole reforms in clause 4 will have a limited effect on child offenders. The parole reforms do not apply to the Youth Parole Board, which hears parole applications involving children under the *Children, Youth and Families Act 2005*.

Further, there are many protections built into the sentencing system to ensure sentences for children or young offenders take into account their age and prospect for rehabilitation, and allow for alternative sentences such as a youth justice centre order or a youth residential centre order.

I note that in relation to existing offenders currently serving a sentence, these reforms will not capture any existing offender who was sentenced as a child.

***Right to a fair hearing (s 24)***

Section 24 relevantly provides that every person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court.

The reforms to parole in clauses 4 and 5 may be viewed as relevant to the right to a fair hearing in their impact on either the judicial sentencing decision, or the executive parole decision. First, it may be argued that the practical effect of these reforms is equivalent to replacing a court sentence that includes a non-parole period with an effective sentence that does not include a parole period.

However, I am of the view that the right to a fair hearing is not limited by these reforms. The Chief Justice of the High Court in *Crump v NSW* found that there is a clear distinction between the judicial function exercised by a judge in fixing a minimum term, and the administrative function exercised by a parole authority in determining whether a person eligible for release on parole, by reason of the judge's sentencing order, should be released. In fixing a minimum term before a prisoner can be considered for release on parole, the sentencing judge determines that all the circumstances of the offence require that the offender serve no less than that term, without the opportunity for parole. The purpose of parole generally is to provide for mitigation of the punishment of the prisoner in favour of rehabilitation through conditional freedom, when appropriate, once the prisoner has served the minimum time.

Once an offender is sentenced, the administration of that sentence passes to the executive government. The executive decision to release or not to release a prisoner on parole may reflect policies and practices which change from time to time. Although the fixing of a non-parole period may in some circumstances permit an executive body to reduce the period of time which the applicant would spend in prison, it leaves

the sentence unaffected as a judicial assessment of the gravity of the offence which the offender committed.

Accordingly, following the High Court's reasoning in *Crump v NSW*, I am of the view that the right to a fair hearing is not limited, as the court's determination of the criminal charge and subsequent sentence remains unaffected by these parole reforms. This analysis also applies to new s 74AB.

Secondly, in my view the making of a parole decision in respect of the prisoner in question does not engage the right because such a prisoner is neither charged with a criminal offence, nor involved in a civil proceeding within the meaning of s 24(1) of the Charter for the purpose of that decision. A prisoner applying for parole does not have any entitlement to be heard in respect of their application, and neither the Charter nor the rules of natural justice apply to that decision.

***Protection against retrospective criminal laws (s 27)***

Section 27(2) provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

The new sections inserted by clauses 4 and 5 apply retrospectively to existing offenders and charged persons. Further, new s 127A provides that those provisions apply regardless of whether prior to the commencement of the amendments to ss 74AAA and 74AB a prisoner to whom s 74AAA applies or Craig Minogue, had already become eligible for parole, taken any steps to ask the Board to grant them parole, or the Board had begun any consideration of whether the prisoner should be granted parole.

Therefore, the right under s 27(2) may appear to be engaged. However, in my view, the right in s 27(2) is not limited by these reforms, as the denial of parole in accordance with the new conditions is not properly characterised as punishment. Parole is administered by the Board under the Act. As already stated, although a sentencing court fixes the non-parole period, the fixing of such a sentence exhausts the relevant court's judicial function, and the punitive component of the sentence. Parole then becomes a matter of executive discretion, within the confines of a legislative scheme, such as the *Corrections Act 1986*, and is focused rather on rehabilitation considerations. As previously mentioned, the High Court has held that it is open to the legislature to alter the circumstances in which particular persons may be released on parole, even during the currency of their prison term.

I note that issues of unfairness may appear to arise in relation to the retrospective effect of these reforms; however, I will address this within the context of the protection from cruel, inhuman or degrading treatment, and the right to humane treatment, discussed below.

**Human rights that are limited by the Bill**

***Cruel, inhuman, degrading treatment (s 10(b)) and inhumane treatment (s 22(1))***

Section 10(b) provides that a person must not be treated or punished in a cruel, inhuman or degrading way. Similarly, s 22(1) provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

The effect of the reforms to parole in clauses 4 and 5 is that certain prisoners (who are serving life sentences), including the named prisoner Craig Minogue, may remain effectively ineligible for parole until they are either close to death or permanently incapacitated. This may be considered to constitute cruel, inhuman or degrading treatment, or inhumane treatment when deprived of liberty, as the reforms will have the effect of removing the prospect of release of certain offenders and diminishing their possibility of rehabilitation. While the Victorian statute book already provides for the possibility of life in prison with no prospect of parole, I accept that introducing restrictive constraints on the granting of parole to certain prisoners may induce a sense of hopelessness in an offender so as to limit the rights in ss 10(b) and 22(1) of the Charter. I note that the plurality of the High Court in *Minogue v Victoria* observed that there was 'clear support in European and international law for the principle that all prisoners, including those serving life sentences, be offered the possibility of rehabilitation and the prospect of release if that rehabilitation is possible'.

Sections 10(b) and 22(1) rights have been interpreted as being collectively limited in circumstances where an offender serving a life sentence is given no real prospect of release, which may be contrary to human dignity and amount to inhuman and degrading treatment. Constraining parole for offenders not serving a life sentence, while not resulting in an 'irreducible' life sentence, may similarly be considered 'inhuman' through the hopelessness that serving a full sentence may engender for that offender.

In light of the High Court decision in *Minogue v Victoria*, I consider that clauses 4 and 5 of the Bill limit the rights in ss 10(b) and 22(1) of the Charter.

#### Limitation to section 10(b) and 22(1) by clauses 4 and 5

The objectives for the amendments to the Act in clauses 4 and 5 of the Bill remain the same as they were in the JLA Bill. Both the general provision in substituted s 74AAA and the specific provision in s 74AB are intended to strengthen parole laws in relation to a particular class of offending, in order to further enhance community safety and protection.

Despite the finding by the High Court in *Minogue v Victoria*, this Government remains determined to avoid the risk posed to society by the release from prison of Craig Minogue and other prisoners convicted of the murder of police officers. The murder of a police officer, someone who serves and protects the community and risks their life to do so, is the most serious example of the most serious crime. These amendments reflect the seriousness of such a crime and serve the important purpose protecting society. There is no less restrictive means of achieving this objective.

As I noted in the previous statement of compatibility, the extent of the limitation on the relevant Charter rights is confined, as the reform will only currently affect the parole applications of three prisoners currently serving life sentences with non-parole periods for the murders of police officers. The reform will also apply to deter any future relevant offending, as prospective offenders will be fully aware of the consequences that flow from such actions.

As I stated in the previous statement of compatibility, I accept that the nature of the limitation is severe for the prisoners affected, because in certain cases (where the individual is serving a life sentence) it will prevent that offender from

being released on parole except in very limited circumstances, and those circumstances are not conducive to leading any useful life post-release. I also accept that the limitation is aggravated by the retrospective effect of the provisions, because offenders, including Craig Minogue, would have had an expectation, up until the time the JLA Bill was announced, that they may have had some possibility for release in the future and the capacity to live a useful life post-release.

For these reasons, I conclude that the limitation to the rights ss 10(b) and 22(1) of the Charter are unable to be justified in accordance with section 7(2) of the Charter. Accordingly, I conclude that clauses 4 and 5 are incompatible with human rights.

For this reason, new ss 74AAA and 74AB contain the override declarations I have referred to above expressly providing that the Charter does not apply to each provision. Each provision also contains a sub-section providing that the override provisions do not need to be re-enacted every five years. In this exceptional case, the Charter is being overridden and its application excluded to ensure that the sentences imposed by the Supreme Court for the exceptional and egregious crimes they apply to are fully (or almost fully) served, and to protect the community from the ongoing risk of serious harm presented by Craig Minogue. Consequently, the Charter will have no application to both of these sections in perpetuity. I also propose to make a statement explaining the exceptional circumstances of the sort of offending to which the provisions apply, and which justifies the inclusion of those override declarations.

Finally, and for completeness, I note that the effect of the Bill will be to deprive Craig Minogue of the benefit of the judgement he received in the High Court. However, I do not consider that this alters the analysis of any of the rights in question discussed above. While this might be seen as a particular case of quashing a prisoner's expectation that he may have some possibility of release, the High Court's judgement did not affect the legislature's power to alter the circumstances in which parole may be granted, including in the case of Craig Minogue.

The Hon. Gayle Tierney, MP  
Minister for Corrections

#### *Second reading*

**Ms TIERNEY** (Minister for Corrections) (17:36) —  
I move:

That the bill be now read a second time.

The main purpose of the bill is to enhance community safety by clarifying the application of the strict parole laws for prisoners convicted of murdering a police officer, including the prisoner Dr Craig Minogue. This is to reaffirm the government's commitment to ensure that police murderers serve their full sentence in prison, and to provide closure to victims' families. The murder of a police officer, someone who serves and protects our community and risks their life to do so, is the most serious example of the most serious crime. Our laws need to reflect those values.

The bill will substitute section 74AAA of the Corrections Act 1986, which was introduced by this government in 2016 under the Justice Legislation Amendment (Parole Reform and Other Matters) Act 2016. It further strengthens Victoria's parole system, which is the toughest in Australia. Section 74AAA currently provides that a prisoner convicted and sentenced to imprisonment with a non-parole period for murdering a police officer cannot be paroled, unless the prisoner is close to death and no longer has the physical capacity to do any harm to any person. The board must also be satisfied that the prisoner has demonstrated that he or she does not pose a risk to the community, and, because of those circumstances, the making of a parole order is justified.

The section was intended to apply to Dr Minogue, as well as any other future or current prisoners who have committed this shocking crime. However, a recent High Court challenge brought by Dr Minogue found that 74AAA does not apply to Dr Minogue because he was not sentenced on the basis that he knew that or was reckless as to whether the deceased victim was a police officer at the time of murder. The High Court found that only the sentencing remarks made by the sentencing judge can be relied on to make this assessment. This restriction is a technicality that does not reflect the intent of section 74AAA. The government will ensure that Dr Minogue and other prisoners who murder police officers are not released on parole. The bill will make a number of important clarifications to section 74AAA.

I turn now to the specific elements of these provisions. The bill clarifies the board's decision-making role in determining a prisoner's state of mind at the time of the murder. The board will decide whether the prisoner knew, or was reckless as to whether, the deceased victim was a police officer. To avoid any further future uncertainty, the bill also clarifies what 'reckless' means. Under the bill, when assessing if the prisoner was reckless as to whether the victim was a police officer, the board needs to be satisfied that the prisoner knew that it was probable that a police officer would be killed or really seriously injured as a result of his or her conduct. This is a standard of recklessness that is commonly applied to the offence of murder.

The bill enables the board to consider a broader range of materials when determining the prisoner's state of mind. The bill requires the board to consider various court records when determining the state of mind of the prisoner. This includes evidence led in the trial, the judgement of the court, sentencing remarks, any reasons in connection with the court fixing a non-parole period and any judgement on appeal.

The materials that can be considered for this purpose are restricted to the record of the court as an important safeguard. For example, information included in a prisoner's treatment report, conversations between prison staff and the prisoner or other information received outside of the criminal process cannot be considered. This is because information received outside of the criminal process may be less reliable as it is not tested in the same rigorous manner that a court tests evidence.

To provide complete certainty and to ensure that Dr Minogue is denied parole, the bill expressly sets out the conditions for granting parole to Dr Minogue in new section 74AB. This confirms that Dr Minogue must be at death's door before parole will be granted. This aspect of the bill is modelled on section 74AA of the Corrections Act, which specifies the prisoner Julian Knight as the named individual by reference to his offences and sentencing. As section 74AA was upheld by the High Court, it provides legal certainty to the provision.

Other aspects of the current strict parole laws are not changed by the bill. The laws will still apply to the murder of a police officer regardless of whether the police officer is on duty at the time or whether the murder is connected to the police officer's status or role as such. In addition, the board's absolute priority remains the safety and protection of the community in these, as in all other, parole decisions.

In the bill new sections 74AAA and 74AB also include subsections which provide that the Charter of Human Rights and Responsibilities Act 2006 does not apply to either provision and that those override declarations do not need to be re-enacted every five years, as is ordinarily required under section 31(7) of the charter. The government accepts that these provisions are incompatible with the charter. Therefore in this exceptional case the charter is being overridden and its application is entirely excluded from the operation of these new provisions to ensure that the sentences imposed on persons who murder police officers, and Dr Minogue specifically, are fully served. To provide legal certainty and to avoid a court giving the bill an interpretation based on charter rights which do not achieve the government's intention, new sections 74AAA and 74AB provide that the charter does not apply to each new section respectively. These provisions are intended to serve as the override declaration envisaged by section 31(1) of the charter, but go further to make clear that the charter does not apply to these new sections at all and that the override and non-application of the charter do not expire after five years under section 31(7) of the charter.

With this bill Victorians can be reassured and have complete certainty that Dr Minogue, and any other person who committed the same abhorrent crime, is locked behind bars and will fully serve their prison sentence.

I commend the bill to the house.

**Debate adjourned on motion of Mr O'DONOHUE (Eastern Victoria).**

**Debate adjourned until next day.**

## ADJOURNMENT

**Ms MIKAKOS** (Minister for Families and Children) — I move:

That the house do now adjourn.

### **Country Fire Authority Shepparton station**

**Ms LOVELL** (Northern Victoria) (17:46) — My adjournment matter is for the Minister for Emergency Services. Last week the Liberal Party committed that an elected Liberal government would build the new Shepparton fire station at the Country Fire Authority (CFA) preferred site of Karibok Park in Archer Street, Shepparton. The action that I seek from the minister is that he provide certainty for Shepparton firefighters and also commit to building the new station at Karibok Park.

The Shepparton fire station is located in Maude Street in the heart of the Shepparton CBD. For over 30 years Shepparton firefighters have spoken of the unsuitable location of the current station and the need for relocation. The need for relocation has gained more urgency with the ongoing growth of the Shepparton CBD. The station no longer meets the standards for a fire station, and leaving the station in a hurry and returning to the station is hampered by pedestrians using the footpath, CBD traffic and buses.

Greater Shepparton City Council plans to redevelop Maude Street to include a bus interchange and centre-of-the-road parking, which would cause further problems for the fire brigade. Funding for a new Shepparton fire station has already been allocated and the CFA has done extensive work to identify their preferred site, but the minister has done nothing to assist in securing the site. The CFA's preferred site is a parcel of Crown land known as Karibok Park in Archer Street, Shepparton. The site was a former oval attached to the youth club but is now just an unused paddock where the local council slashes the grass. Despite my numerous calls for the minister to assist in securing

Karibok Park as the site of the new station, the minister has failed the Shepparton community by refusing to act.

Last week I was joined by the shadow Minister for Emergency Services, Brad Battin, and the Liberal candidate for Shepparton, Cheryl Hammer, at Karibok Park. The shadow emergency services minister called on the current government to name a site for the new station and also announced that if the current government continued to delay the building of the station by failing to secure a site, then following the election a Matthew Guy-led Liberal government would ensure the new Shepparton fire station would be built at Karibok Park. The coalition will build a fire station that improves safety in Greater Shepparton and provides the facilities Shepparton firefighters deserve. It is time the minister followed the coalition's lead and got on with the job of building a new station.

Now that the Liberal Party has committed to building the new station at the CFA's preferred site at Karibok Park, the action I seek from the minister is that he provides certainty for Shepparton firefighters and also commits to building a new station at Karibok Park.

### **Peninsula Film Festival**

**Mr MULINO** (Eastern Victoria) (17:49) — My adjournment matter tonight is for Minister Eren, the Minister for Sport and Minister for Tourism and Major Events in the other place. It relates to the Peninsula Film Festival. The Peninsula Film Festival (PFF) is one of the best attended events on the peninsula, and it is one of the most important short film festivals in Australia and has been for some time. It is an iconic event on the Victorian arts calendar. It occurs in February each year, and it has now been running for eight years. It is a very important event which has had some very high profile judges in recent years, including Peter Helliar, Pia Miranda, Mick Molloy, Sigrid Thornton, Lachy Hulme, Shane Jacobson and others. Indeed it is fair to say that at this year's event Mick Molloy gave a very colourful and some might say unkind description of me in introducing me, albeit in good humour. I will not put it on the *Hansard* record, but I will just say that I think it was quite amusing for the large crowd that was assembled.

This is a very important event, and it provides a platform for young and emerging filmmakers to show their wares. It also is a great event for locals, who can bring a rug and sit under the stars. A large number of local food makers and winemakers of course also attend — it is a really fantastic event. The film festival includes cash prizes, but also it provides support for filmmakers with awards, which include mentorships

with industry bodies and so forth. This is a fantastic event. The PFF also reaches a wider audience through pop-up cinemas, which occur year-round in other parts of the state.

In recognition of the important work that the Peninsula Film Festival does, I call on the minister to provide some financial support for this event. I should say that this kind of event obviously relies very extensively on volunteer support. With these kinds of events, no matter how much support they get from sponsors or from government, it is important to acknowledge the work that the many, many volunteers do behind the scenes to support them, but they do require support from government and from sponsors in order to keep going year in, year out. So I call on the minister to provide some financial support to this event so that it may continue going further.

**The PRESIDENT** — Having called on him three times to do that, I am sure he will take notice.

### **Tyler Street–Plenty Road, Preston, tram stop**

**Mr ONDARCHIE** (Northern Metropolitan) (17:52) — My adjournment debate matter tonight is for the Minister for Public Transport in the other place, and it concerns the tram stop that was once existing on the corner of Tyler Street and Plenty Road in Preston. That Preston tram stop was closed in 2016 allegedly due to safety issues, but it is crippling local businesses. Residents are calling for a new tram stop to be built as the removal created a 700-metre gap in the service, isolating the local businesses in that area. A local businessman said that the community was disappointed in the lack of consultation and that his business was hurting due to the lack of foot traffic. He went on to say that many either could not walk up the hill to the stores or found it too difficult and skipped the area altogether.

Minister, businesses are hurting under your government. The member for Preston in the Assembly, having been approached, is not doing anything for these small businesses, and they are hurting from crushing electricity prices because of the ideological policies of the Andrews Labor government. Minister, the action I seek is for you to investigate the intersection, to reopen the tram stop to give the local businesses the best opportunity to succeed and to investigate changes to make the tram stop safe for local residents.

### **MetroHub**

**Mr LEANE** (Eastern Metropolitan) (17:53) — My adjournment matter is directed to the Minister for Industry and Employment in the other place, Ben

Carroll. It concerns a hub which he recently launched, and I want to congratulate him on this, the MetroHub, which is a partnership of players that are involved in building the Metro Tunnel. The partnership includes the Cross Yarra Partnership, Holmesglen Institute and also other great organisations like Whitelion, CareerSeekers and the Asylum Seeker Resource Centre. There will be the opportunity for about 7000 jobs to be created by this one particular project, which will encompass about 800 to 1000 apprentices and trainees. This hub will assist people in how they go about acquiring those positions and in particular the skills that they will need to be able to operate on this project.

The action I seek from the minister is whether this particular hub can also do some outreach in some of the communities, particularly around Kensington with the South Sudanese community. There is a major portal at the North Melbourne end and also at the Kensington end, where it is a major part of the project. Perhaps this hub can do some outreach services with the community and engage the community and let the community — the South Sudanese community in that area — know that these opportunities are available.

Unfortunately due to recent racist comments by certain members of Parliament and also certain media outlets, in this community young people — that are good people, not bad people that have committed any crimes — are finding it hard to find their way through anything. They feel like they are locked out of everything. One of the things they are locked out of because of the hysteria which certain Liberal MPs have caused around the demonising of this particular community is that they find it hard to gain employment as well, which is a damn shame, I think. No one group should be demonised to the point that they are finding it hard to gain skills and employment due to a complete and unreasonable fear campaign by Liberal MPs that should be ashamed of their actions — completely ashamed.

### **Lal Lal wind farm**

**Mr MORRIS** (Western Victoria) (17:56) — My adjournment matter this evening — or this afternoon actually, as it is a bit earlier than normal — is for the attention of the Minister for Planning. The action I seek is that the minister urgently review noise assessments for the Lal Lal wind farm and determine why it appears that there may be some non-compliance with the appropriate standards.

I have been fortunate enough to have been contacted by the Lal Lal Environment Protection Association Incorporated, and they have drawn to my attention

some very serious concerns about the noise assessments that were relied upon with the relevant planning permit that has been approved by the minister for the Lal Lal wind farm. There are some concerns that the noise assessments that were relied upon indeed predicted that noise levels would be 2 decibels lower than they truly should be within the assessment itself. There are also concerns that the association has been aware of that it may be that 20 wind turbines at the Lal Lal wind farm may require curtailment, which indeed may prove that Marshall Day Acoustics noise predictions used at the Lal Lal wind farm planning panel were indeed erroneous. It is highly likely that the planning minister would not have indeed approved the wind farm in its current form if the Sonus report was used instead of the Marshall Day Acoustics report for assessment.

The Lal Lal wind farm, for those who may not be aware, is rather significant, and it is significant because of its close proximity to a large number of residents. I have certainly always said that wind farms are well and good as long as the community can get on board and support them. Unfortunately with the Lal Lal wind farm project it has been a project that the community has fought against long and hard, and unfortunately it does come very, very close to many, many homes.

The issue of the curtailment of many of these wind turbines is one that has just been very recently made known to the community. But there has been no accurate nor definitive defining of which wind turbines will be curtailed and indeed the exact number of the curtailments that are going to be required as well, which is why the minister really does need to very urgently review the planning permit for the wind farm to ensure that the data that has been relied upon for it can be trusted and that erroneous data has not been used, as the Lal Lal Environment Protection Association asserts and is very concerned about.

### **Neerim Road, Carnegie, car parking**

**Mr DAVIS** (Southern Metropolitan) (17:59) — Tonight my adjournment matter is for the attention of the Minister for Roads and Road Safety in the other place. It follows correspondence to my office by a Stu Baker, a resident at 376 Neerim Road, Carnegie. This is a quirky issue, but it is one that the Minister for Roads and Road Safety can resolve, given his responsibility is for VicRoads.

Mr Baker has a particular property at that location, and he says that there are a series of incidents that have occurred there and that there is a jurisdictional issue as to who can paint lines to prevent people parking so close to his property that he cannot then turn in:

As the nights get longer incidents with other motorists and now pedestrians are increasing as we are forced to do three-point turns into our driveway and back onto what is effectively a main thoroughfare alternative to Dandenong Road.

So there is a road safety issue here. He has written to the Glen Eira council, who deny responsibility. It is worth quoting the correspondence from Rob Jankovski, the senior traffic engineer:

Thank you for your emails.

As discussed, council is not authorised to install line marking i.e. hockey sticks on VicRoads-declared main roads.

It is stated in council's *Painting of Roadside Parking Lines ('Hockey Sticks') Policy (Policy No. 8.16)* that under the Road Management Act, council is not responsible for the road pavement of VicRoads-declared main roads. It is not therefore appropriate that hockey sticks be painted on such roads by council. Nor is it the responsibility ...

He has emailed VicRoads, but has not got a response from VicRoads. He says that he would appreciate a response from VicRoads and that VicRoads appear to be indicating to him verbally that there is no responsibility for that. He makes the point in this case — and he attaches photographs, which I would be very happy to incorporate in *Hansard* — that legally parked cars make it almost impossible for him to turn directly into his driveway:

As there is not response from VicRoads, the (Labor) transport minister or the local (Labor) member —

**Mr Dimopoulos** in the Assembly —

I have cc'ed in the Liberal candidate ...

I have to say that Andrew Edmonds has been a strong advocate for him. He has been working very hard to see if he can resolve this issue and has certainly further brought this to my attention. I would say that the Minister for Roads and Road Safety should act to clear up this confusion. If it is a VicRoads responsibility, he should act to do the line painting; if it is not, he should refer it back and insist that the council undertake the line painting.

**The PRESIDENT** — I cannot wait to see the minister out there doing the line painting. It would be a good pic.

### **Autism Plus**

**Mr FINN** (Western Metropolitan) (18:02) — That is going to be hard to beat, President, I have to say. My adjournment matter this evening is for the Minister for Housing, Disability and Ageing. As the minister is undoubtedly aware, there is enormous concern about

the future of the agency Autism Plus, which is currently under the control, it seems, of the department. To illustrate that concern I wish to direct to him a letter that I have received from a parent of one of the children at the service. She said:

I am writing to you to express my concerns for my autistic daughter, Daniela. She currently attends Autism Plus day service program at Pinnacle Drive, Melton, where she continues to thrive and expand her capabilities. Before I was recommended to Autism Plus, her levels of anxieties made it extremely difficult for her to access the community or other organisations in a safe way, and as a result Daniela became incontinent. Medical intervention had no effect. I was at this stage in despair and ready to give up and just keep her home. Autism Plus was recommended to me after other organisations failed to meet my daughter's requirements. From the beginning I felt Autism Plus understood the complexity of autism, and it did not take long for my daughter to feel safe and happy.

Autism Plus has been my daughter's saviour. Due to their diligence, dedication and support, my daughter no longer wears adult incontinence pads. They have restored her dignity, and that has no price tag. Please, for my daughter's sake and that of many other families whom I met and share the same concerns, we need your help. Please allow Autism Plus to continue their brilliant work. How can we treat an organisation that was prepared to take on the most challenging and vulnerable children and make them feel safe and secure. We need ... Autism Plus. Personally I worry that my daughter would regress if this was to change. My daughter now is accessing the community with her one-on-one support and loving it.

This is one of many stories that I have heard from parents of children at Autism Plus over recent months. It would be a tragedy — and I use that term advisedly — if Autism Plus were to close. It is vitally important that the minister give Autism Plus a guarantee on its future. There are many parents who have gone through many years of distress and have finally found, as this lady said, their 'saviour' in Autism Plus, and they are now deeply concerned as to what would happen to them and their families if Autism Plus were to close. So I ask the minister — tomorrow if possible and tonight if he can — to give an assurance that Autism Plus will remain open to provide the services which it is so capable of delivering.

### **Frankston and Pakenham rail lines**

**Mrs PEULICH** (South Eastern Metropolitan) (18:05) — The matter that I wish to raise is for the attention of the Minister for Public Transport in another place, and it is in relation to Metro Trains service delivery and punctuality as they impact on my electorate. People commuting along the Pakenham and Frankston railway lines are being subjected to substantial delays and cancellations and as a result feel that the current public transport system servicing

Melbourne's south-east is both inefficient and ineffective. This sentiment appears to be substantiated — I have researched it — by the May performance results published by Public Transport Victoria, which indicate a drop in punctuality and reliability across metropolitan and regional services. The figures indicate that both punctuality and reliability have fallen below target, and certainly below average. In fact Labor has run 3000 fewer on-time services than the coalition government did in 2014 and has never achieved its target of 92 per cent punctuality; rather, it has seen punctuality fall to its lowest levels over five years.

For the commuters from my electorate these service disruptions have become even more intolerable. I have received word of ridiculous periods of delay from one community member and the impact on their already limited private time — for example, the inefficiencies have come to not only impair his commute to work but also detract from the time that he spends with his family. For people travelling to Assembly seats in Casey it is a substantial amount of time on public transport. This of course annoys my constituents enormously. Like many others, they have become quite unhappy with the frequency of service disruption and are calling for action.

It appears that the current public transport system is not coping. Given Victoria's increase in population, which is about 100 000 per year, the strain will only get worse, which is the reason why the Liberal-Nationals coalition recently made a commitment to the extension of train services in the south-east, should we be elected to government in November 2018, by building 5 kilometres of electrified double line from Cranbourne to Cranbourne East and terminating at Clyde at a cost of \$487 million. As part of this transport infrastructure project new stations would be built at Cranbourne East and Clyde along with 350 additional parking spaces.

The constituent in particular wanted me to highlight something that he found most disconcerting — that is, that the minister prioritises an LED lighting system at Flinders Street station over and above providing a fast and efficient service for Victorian commuters. I have been asked to ask the minister to deliver on the promises of more frequent and timely public transport services, especially along the Pakenham and Frankston railway lines. The people of this area are already time-poor and indeed pay extra money to commute the extra distance, and they deserve a better service than they are currently getting.

## Responses

**Ms MIKAKOS** (Minister for Families and Children) (18:08) — This evening I have received the following adjournment matters: from Ms Lovell to the Minister for Emergency Services; from Mr Mulino to the Minister for Tourism and Major Events; from Mr Ondarchie to the Minister for Public Transport; from Mr Leane to the Minister for Industry and Employment; from Mr Morris to the Minister for Planning; from Mr Davis to the Minister for Roads and Road Safety; from Mr Finn to the Minister for Housing, Disability and Ageing; and from Mrs Peulich to the Minister for Public Transport. I will refer all those matters to the relevant ministers for response.

I have also received 14 written responses to a number of adjournment debate matters. I will distribute the list to save members from having me read it out.

## RULINGS BY THE CHAIR

### Adjournment matters

**The PRESIDENT** (18:13) — Last night on the adjournment debate Ms Bath requested that I review a response by Mr Dalidakis to the item that she raised during the adjournment debate. She felt that Mr Dalidakis, in discharging that matter, should perhaps have referred it to the minister responsible in another place. We did have a bit of a discussion about this in the adjournment debate last night. I have reviewed Ms Bath's request and the response by Mr Dalidakis, and I am of the view that Mr Dalidakis did on this occasion provide sufficient information with sufficient clarity to effectively discharge the matter and to provide a relevant answer to Ms Bath. Therefore I do not seek to make any further direction on this matter.

**Mrs Peulich** — On a point of order, President, on the matter of a minister who does not have ministerial responsibility discharging matters, notwithstanding your ruling, I have in the past asked that this matter be discussed when the Procedure Committee next meets. I think the justification you gave in the previous ruling was that the government's policy was clear and the minister was simply reiterating that policy. While that may be true, there are often circumstances — events, things that happen — that lead to policy changes, and if a minister who does not have portfolio responsibility discharges a matter, that feedback raised by a member of Parliament on behalf of his or her constituents may not be relayed to the minister who is responsible. I do not believe that this is a desirable precedent, and I would ask yet again that this matter be put on the

agenda for discussion when the Procedure Committee next meets.

**Mr Ondarchie** — They are generally only discharging in their own portfolio.

**Mrs Peulich** — Only in their own portfolio — correct.

**The PRESIDENT** — Order! On the basis of the point of order raised by Mrs Peulich, and I am aware of the previous occasion when she raised the matter, I am happy for the Procedure Committee to consider this matter. Last night I actually sought that Mr Dalidakis refer a matter to the minister, which was by way of an invitation from Mr Finn to the Premier. In that instance I did not believe it was appropriate for Mr Dalidakis to discharge that matter.

In respect of Ms Bath's matter, which followed, because of that ruling I had made the minister's answer I thought was very clear. Essentially it confirmed that the opportunity that Ms Bath sought for community groups to access funding already existed, and I do not think there was any concern about changing government policy or such like in that one.

As I indicated last night, ministers do have an ability to discharge matters. From the Chair's point of view that is acceptable, provided that they do have some competence to make that discharge. In other words, rather than coming back to sort of a political beating around the ears of the person who has proposed the adjournment matter, if they actually have information which is apposite to the matter raised and the information is sufficient to address the concern or the action item that is sought, then it is feasible, obviously, at that time for a minister to discharge it. The Chair does not have a problem with that at this time, as is laid out in the standing orders. Nonetheless, the house might well decide that it requires a different level of response from a minister and some certainty in that response, and to that extent, yes, the Procedure Committee at a future meeting could certainly consider that, particularly with a view to the standing orders for the next Parliament. I might add that we are running out of time for the Procedure Committee to resolve a number of matters.

**Mrs Peulich** — On a point of order, President, notwithstanding your comments that indeed we are running out of time, I would like that matter to be carried over to the next Parliament by the clerks. I do not believe that it is a helpful precedent at all. I think it always serves the government of the day and it is a precedent that can be used to actually lead to poor outcomes for members of non-government parties

when indeed that measure can be abused, and I would say there would be a very high likelihood of that.

President, thank you for your response. I would just like to urge you that should the Procedure Committee not be meeting this side of the election indeed it is something that should be carried over. I think it is a very, very important precedent and I think it is a very bad precedent.

**The PRESIDENT** — I would hope that we actually do have a meeting, because there are matters associated with the videorecording and distribution of the proceedings of the Parliament and the opportunity for people to access that material. At the moment that is only covered by sessional orders. Certainly that needs to be given some more permanency if indeed members are of a view that the initiative warrants continuation. So I do see that the committee will meet, but in the event that this matter of the discharge of matters by ministers in the adjournment debate is not finalised in the current Parliament, then it is one of the great joys of having the clerks who are here in perpetuity. They will remember, and they will bring it forward in a future Parliament if it does not survive the time frame this year. Mrs Peulich, do we have any more?

**Mrs Peulich** — No.

**The PRESIDENT** — No? Thank you. Everybody else happy? The house stands adjourned.

**House adjourned 6.16 p.m.**

