

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 28 March 2018

(Extract from book 4)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry (from 16 October 2017)

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Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
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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
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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 Purcell, #Mr Ramsay, #Dr Ratnam, Ms Shing, #Ms Symes, Ms Truong and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, 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*): Mr Gepp and Ms Patten. (*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

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Deputy President:

Mr K. EIDEH

Acting Presidents:

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

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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 ¹	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	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, Luke Bartholomew ⁹	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona ¹⁰	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	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
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ¹¹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred ⁷	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	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 ¹²	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 9 February 2018

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018

¹¹ Appointed 18 October 2017

¹² 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, 28 March 2018

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

BUSINESS OF THE HOUSE

Conduct of debate

The PRESIDENT (09:36) — Order! I wish to advise the house of my view on a matter that obviously has application to today's proceedings. It is in respect to a potential conflict of interest. Motions being debated today make reference to and affect current members of this house. I wish to advise the house that there is no conflict of interest for a member to participate in the debate and vote on a motion that may directly affect them unless it may infringe upon standing order 16.07 relating to pecuniary interests. This standing order applies to cases where a member may have a direct financial interest in a matter being debated.

Further, in a ruling by President Chamberlain in 1994 the house was advised that it is unnecessary for a member to declare a conflict of interest when debating general motions. I might add that I have noted that as part of debate yesterday there was commentary on the fact that some members stood to gain if they were going into office — that they would actually have higher remuneration packages. I am not convinced that that satisfies the pecuniary interests provision that I am referring to in this ruling because there are other matters, broader matters, that determine whether or not government office was secured.

I see some similarities between today's motions and previous debates and resolutions of this house that resulted in the suspension of the Leader of the Government for non-production of documents or any motions pertaining to a vote of no confidence in a minister. I also remind members there have been instances in the past where a Legislative Assembly member has been referred to the Assembly Privileges Committee for investigation, and in all these instances the members concerned voted on the motions and in some cases contributed to the debates.

Accordingly, in my view, there are no restrictions on any members of this house in debating and voting on the motions relating to the recent Ombudsman's report in today's proceedings.

Mr Ondarchie — On a point of order, President, apropos of your advice to the house just now, I seek some clarification from you vis-a-vis the integrity of the role of presiding officer, or those who act for the

presiding officer, for any part of today's debate. President, I draw your attention to the fact that of those who are listed as Acting President, some may be named in a report that we will refer to today, and I wonder about the appropriateness of somebody acting as the presiding officer of this chamber to ensure the debate is fair and reasonable when they are named in the report itself.

The PRESIDENT — Mr Ondarchie, I have given consideration to that matter, and I am of the view that it would be inappropriate for members of the government who are named in the report to act as Chair in today's proceedings. I will therefore seek the support of the other members of the panel of acting chairs to cover for those periods of the debate that would have otherwise been chaired by members of the government named in the report.

Ms Symes — On a further point of order, President, I just wondered if you could extend your advice to the house about whether there is any application of the anticipation rule in relation to these motions potentially being on foot during question time.

The PRESIDENT — Thank you, Ms Symes, for that point of order. I have in fact had conveyed to each of the parties that I do have the view that the anticipation rule could come into effect in regard to certain lines of questioning where the debate is likely to still be afoot at the time we break for question time. The other parties have been advised of my concern about that, and I think that they will take that into account in terms of the matters that they bring before the house in question time today.

CHARITIES AMENDMENT (CHARITABLE PURPOSE) BILL 2018

Withdrawn

The PRESIDENT (09:41) — I also offer to the house another ruling, and this one is in respect of the Charities Amendment (Charitable Purpose) Bill 2018 that was introduced by Ms Patten. Members will recall that following Ms Patten's second-reading speech in relation to the Charities Amendment (Charitable Purpose) Bill 2018 last sitting week I noted some concern regarding the constitutionality of this bill, and I indicated that I would be making a ruling at a later date. I have given the matter further consideration. I would now take this opportunity to make the following ruling in respect of whether the Charities Amendment (Charitable Purpose) Bill 2018 introduced by Ms Patten can be initiated in the Council.

Having examined the bill and Ms Patten's second-reading speech and taken advice from the Clerk, I am of the opinion that the bill is in breach of section 62 of the Constitution Act 1975 and therefore incapable of proceeding any further in this house. Section 62(1) of the Constitution Act 1975 states:

A Bill for appropriating any part of the Consolidated Fund or for imposing any duty, rate, tax, rent, return or impost must originate in the Assembly.

Among other things, this bill proposes to amend the Charities Act 1978 to insert a definition of 'charitable purpose' which excludes the advancement of religion as a charitable purpose; to adopt the new definition of 'charitable purpose' in the Duties Act 2000, the Land Tax Act 2005 and the Payroll Tax Act 2007; and amend certain provisions in the Duties Act 2000 and the Payroll Tax Act 2007 to remove references to religion and religious purposes as a basis for certain exemptions to pay tax under these acts. These changes proposed by the bill would result in certain organisations which are currently exempt from paying tax under the Duties Act, Land Tax Act and Payroll Tax Act no longer being eligible for exemptions from the payment of tax under those acts. While it does not actively seek to impose a new tax, the bill results in an increased cohort required to pay tax than is currently the case, which, consistent with past practice, is an impost within the meaning of section 62 of the Constitution Act. For this reason it is not in order for the Council to initiate this bill, and I therefore order that the bill be withdrawn.

Withdrawn.

Mrs Peulich — On a point of order, President, would you be kind enough to circulate that advice to all of us so that we can actually inform our stakeholders?

The PRESIDENT — I will broadcast it to the world through *Hansard*, but I am happy to give you a copy.

PETITIONS

Following petition presented to house:

Homeschooling

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the Victorian Education and Training Reform Regulations 2017:

force children who are struggling, self-harming, suicidal, being bullied, or anxious to stay in the school environment for 28 days or more while permission is sought to remove them;

fine parents \$155.46 per day for removing their children from school without permission, even if they are protecting them from harm;

impinge on human rights under both the Victorian Education and Training Reform Act 2006, and the Universal Declaration of Human Rights;

give bureaucrats with no knowledge of home education unlimited powers to review home educators' plans, progress and learning styles, and to make decisions affecting their registration;

were drafted without consultation with significant stakeholders, including home educators and home educator peak bodies such as the Home Education Network; and

will put a significant and unacceptable financial and psychological burden on home educating families.

The petitioners therefore request that the members of the Legislative Council move to disallow the Victorian Education and Training Reform Regulations 2017 pertaining to homeschooling (part 6).

**By Ms LOVELL (Northern Victoria)
(10 signatures).**

Laid on table.

PAPERS

Laid on table by Clerk:

Subordinate Legislation Act 1994 — Documents under section 15 in relation to Occupational Health and Safety Act 2004 —

Compliance code: Confined spaces.

Compliance code: Facilities in construction.

Compliance code: Hazardous manual handling.

Compliance code: Noise.

Compliance code: Plant.

MINISTERS STATEMENTS

Early childhood education

Ms MIKAKOS (Minister for Early Childhood Education) (09:46) — I rise to inform the house on how the Andrews Labor government is building the Education State in Victoria and delivering high-quality early learning facilities for families and children across the state. Recently I was proud to join with the Premier and the local member for Sunbury in the Assembly, Josh Bull, to announce the co-location of a new integrated early learning centre at Sunbury Heights Primary School.

So far our government has invested \$76.4 million to support local governments and other service providers to invest in early childhood infrastructure in order to provide kindergarten programs alongside other key services such as maternal and child health and playgroups. This includes \$10 million to address early years demand in high-growth areas. This new centre in Sunbury was one of the projects funded as part of the government's further \$10 million commitment to build early childhood facilities on government school sites in the last budget. It will form part of a super-site for the local Sunbury community as it will exist as part of a shared facilities hub to be built between Sunbury Heights Primary School and Sunbury Downs College next door. The project will include new kindergarten rooms and family services, making drop-off times easier for parents and the transition from kinder to primary school to high school easier for children.

The announcement of this centre follows previous announcements I have made to establish new integrated early learning centres at Morwell Central Primary School and more recently at Footscray City Primary School. The co-location of these facilities has many benefits, including making drop-off times easier for parents of young children but also providing greater support for children in their transition for kinder to school. I am proud of our government's investment in the early years so that kids are ready for kinder, ready for school and ready for life.

Western Victoria fires

Ms PULFORD (Minister for Agriculture) (09:48) — Last Wednesday Minister Tierney and I had the opportunity to visit with some farmers and communities that have been affected by the recent fires in the south-west of the state. I would like to take this opportunity to recognise the communities recovering from these serious events and also to update the house.

First and foremost, our thoughts are with everyone affected by these fires — described by veteran firefighters in the south-west as the worst they have ever seen, worse than Ash Wednesday — with the individuals, families and communities, who will all need time to recover and to begin to process what has happened. I would like to thank and recognise the Moyne family from Gazette and the Luderman Family from Cobden for allowing me to visit and for sharing their stories with us.

At times like this communities turn to their government for support and for assistance, and I want to assure the house that we are doing everything we can to work with

communities, local councils and individuals to provide whatever assistance is needed.

Agriculture Victoria staff have been working on firegrounds to support affected farmers since the afternoon of 18 March. Over 60 staff have been involved to date. Some 295 properties have been impacted, with nearly 2000 sheep along with 222 beef cattle and 816 dairy cattle killed. Livestock disposal is almost complete. Agriculture Victoria field teams have made initial visits to affected properties, prioritising those with reported livestock impacts and referring urgent personal needs to providers. Agriculture Victoria has identified nearly 7715 hectares of pasture, 1981 kilometres of fencing, 8041 tonnes of hay and grain and 78 agricultural buildings as destroyed. Across the fire-affected areas the value of lost on-farm assets is currently estimated to be \$54.9 million.

I would like to recognise the hard work and dedication of the Agriculture Victoria staff, many of whom have themselves been impacted directly or indirectly by the fires. The work of people in supporting deeply shocked landholders to manage the assessment of burnt livestock and farm assets is a key part of my department's contribution to effective relief and recovery for the local community.

Assistance that is currently available also includes animal welfare and other technical support and assistance for affected producers. Primary producers and non-agriculture-related small businesses can access the Rural Financial Counselling Service. Emergency relief and re-establishment assistance is available to eligible fire-affected community members, and mental health and wellbeing support is available through a range of organisations.

Finally, on 21 March I announced \$300 000 in funding to support the fodder drive that will be coordinated by the Victorian Farmers Federation and a further \$100 000 for Look Over the Farm Gate, a program which is about providing additional mental health support to people in need.

Regional partnerships

Ms PULFORD (Minister for Regional Development) (09:51) — I am very pleased to announce that regional assemblies in 2018 commence in Kyneton on 3 May, with Loddon Campaspe residents invited to help shape their region's future. It is proposed that the other eight partnerships will hold their assemblies on the following dates this year: Wimmera Southern Mallee on the 30 May in Stawell; Barwon on 31 May in Wallington; the Great South Coast region on

13 June in Hamilton; Central Highlands on 14 June in Ballarat; Ovens Murray on 27 June in Wangaratta; Gippsland on 28 June in Wonthaggi; Goulburn on 18 July in Shepparton; and the Mallee on 19 July in Kerang.

The Andrews government's regional assemblies began in 2016 and are the cornerstone of Victoria's nine regional partnerships' year-round consultations with their communities. Last year more than 2000 people attended nine regional assemblies, helping each regional partnership identify and continue to refine their region's priorities. This year's regional assemblies will be an opportunity to reflect on their achievements to date but also will help partnerships further refine and validate their priorities going forward.

The Loddon Campaspe regional assembly will include detailed discussions with the community on youth, early years, health, tourism and the economy. Over the past 18 months the Loddon Campaspe regional partnership has made a significant impact. Its voice, and that of others, led to a \$45 million boost in the last state budget for digital initiatives across the state and a \$91 million upgrade to the Bendigo and Echuca rail lines.

Our government is committed to governing for the entire state, from our regional cities to small towns and rural communities. We believe regional Victorian communities are best placed to determine their own priorities. Previous Labor governments have demonstrated their support for regional Victoria with the creation of Regional Development Victoria and by funding thousands of infrastructure and jobs projects across the state.

Mr Ondarchie interjected.

Ms PULFORD — I am glad to hear Mr Ondarchie recognising the fine work of John Brumby in this regard. The Andrews Labor government has taken that extra step by creating regional partnerships, holding regional assemblies and listening to the needs of regional communities.

MEMBERS STATEMENTS

West Gate tunnel project

Ms TRUONG (Western Metropolitan) (09:54) — I rise to speak about the strength of the communities I encountered this week at community meetings examining the impacts of the proposed West Gate tunnel toll road. I am heartened to know that our communities across Melbourne are rising to demand

better for our city's transport system. Health experts, academics, transport planners and community activists are collectively saying this West Gate tunnel is an expensive mistake our city cannot afford. They want it stopped.

What heartened me most were the big questions that came immediately after the expert presentations on what our city needs. Why can't we have a Melbourne transport system that is equitable and affordable by design? Why can't we have a city connected by door-to-door public transport that enhances life in the outer suburbs and breaks the grip of car dependency on our lives?

That is what we want, that is what we deserve and that is what we will need to match the unprecedented population boom coming right at us right now. With space and land in Melbourne becoming a scarce commodity, we need to take our city back from profit-hungry toll road companies and unimaginative politicians. Our communities will fight for decent, livable neighbourhoods —

Honourable members interjecting.

The PRESIDENT — Order! Sorry to interrupt you. That level of noise is just unacceptable. Mr Davis, turning your back on the chamber is just not on either, as a matter of courtesy to the speaker and the house. I can understand that you obviously have a conversation to pursue, but please do it more quietly and more discreetly. Ms Truong, my apologies for having to interrupt.

Ms TRUONG — Thank you. Our communities will fight for decent, livable neighbourhoods, and I am with them in seizing this once-in-a-generation opportunity to rethink and transform our city's connectedness.

The PRESIDENT — I should have waited. Again, my apologies.

Shepparton court complex

Ms LOVELL (Northern Victoria) (09:55) — It was my great pleasure to join my Assembly colleague Robert Clark at the opening ceremony of the new state-of-the-art Shepparton law courts last week. It was appropriate that Mr Clark was in attendance as he was the Attorney-General of the day who provided the funding for the new Shepparton law courts project. The new facility will reduce court delays, provide more accessible and responsive services for regional Victoria and offer a safe, secure environment for all users. I am very proud of the end result, which will serve as the regional headquarters for the Hume-Goulburn region,

delivering open and transparent justice in Greater Shepparton and the surrounding areas. It is because of the vision of the former Liberal government that Shepparton now has a new purpose-built law court complex that will meet the needs of its justice system for many years to come.

Shepparton Albanian Harvest Festival

Ms LOVELL — On Sunday, 18 March, the Shepparton Albanian Moslem Society held their annual Albanian harvest festival at the Shepparton Showgrounds. Ninety years ago a large community of Albanian immigrants settled in the Goulburn Valley. They brought with them horticultural skills from their homeland and planted orchards that many of their descendants still operate today. Names like Sali, Shaholli, Meka, Kaso, Kutrolli, Quemal and Sulejman have become as local to Shepparton as Atkinson, Briggs, Fairley, Furphy, Hunter or even Lovell. The harvest festival is an annual celebration held by the community to celebrate their culture and the rewards of their hard work on the orchards during the year. I was pleased to be able to speak at the festival and together with the Liberal candidate for the Assembly electorate of Shepparton, Cheryl Hammer, draw the raffle, with the first prize being a trip to Albania.

Southern Cross Grammar

Mr MELHEM (Western Metropolitan) (09:57) — I would like to take this opportunity to congratulate Southern Cross Grammar on the official opening of its new Victorian certificate of education (VCE) building at its Caroline Springs campus. Southern Cross Grammar ensures the highest quality of learning and facilities for children, enabling them to become active and involved citizens in our community. For the first time, this year Southern Cross Grammar is providing education to students from years prep to 12. To mark and celebrate the school's growth and many achievements, the new purpose-built VCE building was officially opened last Friday, which I had the pleasure of attending.

Southern Cross Grammar has much to celebrate. In 2011 the school was facing closure after Independent Colleges of Australia went into voluntary administration. Within three days, parents, teachers and the local community bonded together to create a group to save the school. After many months of campaigning the school was able to attract the benevolence of the Zig Inge Group, which bought the school for the community. This was the turning point. Since then enrolments have risen rapidly and Southern Cross Grammar has been able to achieve many successes.

This is reflective of the high regard held for the staff and programs of the school.

The opening was a very successful event and was well attended by former and current staff and students, parents and representatives from the local community. I would like to specifically congratulate the principal of Southern Cross Grammar, Mr Andrew Ponsford, for leading the school to this milestone. I also would like to take the opportunity to thank all the staff, parents and students and the local community for their support, which has allowed Southern Cross Grammar to be where it is today. I wish the school and the class of 2018 all the very best.

Wind energy transmission lines

Mr DAVIS (Southern Metropolitan) (09:59) — Today I want to draw the chamber's attention to inconsistencies and issues around transmission line approvals for wind farms. I am in possession of a letter from the office of the National Wind Farm Commissioner, Andrew Dyer. The commissioner has written to my colleague Richard Riordan, the member for Polwarth in the Assembly, and this follows a large public meeting held in that electorate just last week.

There are issues around transmission lines of less than 220 kilovolts that do not require planning permits in Victoria. Sixty-six kilovolts is a commonly used voltage for connecting wind farms to the grid. Mr Dyer says:

While such transmission lines are designed by licensed companies ...

and he names one —

there does not appear to be any external or peer oversight of the design to gauge if the design is compliant with standards, bushfire management ...

and other criteria, and indeed if it is fit for purpose more generally. He goes on to say:

The prospect of multiple and duplicate transmission infrastructure appears real as, currently, each wind farm proponent determines and makes its own arrangements for connection to the grid and there is no requirement for collaboration with neighbouring projects ...

He indicates that the planning minister should look at that, and I concur with his point. He says:

There may be an immediate need to revisit the approach in Victoria regarding the approval and consultation requirements for renewable energy transmission line developments ...

including routing along the line and potentially issues about roads, including additional approvals that may be

required in terms of visual amenity impacts, pole design and placement, as well as road safety concerns. This is a very sensible and balanced intervention. This is an ongoing problem in country Victoria — multiple wind farms but no coordination of the electricity connection to the grid.

Australian Formula One Grand Prix

Ms PENNICUIK (Southern Metropolitan) (10:01) — Last week the citizens of the City of Port Phillip, surrounding suburbs and beyond were subjected once again to the noise and disruption of the Australian Formula One Grand Prix. Albert Park itself has been disrupted for months by the set-up for the race and will continue to be disrupted as the race is packed up. Some of the infrastructure never goes away.

The annual report of the Australian Grand Prix Corporation released in October last year revealed that the grand prix cost an incredible \$97.2 million to stage and only managed to raise \$32 million in ticket sales and \$8 million from other sources, leaving taxpayers to cover the \$57.12 million shortfall. The cost to taxpayers could be even higher, with contributed capital and cashflow hedge reserves.

The last six grand prix events have cost Victorian taxpayers around \$350 million, and if it continues for the next five years it will cost another \$300 million. That is \$650 million just in those 11 years of the 22 years it has been running. Meanwhile the member for Albert Park and Minister for Housing, Disability and Ageing says the government can only find \$185 million for public housing renewals. It has, however, committed to forking out another \$300 million over the life of the grand prix contract. The government has again refused to release the contract. It has remained secret for 22 years. I say the government should release the contract, get us out of the contract and spend that \$300 million on public housing.

Road Smart

Mr LEANE (Eastern Metropolitan) (10:02) — Unfortunately drivers between the ages of 18 and 24 make up the largest cohort involved in serious accidents and sometimes fatalities, so last Monday I was very pleased to attend the launch of Road Smart, which is a new state government initiative where year 10 students will do an education component but also, whether they have got their learners permit or not, an off-road component where they drive a car with a driving instructor around an off-road controlled facility. Hopefully the first time they brake, steer and accelerate

is in a controlled environment away from a busy highway with an expert as their mentor next to them in the car.

As the chair of the task force that has implemented this part of Labor's platform in road safety, I want to thank everyone who has been involved in the task force, all the experts from Victoria Police and VicRoads, experts from the Traffic Accident Commission and in particular the deputy chair of that task force, road safety expert Eric Howard, who has given a wealth of assistance. I also thank all of the executive who have worked on this particular program. It has been a big task, but I am delighted that it has been rolled out and that over 200 schools have already enlisted to be part of it.

Hazelwood power station

Ms SHING (Eastern Victoria) (10:04) — This week marks the lead-up to one year since the end of production at the Hazelwood power station in the Latrobe Valley. I want to take this opportunity to pay tribute to every worker who ever made this sector profitable through their efforts, their endeavours and their work in often very, very difficult circumstances; to everyone who ever contributed engineering, technical, machining and other expertise through the work that they did as part of Hazelwood being able to provide such a significant contribution to our baseload energy generation and transmission; and also to the many supply chain businesses that profited from and provided a contribution to the state's economy in the work that they did.

The last year has not by any stretch of the imagination been an easy one. It has been full of challenges. It has required such a hard effort and ongoing support for and engagement with businesses, industries, workers, families and communities to be able to continue through this to a transition that makes a practical difference. What we see now, however, is a worker transfer scheme, new building and construction, and economic growth in the region. This work has to and should continue into the future. It is hard work, and it needs to continue in good faith. Again I am so proud to be part of this community and to live in the Morwell and Latrobe Valley area. Again I salute everyone involved, and I continue the work along with the community.

Workplace deaths

Mr GEPP (Northern Victoria) (10:06) — Unfortunately I rise again to speak on deaths in Victorian workplaces. Two young men were killed at work in Ballarat last week. This takes the total of

people killed at work this year to eight — one more than the same time last year, which was a horrendous year with 27 deaths. It is the worst year since 2009.

As I have stated before, most of these deaths, such as the deaths of the two men last week, have been in regional Victoria. It is obvious from the continued toll that something is not working. With this in mind, I will be convening meetings in my electorate to look at this problem and look for solutions. I will be asking unions, peak bodies, employers, workers and any other interested parties to come together and look for solutions. This cannot be allowed to continue.

There are vast bodies of work about risk amelioration and eradication, but for some reason this does not seem to be transferring itself into the workplace. If it were, we would not have these tragedies every couple of weeks. I will be putting everything up for discussion: improved training, more training, education, greater regulation, more enforcement and industrial manslaughter laws. My ears will be open to every possible solution. I will be looking for solutions to bring back to this place, because too many families are being torn apart, workers and friends are being traumatised and the death toll keeps rising. Every worker deserves the right to go home at the end of work every day.

ELECTORATE OFFICE BUDGETS

Committee referral

The PRESIDENT — As members will recall, yesterday it was agreed that there would be a cognate debate on two matters that are before the house. One of them is a motion proposed by Mr Rich-Phillips for a select committee to investigate the matters stemming from the Ombudsman's report, and the other one is a motion by Ms Pennicuik to refer that report to the Privileges Committee to examine matters related to that report. How I propose to proceed at this point, given that it is a cognate debate, is to call Mr Rich-Phillips to formally move his motion and then to call Ms Pennicuik to formally move her motion. Then we will return to Mr Rich-Phillips for his speech in support of his motion and possibly — it is obviously up to him — some comment on the Greens' alternative proposal. Then we will move to Ms Pennicuik to speak in support of her motion and again no doubt make commentary on the coalition's proposition. Then we will proceed to more general debate.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:09) — I move:

That —

- (1) the Council notes —
 - (a) the report of the Ombudsman's investigation into the misuse of electorate office staffing entitlements by 21 current and former Labor MPs;
 - (b) that a number of current and former Labor MPs identified in the Ombudsman's report and associated electorate office staff refused to cooperate with the Ombudsman's investigation;
 - (c) that the Ombudsman was unable to obtain all relevant information and has referred gaps in the evidence to Parliament;
- (2) a select committee of eight members be appointed to inquire into, consider and report, no later than 30 June 2018, on —
 - (a) the misuse of electorate office staffing entitlements by certain current and former Labor MPs identified in the Ombudsman's report, including in particular obtaining and considering evidence that was withheld from the Ombudsman;
 - (b) the expenditure of public money by the government in actions in the Supreme Court, Court of Appeal, and High Court in an effort to prevent the Ombudsman's investigation;
- (3) the committee will consist of three members from the government party nominated by the Leader of the Government in the Council, three members from the opposition nominated by the Leader of the Opposition in the Council, one member from the Greens nominated by the Leader of the Greens in the Council, and one member from among the remaining members in the Council nominated jointly by minority groups and independent members;
- (4) the members will be appointed by lodgement of the names with the President no later than 12.00 p.m. on the day following the day on which this resolution is agreed to by the Council;
- (5) the first meeting of the committee must be held no later than seven days after the day on which this resolution is agreed to by the Council;
- (6) the committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy;
- (7) the nearest whole number of members exceeding one half of the members appointed pursuant to paragraph (3) will constitute a quorum of the committee;
- (8) the chair of the committee will be an opposition member and the deputy chair will be a government member;
- (9) in addition to exercising a deliberative vote, when votes on a question are equally divided, the chair, or the

deputy chair when acting as chair, shall have a casting vote;

- (10) the committee may commission persons to investigate and report to the committee on any aspects of its inquiry;
- (11) the presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions; and
- (12) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

Ms PENNICUIK (Southern Metropolitan)

(10:09) — I move:

That this house —

- (1) notes the Ombudsman's report on the investigation of a matter referred from the Legislative Council on 25 November 2015;
- (2) calls on the —
 - (a) Premier, ministers and Labor MPs named in the report to take full responsibility for their actions and stop blaming others and to apologise to Parliament;
 - (b) Premier to apologise to the Parliament for the misuse of the electorate office and communication budgets by Labor MPs and for the government frustrating the process by challenging the motion in the courts, using public money;
 - (c) ALP to pay an additional 25 per cent of the total amount falsely charged to DPS and to fully repay costs that were incurred by taxpayers on its behalf in its court challenges to the investigation;
 - (d) government to implement all the recommendations in the report by Tuesday, 19 June 2018;
 - (e) government, in consultation with all parties and independent MPs, to strengthen the codes of conduct in relation to MPs and ministers and to establish an independent parliamentary commissioner for standards in Victoria.
- (3) requires the Privileges Committee to inquire into and report, in relation to those current and former members of the Legislative Council named in paragraphs 45 to 50 of the Ombudsman's report, on the following —
 - (a) whether any members are in contempt of Parliament in relation to the code of conduct in the Members of Parliament (Register of Interests) Act 1978; and
 - (b) whether any fine should be imposed and the amount to be imposed pursuant to section 9 of the Members of Parliament (Register of Interests) Act 1978;

- (c) whether the conduct of any current or former members constitutes any other form of contempt of Parliament and if so, what sanction, if any, should be imposed;

and the committee shall report no later than 19 June 2018.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:09) — My motion before the house this morning arises from a matter that this Council first considered in 2015. In September 2015, through the disclosures of a whistleblower, it became apparent to the public and to members of this place that in the lead-up to the 2014 election, which was a tightly contested election with a narrow result, the Labor Party through the course of 2014 had engaged in rorting their electorate office staff.

This whistleblower, who came to public attention in 2014, indicated that he had been employed by the Labor Party on the basis of being a community organiser for the Labor Party but had then been, as part of that employment, put into a structure where he was in fact being paid at least partially by the taxpayer via an electorate office and that he and his colleagues, who had been recruited as field organisers for the Labor Party, were told that they would be paid partially through electorate office budgets and partially through the Labor Party on what became known as the 60-40 split and that those field organisers should not disclose the fact that they were being paid on a 60-40 basis with the taxpayer picking up two days a week despite the fact that — as we will hear subsequently — we were led to believe that the Labor Party thought that arrangement was okay.

This whistleblower, knowing that what had occurred in 2014 was inappropriate and may well have been illegal, blew the whistle on what had happened within the Labor Party — the fact that an artificial construct had been put in place for people who were employed as electorate officers to actually work as campaign officers for the Labor Party.

Following that public disclosure by that whistleblower, we saw a number of further disclosures and we saw this issue raised very widely in the community. We saw community outrage at the fact that Labor Party MPs had apparently rorted their electorate office staffing budgets to employ people for the Labor Party rather than employ people doing electorate office work. There followed during that period in September a number of questions in this house and questions in the other house which raised concerns about what had gone on, who had been implicated in that and what the extent of the rorting of taxpayers funds was.

In November 2015 this Council resolved that the matter should be referred to the Ombudsman. On 25 November 2015 the Legislative Council formally passed a resolution, and I will read that resolution into the record again now. On 25 November the Legislative Council of the Parliament of Victoria passed the following resolution:

That, pursuant to section 16 of the Ombudsman Act 1973, this house refers the following matter to the Ombudsman for investigation and report:

- (1) allegations that ALP members of the Victorian Parliament misused members' staff budget entitlements, against the provisions of the Parliament of Victoria Members Guide, that is, 'Electorate officers are employees of the Parliament of Victoria, and are directly accountable to the member in whose electorate office they work ... These positions are provided to support the member in their parliamentary and electorate duties. The Parliament does not fund positions to support the member's political or party duties'; and
- (2) any other breach of applicable policies, laws or codes in relation to these allegations.

The resolution that this house passed in November 2015 was not a broad fishing exercise. It was not an ambit bid by this house to trawl through members' budgets to find if there was a misuse of a paper clip or a box of staples. The resolution from the Council on 25 November was very targeted and related directly to matters which had been ventilated in the public domain by a whistleblower — a person who had been engaged by the Labor Party as a field officer but found himself being paid as an electorate officer. The Council saw the need for that matter to be subject to an independent investigation.

The terms of reference from that 25 November resolution were very clear as to the scope of the matters that the Council considered were relevant. It related to the use of staffing budgets and it related to the use of those staffing budgets in the context of the Members Guide — the very specific provision in the Members Guide which provides that electorate officers are employees of the Parliament of Victoria directly accountable to the member in whose electorate office they work and the very clear statement in that guide that:

These positions are provided to support the member in their parliamentary and electorate duties. The Parliament does not fund positions to support the member's political or party duties.

For most members of this place it is reasonable to expect that that statement is clear, that statement is unambiguous and that statement is eminently understandable:

The Parliament does not fund positions to support the member's political or party duties.

It does not seem to me that there is much leeway there for misinterpretation. Every member of this place should be able to understand that statement. Those members in this place who have legal training in particular — and I will come back to that later — should be able to understand a statement that the Parliament does not fund positions to support a member's political or party duties. That is in the Members Guide and it is in the Members Guide for a reason. It is a very clear statement. It is a statement that the general public would have no difficulty in understanding, and no member of Parliament should have any difficulty in understanding it.

Yet it was apparent in September 2015, through the disclosures of that whistleblower, that some members of the 57th Parliament had had considerable difficulty with understanding that statement and applying that statement to their own operations in their own electorate offices. Following the disclosure from the whistleblower and following the attempt by the government to obfuscate around the issue of what became known as the red shirts rorts, this house extensively canvassed that matter in question time and we saw a range of responses from a range of ministers as to their knowledge and involvement in that matter. Then on 25 November 2015 we saw the passage of a resolution requiring the Ombudsman, pursuant to section 16 of the Ombudsman Act 1973, to undertake that investigation as specifically outlined in those terms of reference.

It is worth reflecting on what was said at the time the Council passed that resolution. It was a resolution moved by Mr Barber, who has since left this place. I take the opportunity to pay due credit to Greg Barber for moving that resolution in November 2015, because Mr Barber was, as a member of this place from 2006 until August of last year, someone who had an acute understanding of parliamentary ethics, parliamentary accountability and parliamentary integrity. It was something that, to his credit, flowed through his entire time as a member of Parliament, and it was evident in everything that Mr Barber did as a member in this place, in the issues he articulated in this place and in the matters he raised in this place. Mr Barber was a keen student of parliamentary procedure and parliamentary history, and he had an acute understanding of the way in which Parliament should operate and the ways in which members of Parliament should conduct themselves as members of this place and in the use of their position as members of this place. It is perhaps

something that is less evident now in Mr Barber's party in this place since that change in August last year.

That resolution was on the initiative of Mr Barber. It was moved without seeking to prejudge the issue. It was moved on the basis that very clear and serious allegations had been made by a whistleblower, by somebody who had been embedded within the operations of the Labor Party, who had seen and who had credibly articulated what had been going on through that period in 2014. On that basis it merited investigation. That resolution was passed on 25 November, which without prejudging the matter sought to have the Ombudsman undertake an independent investigation of what had occurred with those staffing resources in the context of the obligations of the Members Guide, with a report due to come back to this house.

In the conclusion of that debate the Leader of the Government made a contribution, and it is worth putting on the record what the Leader of the Government said at the time in November 2015. For the benefit of members, and to refresh their minds, I will refer to the key areas of Mr Jennings's contribution. Mr Jennings, in opening his contribution, said:

On behalf of the government I want to make it very clear that in relation to the issues of content and substance in whatever concerns may have led Mr Barber, the community or the media to be interested in matters relating to the appropriate use of electorate office resources and the work profile and terms of engagement of electorate office staff, the government has been very relaxed about the scrutiny that is going to be applied by any relevant agency.

Mr Jennings then went on to talk about the potential for IBAC, the potential for police, the potential for the Presiding Officers or the potential for the Ombudsman to undertake that inquiry. He then said:

We are not defensive or anxious about scrutiny by those relevant statutory office-holders or indeed the procedures of the Parliament. The government is confident that the issues in question will withstand that scrutiny and that the government's position on these matters, which is that there has not been inappropriate use of parliamentary resources, will be shown to be the case.

So on 25 November 2015 Mr Jennings very clearly asserted his confidence and the government's confidence that 'there has not been inappropriate use of parliamentary resources' and that that 'will be shown to be the case'.

It is interesting to reflect on what led the Leader of the Government to that position and what led the government to articulate that position, because it raises

the question of what the Leader of the Government knew in November 2015 when he made that statement and what his level of involvement was in that matter when he made that statement. The essence of those statements by the Leader of the Government at the time were that the government was relaxed about scrutiny being applied by a statutory officer in relation to this matter and that the government was confident that there was no case to answer.

Mr Jennings then went on to say in that contribution that the government had doubts as to the Ombudsman's jurisdiction to look at that matter and as to whether the Ombudsman Act afforded the Ombudsman jurisdictional cover for an investigation of the nature which had been framed in the terms of reference. It is notable that in Mr Jennings's contribution at that time the issue of exclusive cognisance, which came to be a feature of the subsequent discussion, was not raised. Mr Jennings did not at any point in his contribution, when he questioned whether the Ombudsman had jurisdiction, raise the issue of exclusive cognisance, which is interesting in the context of what subsequently followed.

Following that resolution by the Legislative Council in November 2015 a referral was made by the Clerk to the Ombudsman. It is apparent from the Ombudsman's report that was tabled last week that having regard to what Mr Jennings had said in that debate on 25 November 2015 the Ombudsman determined that she should go to the Supreme Court and she should seek from the court a determination as to whether she had the jurisdiction to undertake that inquiry. The Ombudsman made application to the Supreme Court. The opportunity was then there for other parties to be joined to that application. The government decided that it would apply to the court to be joined to that proceeding to argue that the Ombudsman did not have jurisdiction to undertake the investigation that had been referred to them on 25 November. It was then necessary for the Council to pass a subsequent resolution instructing the President to seek to be joined to that application from the Ombudsman to represent the Council's interests in this matter, given the reference had come from the Council in the first instance.

The upshot of that proceeding in the Supreme Court was that the court determined that the Ombudsman did in fact have jurisdiction to undertake the investigation which had been referred there on 25 November 2015. On the face of it that was a fairly straightforward exercise. It did take some time at the beginning of 2016 for the Supreme Court to reach that determination, but it did indeed find that the Ombudsman had jurisdiction to proceed.

The court heard the arguments put by the government as to the scope and intention of section 16 of the Ombudsman Act 1973 and what the Parliament had intended when that act was first enacted in 1973 with the specific provision around section 16, which has been used on very few occasions. I think of the four times section 16 has been used they have been in the last decade and many of them — if not all of them — have related to matters initiated by the Legislative Council or its committees. So section 16, even though it has been on the statute book for 45 years, has been used very sparingly and very recently, most notably in the matter relating to the Windsor Hotel redevelopment inquiry, which was initiated in this Council.

The matter before the Supreme Court in early 2016 went back to first principles and looked at why the Parliament in 1973 had passed the Ombudsman's Act 1973 with section 16, allowing the Parliament to make referrals to the Ombudsman. The Supreme Court found that the inquiry, which had been referred on 25 November in relation to the staffing rorts, did in fact fall within the jurisdiction of the Ombudsman. For a reasonable person, that should have satisfied the government's concerns about the jurisdiction of the Ombudsman. If we are to take on face value the argument from the Leader of the Government, when he spoke on Mr Barber's motion in November 2015, that the government wanted to be assured that the Ombudsman had jurisdiction in that matter, a reasonable person would expect the government to have been satisfied with the decision of the Supreme Court that in fact the Ombudsman did, under section 16 of the act, have the jurisdiction to complete that investigation.

What followed, however, flew in the face of what you would expect from a reasonable person, because the government then decided to appeal that decision by the Supreme Court to the Court of Appeal. Basically the government had said, 'We're concerned about the scope of jurisdiction. We want to be sure that jurisdiction is there'. The Supreme Court determined jurisdiction was there. The government decided, 'We're actually not happy with that decision, and we're going to appeal to the Court of Appeal to get a different outcome'. Of course that meant that the government had to lead the appeal in the name of the Attorney-General, and the Legislative Council had to be represented in that matter also to ensure that the Council's interests in the reference proceeding were represented.

So the appeal process took place, and the Court of Appeal also held that the Ombudsman, under section 16 of her act, had jurisdiction to undertake the reference

which had been made by the Legislative Council. Again, that is where the matter should have stopped. The government's concerns had been addressed by the Supreme Court, yet they chose to appeal to the Court of Appeal. The government's concerns had been relitigated at the Court of Appeal, which had again found that the Ombudsman had jurisdiction.

A reasonable person would be satisfied that the jurisdiction of the Ombudsman had been determined and would allow the matter to proceed, but once again this government did not act as a reasonable person. This government sought to appeal the Court of Appeal decision. In the name of the Attorney-General it sought leave to take this matter to the High Court, which is an extraordinary step to take on a matter of simply determining the jurisdiction of an Ombudsman to undertake an inquiry under section 16 of her act — a power which had previously been exercised when the Council had made other references. As I said, the most notable reference related to the Windsor Hotel investigation inquiry. But suddenly for some reason the Labor government felt it necessary to challenge that jurisdiction in the Court of Appeal and then in the High Court.

When the application for leave to appeal reached the High Court, the High Court summarily dismissed it. I am advised that this is almost without precedent, and may well be without precedent. When an Attorney-General applies to the High Court for leave on a matter — be it the commonwealth Attorney-General or be it the Attorney-General in a state or territory — it is a serious matter. An appeal from the chief law officer of a jurisdiction, commonwealth or state, to the High Court on a matter is serious; it is a weighty matter. It is something the High Court takes seriously. Yet we saw with the appeal from the Attorney-General of Victoria, Martin Pakula, that the High Court did not even entertain leave — it dismissed the matter summarily — and I am advised that that has not occurred before when an Attorney-General has sought leave to appeal at the High Court. They are serious matters and they are entertained seriously by the High Court, and the fact that this was dismissed summarily highlights what a weak position the government had and raises questions as to why the Victorian government, the Labor government, was in the High Court in the first place.

That takes us to the question of motivation. Mr Jennings in November 2015 had raised some questions, perhaps legitimately, as to whether there was jurisdictional cover, and the Supreme Court determined that. That should have been the end of the matter. Why did the Attorney-General then appeal to the Court of Appeal and then seek leave to go to the High Court? In

whose interest was the government acting? Was it acting in the interests of Victorians or was it acting in the interests of the Labor Party?

That then takes us to where the Ombudsman's investigation ultimately went, because after the Attorney-General was sent packing with his tail between his legs by the High Court, something which has never happened before, the Ombudsman was able to undertake her investigation and look at the red shirts staffing rorts, a matter about which Mr Jennings in this place has said:

The government is confident ... that there has not been inappropriate use of parliamentary resources ...

The Ombudsman undertook her investigation and found a very different situation. Far from there being no inappropriate use of parliamentary resources, as Mr Jennings foreshadowed, the Ombudsman found there had been extensive misuse of parliamentary resources by members of the Labor Party in the frame of, in essence, employing people to be campaign workers for the Labor Party and creating a structure whereby those Labor Party campaign workers were paid as electorate officers by members of Parliament, whether or not those campaign workers were working in the electorates of the members they were purported to be employed by or elsewhere and indeed whether they undertook any electorate office work at all. This was not incidental. This was not inadvertent. It was not an oversight. It was a deliberately orchestrated exercise by the Labor Party to rort funds provided by the taxpayer to support members in their electorate office duties and their electorate duties for party political purposes.

The Ombudsman in undertaking her investigation was very clear about the extent of the problem she identified and the members of Parliament that she was able to identify as being implicated in that matter. In the report tabled last week the Ombudsman has identified more than 20 Labor Party MPs who had staff that were employed by the Labor Party as field officers or campaign workers who were also on the public payroll as electorate officers while doing Labor Party campaign work rather than working as electorate officers. The value of that rorting which was undertaken by Labor Party MPs, to the extent the Ombudsman has been able to determine the situation, extended to \$387 842.

To place on the record the extent of the rorts, the Ombudsman identified that a former Leader of the Government and Leader of the Opposition in this place, Mr John Lenders, was responsible for the rorting of \$44 732 from his own electorate office budget. I have to say, as someone who worked with John Lenders in

this place for a very long period of time and who had high regard for Mr Lenders and his work in this place, I am staggered to read in this report that he was the architect of this rort — a rort which misappropriated the best part of \$400 000 of taxpayers money and did so as blatantly and as deliberately as the Ombudsman has determined in this report, and indeed he was disingenuous in the arguments he put to the Ombudsman as to how this had occurred. Every member of this chamber that worked with John Lenders knows that he is no fool. He is deliberate. He is considered. He does not do things on a whim. He knows what he is doing. The fact that he was the architect of this scheme, the fact that he then tried to argue that he thought it was within the scope of the guidelines — guidelines which state:

These positions —

being electorate officer positions —

are provided to support the member in their parliamentary and electorate duties. The Parliament does not fund positions to support the member's political or party duties.

The fact that Mr Lenders argued that he did not understand that and that he thought what he had orchestrated was within the scope of the rules beggars belief and does him no credit. For someone who had made a major contribution to this place over a long period of time, that position he took with the Ombudsman investigation does him absolutely no credit at all and very much diminishes the contribution he made in this place over a long period of time.

Also called out in the Ombudsman investigation are: Liz Beattie, the former member for Yuroke in the Assembly, who rorted \$24 773; Marg Lewis, who was of course a member of this place briefly, replacing Candy Broad when she retired, for a period of six or eight months I think it was, who was responsible for the rorting of \$24 358; John Pandazopoulos, a former member for Dandenong in the Assembly, who was responsible for the rorting of \$21 757; Joe Helper, who retired as the member for Ripon in the Assembly, who rorted \$21 148; Johan Scheffer, who was of course a member of this place and retired, who was responsible for the rorting of \$21 148; Jenny Mikakos, who continues to sit in this place now as a minister, a lawyer in fact —

Mr Ondarchie — A rorter.

Mr RICH-PHILLIPS — And as Mr Ondarchie says, now a rorter, who was responsible for the rorting of \$21 148. Of course Ms Mikakos is also somebody who it beggars belief could not understand the

guidelines around the use of electorate office staff and could not understand the very explicit statement in the Members Guide that parliamentary staff are not provided for political and party purposes. She is a lawyer and a cabinet minister, and yet she could not understand that. Brian Tee, also a former member of this place, was responsible for the rorting of \$21 148. Nazih Elasmr, a current member, was responsible for rorting \$21 148. Marsha Thomson, a former member of this place and a current member of the other place, was responsible for rorting \$21 148.

Mr Ondarchie — Trade minister.

Mr RICH-PHILLIPS — And as Mr Ondarchie reminds me, seemingly the Premier's favourite when it comes to trade missions. Gayle Tierney, a member of this place and now a current minister, was responsible for rorting \$20 559.

The Leader of the Government in this place, Mr Jennings, is another person who is no fool another person who would be in no doubt as to what the guidelines mean and no doubt as to what a paragraph that says electorate office entitlements are not provided for party-political purposes means. Mr Jennings is no fool; he knows what the guidelines mean. He knows the extent and the way and the reason for which electorate office entitlements are provided to members of Parliament — and there can be no doubt that he knew exactly what he was doing in signing time sheets for electorate office staff who were actually working as Labor Party campaign staff.

Again, in the same way as it beggars belief that Mr Lenders has been involved in this matter in the way he has, Mr Jennings's statement when this reference was first considered in the Parliament in November 2015 was:

The government —

and by extension him —

is confident that the issues in question will withstand that scrutiny and that the government's position on these matters, which is that there has not been inappropriate use of parliamentary resources, will be shown to be the case.

That Mr Jennings could make that statement in November 2015 in the knowledge that he had signed electorate office time sheets for staff who worked for the Labor Party rather than for electorate purposes is astounding, absolutely astounding.

Lee Tarlamis, a former member of this place, was responsible for the rorted of \$19 931 — and of course currently works for Mr Jennings.

Matt Viney retired in 2014. Members will recall the circumstances of Mr Viney in his final years in this place and the fact that he was, through personal circumstances, not in the house for much of that final period of his last term. Yet somehow Mr Viney had the need for \$18 790 of casual electorate office staff which ended up with the Labor Party. So a man who was not in a position to be in this Parliament for much of the second half of his last term nonetheless was able to sign rorted time sheets for staff to work for the Labor Party.

Joanne Duncan, who retired from the other place, was responsible for rorting \$16 078 worth of funding. Mr Somyurek, a current member of this place, was responsible for rorting \$15 717. Anthony Carbines, a current member in the other place, was responsible for rorting \$8823.

Candy Broad, who retired through the course of the last Parliament, in mid-2014, was responsible for the rorting of \$5925. That is telling insofar as the time frame and the amount, having seen the amount that was attributed to Marg Lewis, who replaced Candy Broad. It gives an indication of the time frame over which the rort took place, that the period involving Candy Broad up to 9 May 2014 was \$5900 and the bulk of it attached to that office came after that, with Marg Lewis.

Lily D'Ambrosio, a current minister in the other place, was responsible for rorting \$5364.

Up there with Mr Lenders and Mr Jennings perhaps one of the worst cases is, of course, the current Attorney-General, Mr Pakula, who the Ombudsman has identified as rorting \$5354. This is the chief law officer of Victoria, and we are being asked to accept that this man could not understand what the Members Guide meant — the chief law officer of the state. More concerning is that Mr Pakula, as the chief law officer of the state, is also the man who sought to block the Ombudsman's inquiry. It was in the name of Mr Pakula that the government appealed the Supreme Court decision to the Court of Appeal and it was in the name of Mr Pakula that the government, having failed in the Court of Appeal, then appealed to the High Court.

An honourable member — The cover-up.

Mr RICH-PHILLIPS — The cover-up.

Mr Morris — Didn't even get leave.

Mr RICH-PHILLIPS — And didn't even get leave. In an outstanding outcome for any Attorney-General, leave was refused summarily by the High Court. It is virtually unprecedented for an Attorney-General to have been sent packing with his

tail between his legs by the High Court, but such was the paucity of the argument that Mr Pakula was able to take to the High Court as to why the Ombudsman's investigation should not proceed. Of course it raises the issue of what was his personal interest in this matter, given he has been implicated in the rot by the Ombudsman.

In a similar vein Mr Melhem, a member in this place, was responsible for the rotting of \$3538; Mr Eren, now a minister in the other place, was responsible for rotting \$2358; and of course Mr Leane from this place was also responsible for rotting \$2358.

Important in the consideration of the Ombudsman's report and contrary to what the Leader of the Government said in this place when the original motion was passed in 2015, the government did not cooperate with this inquiry. The government was not fulsome in the evidence it provided to the Ombudsman. The staff who were implicated in this rot were not fulsome in the evidence they provided to the Ombudsman. In fact the government's members actively sought — having failed in the Supreme Court to block the inquiry, having failed in the Court of Appeal to block the inquiry and having failed in the High Court to block the inquiry — to frustrate the Ombudsman in the conduct of her inquiry.

The Ombudsman reports at paragraphs 9 and 10 of the report that suddenly we saw that when the government reached the High Court it had a new argument as to why the Ombudsman should not inquire, being the argument of exclusive cognisance, and that the government then sought to assert exclusive cognisance with respect to the Ombudsman investigation. And the Ombudsman notes in her report that:

The effect of this was that members of the Legislative Assembly and most of their staff declined to cooperate with the investigation.

'Declined to cooperate with the investigation' — those are not my words; those are the words of the Ombudsman. Members of the Legislative Assembly and most of their staff declined to cooperate with the investigation.

Ms Crozier — Why?

Mr RICH-PHILLIPS — The question of why has to be asked, Ms Crozier. It flies in the face of Mr Jennings's statement on 25 November 2015, and I quote:

... I want to make it very clear that in relation to the issues of content and substance in whatever concerns may have led Mr Barber, the community or the media to be interested in

matters relating to the appropriate use of electorate office resources and the work profile and terms of engagement of electorate office staff, the government has been very relaxed about the scrutiny that is going to be applied by any relevant agency.

Yet we see members of the Assembly and their staff refusing to cooperate with the Ombudsman's investigation. We see Ms Mikakos, a member of this place —

Ms Crozier — A major rotter.

Mr RICH-PHILLIPS — a major rotter, Ms Crozier — not providing oral evidence to the inquiry, not going before the Ombudsman and giving oral evidence, but submitting a statutory declaration rather than facing direct questioning from the Ombudsman. And we see that in concluding the report the Ombudsman has found that there are gaps in the evidence she was able to obtain — that what we see in the report was her best estimate based on what she was able to see, but she is satisfied she did not see everything. She is satisfied that there is more to be disclosed around this grubby little exercise by the Labor Party and its senior leadership.

It is for that reason that the coalition is bringing this motion for a select committee before the house today. The Ombudsman has identified that there are gaps in the evidence made available to her; that the report that she has presented and the \$388 000 in rotting that she has identified is not the full picture; that there is more to learn. And it is for that reason that we need to follow up the Ombudsman's inquiry with a select committee. We need to obtain the evidence that Ms Mikakos did not give to the Ombudsman by virtue of not appearing. We need to understand not only who was directly implicated but who was involved in the setting up of this rot by the Labor Party. What role and what knowledge did the Premier have of this matter? What role and what knowledge did the Leader of the Government in this place have of this matter?

We heard yesterday in question time Mr Jennings asked about his role in the campaign committee which seems to have been central to the setting up of this rot under Mr Lenders's instruction. Mr Jennings said that he was on the campaign committee at some times but not others. What is not clear though is what role he played at the relevant time that this was put together, because despite the silence now and the distancing now the reality is that Mr Lenders, the current Premier, Mr Andrews, and Mr Jennings were all central to the government's campaign in 2014.

In fact on 29 November 2014 — election day — Mr Andrews as the victor on that night gave a victory speech. He spoke for about 20 minutes, and in the course of that 20-minute speech Mr Andrews only singled out two people in terms of the campaign. He spoke about his family of course and the campaign workers generally, but he singled out two people for praise in his acceptance speech on polling night. I will read you what Mr Andrews said on polling night:

In particular, can I single out a very close friend, someone who I have always respected as a political professional without peer, someone who has been on the travelling party these last five weeks, someone who we are sad to say goodbye from the Victorian parliamentary Labor party but someone who leaves a great mark on our party and this state, John Lenders.

Mr Andrews then went on in his praise. He immediately went on to say:

Now, you all, each and every one of you know Gavin Jennings is someone who has been a very close friend of mine for a very long time, and can I thank Gavin for his attention to detail, his poise and good judgement mixed in with much good humour. His stewardship of the health portfolio has been outstanding, his role in the leadership team similar, and Gavin, I thank you so very much.

So in a 20-minute acceptance speech on polling night, Daniel Andrews thanked two people, John Lenders and Gavin Jennings — John Lenders for being ‘a political professional without peer’ and someone on the travelling party throughout the campaign and Gavin Jennings for his ‘attention to detail, his poise and good judgement’ and his role in the leadership team.

We are being asked to believe that Mr Jennings did not know anything about this, did not understand the Members Guide and the constraints around the use of parliamentary staff and was at arm’s length from all of this and that the Premier had no knowledge, and yet the only people the Premier called out in his accepted speech were John Lenders as a ‘political professional’ for his involvement in running the campaign and Gavin Jennings. I put it to the house that it is beyond belief that the Premier did not know about these rorts and that Gavin Jennings did not know about these rorts and did not know exactly what John Lenders was doing, because that was the trio that was at the head of the ship for the Labor Party’s campaign in 2014, as the Premier called out in his acceptance remarks that night. This is something we need to get to the bottom of. This goes beyond what the Ombudsman was able to uncover in her investigation due to obfuscation and due to the refusal to cooperate, which has been called out in the report. This is where these matters need to be ventilated, in daylight and openly, in a way in which Victorians can understand the full extent of the way in

which their money was rorted for the benefit of the Labor Party.

The second element of the motion goes to looking at the issue of the expenditure on the court cases, not only the \$139 000 the government claims to have spent but also the issue of the costs incurred by the Ombudsman, the costs incurred by the Parliament in defending those proceedings and of course the costs associated with the solicitor-general and other parties that were engaged as part of those three actions.

On the face of it those actions had no merit. There was no reason for the government to go to the Court of Appeal, having had the decision by the Supreme Court, and there was absolutely no reason for the government to go to the High Court. Yet the Attorney-General, who is implicated in this report as having rorted, Mr Jennings, who is implicated in this report as having rorted, and ministers like Minister Mikakos, Minister Tierney, Minister Eren and others would have been beneficiaries of blocking the inquiry. They were happy to spend taxpayers money on a very dubious series of appeals to the Court of Appeal and the High Court to try to block the inquiry. Those were not appeals on merit to test legal principles; they were appeals purely to block an inquiry in the interests of the members of the government who sought to have that position put in court. That needs to be understood, it needs to be exposed and it needs to be before the Victorian people so they can form their own judgement.

With the Ombudsman’s report, the Ombudsman has done an outstanding job in getting us to this point, but in her own report she has highlighted that there are gaps in the evidence because of the lack of cooperation from the government. There is a need for this Council to take this matter further. There is a need for this Council to understand why the government ended up in the High Court with an absolutely ill-conceived appeal, what motivated that occurring and what the cost to the Victorian taxpayer of that has been.

This is a cognate debate, and Ms Pennicuik has also moved a motion, which is being debated simultaneously with this, for a referral of this matter to the Privileges Committee. It is the view of the coalition that the Privileges Committee is not the place for this inquiry, and that is for a couple of reasons. The Privileges Committee is set down in standing order 23.09. Standing order 23.09 sets up the Privileges Committee and provides that the Privileges Committee is to undertake investigations et cetera related to ‘the privileges of the house’. The matters before the house today — the Ombudsman’s report and the things flowing from that — are actually not matters of the

privileges of the house. The matter of the privileges of the house goes to whether people seek to interfere with witnesses that come before the Council or whether people interfere with the proceedings of the Council, but it does not go to the issue of members of Parliament using their entitlements. That is not a matter of the privileges of the house, and to refer a matter like this to the Privileges Committee is to put before that committee something which is not within its scope.

One of the other challenges of the Privileges Committee is that one of the members of the Privileges Committee is Minister Mikakos. Someone who is the subject of the investigation and has been found to be rotting is actually a member of the Privileges Committee, so it is completely untenable to make a reference to the Privileges Committee when one of the members of that committee was in fact a subject of the investigation and was found to have been rotting.

Our view is that the jurisdiction of the Privileges Committee does not extend to this matter. It is about the privileges of the house rather than the conduct of members in terms of their electorate officers, and it would be completely inappropriate for a committee to investigate where one of the MPs who is identified as having been involved in rotting is actually sitting on that committee.

In conclusion, I would ask members to support the select committee. The Ombudsman has found that there are gaps in evidence. There is more information to come out from this tawdry affair. It needs to be in the public domain. Victorians need to understand the extent to which they have been rotting, and the best way to achieve that is through the establishment of a select committee which can report by the middle of the year so that the people of Victoria can make their own judgement on what has been a reprehensible period of conduct by the Labor Party in this state.

Ms PENNICUIK (Southern Metropolitan) (11:09) — I give notice that the Greens may move an amendment later today with regard to qualifying the relationship of the committee with the sessional and standing orders and with regard to the chairing of the committee. I will refer to that again a bit later.

The motion I moved today starts with the house noting the Ombudsman's report on the investigation of a matter referred from the Legislative Council on 25 November 2015, some 28 months ago. It has been a very, very long time between when the matter was referred to the Ombudsman and the tabling of the report this week in Parliament and its release last week.

It was my former colleague Mr Barber who moved a related motion on 25 November 2015. He made really quite a brief contribution in moving the motion. His motion read:

That, pursuant to section 16 of the Ombudsman Act 1973, this house refers the following matter to the Ombudsman for investigation and report:

- (1) allegations that ALP members of the Victorian Parliament misused members' staff budget entitlements, against the provisions of the Parliament of Victoria Members Guide, that is, 'Electorate officers are employees of the Parliament of Victoria, and are directly accountable to the member in whose electorate office they work ... These positions are provided to support the member in their parliamentary and electorate duties. The Parliament does not fund positions to support the member's political or party duties'; and
- (2) any other breach of applicable policies, laws or codes in relation to these allegations.

That was the wording of the motion that was passed on 25 November 2015. Mr Barber made the point that the motion required the Ombudsman to investigate and report back on matters that had been, as he said, swirling around for some time in the political domain. Those matters were concerns raised by ALP field officers who had complained — and some had taken their complaints to the media — about the way in which they were engaged by the ALP and their engagement paid for. I will return later to how that has been revealed in the report of the Ombudsman. But at that time we had no idea. We just knew there were some whistleblowers and people who were concerned about what was going on or what had occurred, and we felt it needed to be further looked at. Mr Barber said:

In terms of the particular mechanism that I am proposing here, it is the provision within the Ombudsman Act 1973 that allows either house of Parliament to direct the Ombudsman to investigate a particular matter.

He went on to mention that the Ombudsman looked into the allegations against former MP Mr Geoff Shaw, as did the Privileges Committee of the Assembly.

We were very clear that section 16 of the Ombudsman Act 1973 allows the Parliament to direct the investigation into the matter that was referred to it. Mr Barber said he hoped the matter could be resolved as quickly as possible. He said:

It is an investigation into the allegation that has been aired publicly.

The motion was about dealing with that matter specifically. But, as I said, it took 28 months for it to come to us here in the Parliament.

I have to say it is a great pity that we are even here today dealing with this issue, because it should never have come to this. We should not have had to move the motion in November 2015 because the allegations were being aired publicly. When that was being revealed, in fact what should have happened is that the Labor Party should have dealt with it then by basically admitting to what had been done, which it knew had been done and which the Ombudsman's report, which Mr Rich-Phillips has detailed, points out was led by former member Mr Lenders and was a deliberate strategy. Many current and former members of Parliament have been named in the report as participating in this strategy or program of employing field officers to conduct party work and paying them from electorate office budgets.

When these allegations were first aired is when the matter should have been dealt with. That is when the Labor Party should have repaid the money and apologised to the people of Victoria. Instead it has thrown red herrings into the argument, it has denied what the Ombudsman has found actually occurred and it has mounted court challenges at taxpayers expense. What should have been dealt with in an honest and open way at the time has taken 28 months, and we now have to deal with the matter brought to this house by the misbehaviour against the Members Guide and against what everyone in this place knows is the proper use of electorate office and communication budget funds — but here we are.

Everyone in this place is now faced with how to move forward from the report of the Ombudsman. The Greens are putting forward the motion I have moved today as a way to proceed. I would like to talk a little bit about the points I have in my motion under paragraph 2. Firstly, paragraph 2(a) calls on the Premier along with the ministers and Labor MPs named in the report to take full responsibility for their actions, stop blaming others and apologise to the Parliament.

I will just go firstly to the foreword that the Ombudsman, Deborah Glass, has written in her report of some 200 pages. I have forensically looked through this report, and I confess that I have read almost every word in it. It does make for interesting and quite disappointing reading. The reason the Greens call on the Premier along with ministers and Labor MPs named in the report to take full responsibility for their actions, stop blaming others and apologise is that the members of Parliament who did respond to the Ombudsman have basically all said they did not understand what was going on.

There was a lot of talk about the pooled arrangements, with many of the members named saying that this was all part of pooling, but the Ombudsman found very clearly at page 55 of the report that this was not about pooling and that in fact none of the field organisers were involved in any pooling arrangement. I do not want to spend too much time on the pooling arrangement. That was something that Mr Jennings used in his response to Mr Barber's original motion when he said that everybody does pooling. Well, that was the first we had ever heard of that. There was no pooling arrangement that the Greens knew about.

What the Ombudsman has found and what is mentioned many times in the report is that it was only the Labor Party that had this pooling arrangement, which appeared to be auspiced by the Department of Parliamentary Services. It was quite a surprise to me to read that. I do not want to dwell on it, but the Greens had always been told since we were first elected here in 2006 that pooling arrangements were forbidden and that all our staff had to work individually in our offices under our direction to do work for us as individual MPs in our electorates. Even back at that stage we were discouraged from operating on a portfolio basis, so that was quite a surprise to me.

But the point about it is that it was a complete red herring, because it was nothing to do with pooling arrangements. It was to do with what the Ombudsman describes in her foreword as:

... a well-organised campaign by the ALP to recruit and deploy full-time field organisers in the run-up to the 2014 Victorian state election, of which 21 were employed part-time as electorate officers and paid some \$388 000 out of parliamentary funds. A few did, indeed, do electorate officer work and many claimed it was impossible to distinguish between the roles.

However:

... the arrangement to employ field organisers as electorate officers was an artifice to secure partial payment for the campaign out of parliamentary funds, and was wrong.

She went on to say:

The principal architect of the arrangement was the former Leader of the Opposition in the Legislative Council, the Honourable John Lenders. While he ... derived no personal benefit from the campaign as he was, in any event, retiring, he carries the greatest share of responsibility for breaches of the guide. There is undoubtedly a blurred line between permissible and impermissible uses of parliamentary funds, and what is or is not political activity ... But in seeking to maximise the use of resources available to the party, Mr Lenders crossed the line.

So the Ombudsman has stated that it was a well-organised, deliberate and systematic campaign,

and I think the Premier, the ministers and the Labor MPs should take responsibility for that. They all knew. The Ombudsman has accepted that those members may not have known or may have been confused as to the use of their parliamentary budgets to employ these field organisers, but I do not accept that. I believe that everybody knows that that is not permissible and that the MPs knew that.

What is revealed in the report very clearly and mentioned extensively is the fact that the field organisers were not directed by the MPs. They had little or no contact with the MPs who were signing the forms — their pay slips. The pay slips were partially filled in and signed by the field organisers and then distributed later to the MPs to sign. The MPs who did not direct the field organisers still signed their pay sheets. Of course on page 55 of the report there is a table outlining where all the field organisers worked, which was in many cases not even in the electorate of the MP signing the forms. There must have been a very large number of those pay sheets all for one day's work or two days work per week, usually on a Wednesday and Thursday, charged to the Department of Parliamentary Services, but the work was done under the direction of ALP party staff, not members of Parliament or parliamentary staff, not in electorate offices and often not even in the electorates.

Members knew they were doing that and they knew it was wrong, and they should all apologise to the Parliament for that, particularly the ministers, who bear a special responsibility as ministers and should be setting a better example to other MPs and to the public at large. It is impossible for me to accept that people were acting, as it has been claimed, in good faith. I do not accept that. I believe they all knew that they should not have been doing it. They should apologise to the Parliament.

It is disappointing that yesterday, on the first day of Parliament sitting after the release of the report, there was no statement or explanation or formal apology from the Premier to the Parliament or the people of Victoria for what has gone on. There has been some half-hearted, 'Oh, I'm sorry this occurred', in the media, but what is outlined in this report really requires the Premier to make a statement, an explanation and an apology to the Parliament and the people of Victoria, and I believe the Leader of the Government should have done that yesterday as well in this house. Neither of those things happened, and that is a terrible lost opportunity for them to actually show some leadership and show some accountability for what, if they have read the report, they must know they are accountable for.

They did not take that responsibility, but I still urge everybody who is named in that report to apologise and, as I say in point (b), the Premier to apologise for the misuse of the electorate office budgets by Labor MPs and for the government frustrating the process by challenging the motion in the courts using public money.

Mr Rich-Phillips spent quite a long time outlining the frustrations that the government engaged in by challenging the motion in the courts. It actually began when the motion was first moved and the Leader of the Government challenged the legitimacy of the motion and the ability of the Ombudsman to look into the matter. The Ombudsman then, very shortly after the motion was passed, I think on 1 December 2015, wrote to the government noting that she had noted the remarks made in the Parliament and asserted that she did believe that the act was very clear that the Ombudsman could proceed with the matter that had been referred to her.

The government responded saying, 'No, we don't believe that you do', so in order to clarify the situation the Ombudsman took the matter to the Supreme Court, said she would remain neutral and invited parties to become parties to the action. The government and the President of the Council did so. The Supreme Court in May 2016 handed down its view that in fact the Ombudsman did have the ability under the act to investigate the matter. The government then took the matter to the Victorian Court of Appeal, which upheld the Supreme Court decision.

Again this is in the context of the government denying that anything had happened, when of course at least 21 members — former members and current members — knew that something had happened. They kept denying it in public. They kept making court challenges. I was amazed to learn that the Attorney-General had taken the matter to the High Court. Mr Rich-Phillips talked about that being summarily dismissed by the High Court in April 2017. I think it is worth reading the actual decision of the High Court, because unlike many other court decisions it is very brief and it only goes to two very short paragraphs, as follows:

1. The application for special leave to appeal discloses no reason to doubt the correctness of the decision of the Court of Appeal of the Supreme Court of Victoria. Special leave to appeal should be refused.
2. Pursuant to r 41.08.1 of the *High Court Rules 2004* (Cth), we direct the Registrar to draw up, sign and seal an order dismissing the application.

And that was it. The court just summarily dismissed that, but at great public expense.

I think, as I mentioned, the government has put up red herrings, such as pooling arrangements and that people were confused about what the Members Guide said and what the entitlements were with the use of the electorate office and communications budget. I do not accept any of that. The government frustrated the process by challenging the motion in the courts at public expense, and the Premier should include an apology for doing that.

My point 2(c) says the ALP should pay an additional 25 per cent of the total amount falsely charged to the Department of Parliamentary Services and repay the full costs that were incurred by taxpayers on its behalf in its court challenges to the investigation.

We believe just paying back the money is not enough. There needs to be an extra penalty. If any member of the public was to steal money from a person or a company, they would not get away with just paying it back. There would be an extra penalty, that may be incarceration, for a member of the public accused of misappropriating funds — let us put it that way. There should be an extra penalty. We believe 25 per cent is a fair figure, and the ALP should in fact pay 25 per cent of the total amount falsely charged.

I have to say too that the Ombudsman has been thwarted by all of these things I have mentioned and also the claim by the Legislative Assembly of exclusive cognisance, about which there is quite a lot of detail in the report. The Assembly, because the motion originated in the Legislative Council, actually went to the Ombudsman. The Ombudsman is not constrained by that and can investigate any matter. In fact the Ombudsman can investigate any matter on her own motion as well. That was another red herring obfuscating the whole matter. There was non-cooperation by the Assembly members and varying cooperation by the Council members, but if you read the report there is still a lot of detail in there, and the Ombudsman was able to come to conclusions. If you read through her evidence, you would come to the same conclusions yourself.

The Ombudsman has identified \$388 000, but I think she is pretty well saying that is the minimum. It is probably an awful lot more. And do you know what? The government will know how much it is. They will know how much and they will know how many of those time sheets were falsely put in by how many field organisers on how many days and under how many MPs' names et cetera. They will know this. They will

have that figure. They will also know how much money was spent in the court challenges by them, by the solicitor-general, by lawyers hired by them, by QCs et cetera. They were in all this. They know it. They should come clean about it, and they should repay all of it with a 25 per cent penalty attached.

This is a very serious matter that we have before us. The government has very much tried to play it down, saying 'There's nothing to see here' and 'Oh, it's all very confusing what we can spend our money on'. But every other party in this place checks off all the time with the Department of Parliamentary Services — 'Are we allowed to do this? Are we allowed to do that?'. Everybody is extremely careful. Yet we have it revealed in this report that not only were the ALP not careful, they were deliberately deceiving the Department of Parliamentary Services in claiming funds for party-related work that they should not have been doing.

We say that the government should get on and implement all the recommendations in the report by the last sitting week before the winter break — 19 June. They are reasonably easy recommendations to implement. There are only six of them there. They go to strengthening procedures et cetera, and the Ombudsman also calls for the implementation of a parliamentary advisory standards commissioner. That is one of the recommendations that we do not think is strong enough, so our next point, 2(e), calls on the government, in consultation with all parties and not just on its own:

... to strengthen the codes of conduct in relation to MPs and ministers and to establish an independent parliamentary commissioner for standards in Victoria —

something more robust than an adviser. Another motion was also moved by my colleague Mr Barber in June 2017. He moved a motion in this place that the Procedure Committee and the Legislative Assembly Standing Orders Committee should meet and establish the parliamentary commissioner for standards in Victoria. This actually followed on from a recommendation of the Legislative Assembly Standing Orders Committee in May 2014 — almost four years ago — that those committees meet with a view to establishing a parliamentary commissioner for standards in Victoria following their investigation into Mr Shaw. Four years have passed; nothing has happened. We suggest that is a good way to go.

Without necessarily prescribing what sort of model should be used for a parliamentary commissioner for standards, one could look at the model used in the United Kingdom. That office, the Office of the

Parliamentary Commissioner for Standards, deals with the code of conduct and related rules that apply to members of the UK Parliament. There is quite a lot of information on the House of Commons website regarding this, so I will not go through it all, but the key responsibilities of the parliamentary commissioner for standards are:

overseeing the operation of the register of members' financial interests and the other registers;

providing confidential advice to individual MPs —

so it has an advisory role —

advising the committee on standards about the interpretation of the code of conduct and guide to the rules relating to the conduct of members —

on a regular basis, which I think is every three years —

monitoring the operation of the code of conduct and guide to the rules and, where appropriate, proposing changes to the code to the committee on standards;

providing guidance and training for MPs on matters of conduct, propriety and ethics;

investigating allegations that MPs are in breach of the code of conduct and its associated rules;

where appropriate, reporting her findings to the committee on standards, for the committee to adjudicate and recommend any appropriate sanction;

presenting an annual report to the House of Commons on the work of her office.

If we had had something like that in place four years ago we probably would not be here dealing with this matter now and still trying to resolve it. We very strongly advocate for the establishment of a similar office in Victoria to carry out those functions that I have mentioned are carried out by the standards commissioner in the UK.

The other major part of the motion is that this house:

- (3) requires the Privileges Committee to inquire into and report ...
 - (a) whether any members are in contempt of Parliament ...
 - (b) whether any fine should be imposed ... pursuant to section 9 of the Members of Parliament (Register of Interests) Act 1978;
 - (c) whether the conduct of any current or former members constitutes any other form of contempt of Parliament and, if so, what sanction, if any, should be imposed;

and the committee shall report no later than 19 June 2018.

We have thought very deeply about this matter and how to take it forward in the Parliament. I have just been talking about the need for a parliamentary commissioner for standards in Victoria, which we do not have but we should have. We have the Ombudsman, and we referred the matter to the Ombudsman in the absence of anywhere else to refer the matter to. Despite me personally moving amendments to the IBAC bill many years ago to include members of Parliament, which would have allowed IBAC to investigate allegations of misconduct by members of Parliament, that is not there.

So years and years have gone by where the Greens have been trying to improve accountability standards by moving many, many motions in the Parliament, including motions to get rid of political donations by developers and other organisations such as the gambling industry et cetera. None of these motions have been supported by either side of Parliament, and so we have a situation where we still do not have the most appropriate mechanisms in place to deal with these issues.

The issue that we have before us now is 21 former and current members of Parliament misappropriating their electorate office budgets for work that was not electorate officer work in their electorate office but was field organiser work, as outlined in great detail in the report. I am trying to restrain myself from reading too many parts of the report, but I direct members of Parliament and members of the public to familiarise themselves with the report so that they know what these motions are about and understand the matters that we are dealing with.

The Privileges Committee is an existing committee of the Parliament that could follow up from the report of the Ombudsman and the quite extensive information in there. It could determine whether, based on that information, members are in contempt of Parliament in regards to the code of conduct and whether any fines or sanctions should be imposed. We think there should be a fine imposed, but after investigating the matter with the clerks it really is a matter for the Privileges Committee to recommend that under the Members of Parliament (Register of Interests) Act 1978. That is the pathway by which that could happen; it cannot actually happen simply by a motion of the Parliament.

Mr Rich-Phillips said in his contribution that the Privileges Committee cannot look into this matter. Well, it can look into the matter. It looked into the matter of Mr Shaw, and it was able to impose a fine on him following its findings in relation to his conduct with regard to misuse of his electorate vehicle.

We think the motion as worded will take matters forward, and that is what we want to do. There is another motion that has been moved by Mr Rich-Phillips to establish a select committee, and the matters Mr Rich-Phillips has put forward for the select committee to look into and report on by 30 June 2018 include:

the misuse of electorate office staffing entitlements by certain current and former Labor MPs identified in the Ombudsman's report, including in particular obtaining and considering evidence that was withheld from the Ombudsman ...

Our view about that is it is basically re-prosecuting the investigation that has already taken 28 months for us to get a report on from the Ombudsman. I have read the Ombudsman's report, and in terms of the gaps she does mention that the Assembly basically refused to cooperate but enough information had been passed on to her from the police investigation. She actually waited seven months after the receipt of the motion to the completion of the police investigation, and she received a lot of information from them. It is all detailed in the report. She did interview some members of Parliament, including me. She wanted to interview people who were not implicated but were in the Parliament at the time. Some MPs were interviewed; some provided written explanations or statutory declarations. I am satisfied that the Ombudsman had enough information before her from the police investigation and from her own investigation to come to the conclusions that she has.

What we actually need to be doing now is getting some redress, some reparation — as I have spoken about — some apologies, the repayment of money and penalties et cetera. I feel that the two points that Mr Rich-Phillips makes in his motion basically just re-prosecute the evidence.

With regard to the gaps, the Ombudsman actually refers to the gaps and says she has referred the gaps to the Parliament to get our affairs in order. She is not necessarily saying it is to find out more information; she is basically saying that there is enough information to know what has happened. What we need to do now is to move on and to get our affairs in order. That is why we are moving a motion for an apology, the repayment of all moneys, penalties and the establishment of a commissioner for standards in Victoria. That commissioner can oversee the codes of practice and the rules for members of Parliament, monitor them and investigate any breaches of them. That is what we need in this Parliament; that is what we have been calling for for years, and the absence of it has left us in a position where we cannot deal with these

issues properly. A select committee is not necessarily going to take us any further.

With regard to the second point that Mr Rich-Phillips put forward, which is that the select committee should look into:

the expenditure of public money by the government in actions in the Supreme Court, Court of Appeal and High Court in an effort to prevent the Ombudsman's investigation ...

that is also covered in our motion. They should be apologising for frustrating the investigation, completely inappropriately. We say they should be repaying the full amount, and they know what that amount is.

An honourable member interjected.

Ms PENNICUIK — We should not even need an inquiry. The government should be completely accountable now that it has been found to have engaged in this systematic and deliberate attempt — it was not even an attempt — this successful attempt to misappropriate funds.

Our motion, we believe, is the correct motion — to set up a commissioner for standards, to call for an apology from all members involved — from the Premier, from the Leader of the Government — for a repayment of the money, for a 25 per cent penalty and for the Privileges Committee to look into whether there is any further contempt of the Parliament in regard to the code or any other actions by the members or ministers. This is another form of investigation, but it is an investigation that takes us forward from where we are now and includes whether there should be a fine imposed. We believe there should be. The Privileges Committee is able to come to that determination.

Our motion seeks redress from the Labor MPs involved and from the Premier. It seeks to use the processes available to impose appropriate sanctions and it seeks to set up a robust system of parliamentary standards in this place, which we have been calling for for a very long time. It does not preclude other things that we have also been calling for, including the ability for IBAC to inquire into misconduct by members of Parliament. That should also be included.

Just going back to what we are dealing with, the Ombudsman found that this was:

... a well-organised campaign by the ALP to recruit and deploy full-time field organisers in the run-up to the 2014 Victorian state election, of which 21 were employed part-time as electorate officers and paid some \$388 000 out of parliamentary funds.

She went on to say that:

... the arrangement to employ field organisers as electorate officers was an artifice to secure partial payment for the campaign out of parliamentary funds, and was wrong.

The report indicates that 19 Labor MPs breached clause 9 of the Members Guide and:

... 21 members of Parliament who signed time sheets authorising DPS to pay 20 field organisers from their electorate office and communication budgets ... failed to comply with the certification requirements of clause 8 of the Members' Guide.

The MPs to be referred to the Privileges Committee are named on pages 45 to 50 of the report.

Pages 44 and 45 of the report, and other pages too, detail many of the activities that these field organisers were involved in. The report also details that when these field organisers were engaged by the Labor Party they were given sign-up forms to be employed as casual electorate officers. They were given partially filled out time sheets. They were not given the electorate officers code of conduct or any other documents related to their supposed, mythical and non-existent work as electorate officers. The field organisers interviewed for the report also confirm that they were given none of that.

They also confirmed that they did little if any work in the electorate offices of the MPs by whom they were supposedly employed and that they reported to the Labor Party regional field directors and not to the MPs who they were supposedly employed by. They said that they had very minimal if any contact with those MPs who were actually signing the time sheets through which they were paid by the Department of Parliamentary Services. The Ombudsman found that:

The available evidence indicates that, from 10 March 2014 —

and up until the election in 2014 —

most field organisers began working from an ALP member of Parliament's electorate office. In some cases, this was not the electorate office of their nominating member.

She went on to say:

Most field organisers interviewed stated that they relocated to campaign offices during their work in the Community Action Network. These arrangements were not uniform. At least two field organisers worked from Trades Hall premises from 10 March 2014, with one field organiser doing so until the election. At least two other field organisers never relocated to a campaign office, and worked from electorate offices until the election.

Page 51 of the report details 'A day in the life of a field organiser', which is all about the recruitment of volunteers to work on the ALP's re-election campaign, or the election campaign of the candidates mentioned on page 55 of the report, which I referred to before.

One of the field organisers said that they:

... were given new starter documents to complete. This ... included two sets of tax file number declaration forms ...

and —

... a lot of blank casual electorate officer payment time sheets for the Parliament of Victoria.

With regard to the pooling arrangements, as I mentioned, the Ombudsman found that field officers employed as casual electorate officers were not assigned to the ALP staff at any time between 3 March 2014 and 29 November 2014.

We call on the ALP to come fully clean with the amount of public money that has been rorted by the 21 members of Parliament, because the ALP is in possession of this information — all the moneys that have been misappropriated by every member of Parliament — and that they come clean with the amount of money spent on their futile and ridiculous court challenges. We ask that this money be repaid, that the Premier and the Leader of the Government apologise to the Parliament, that all the members apologise to the Parliament and that the motion to refer those members named in the report to the Privileges Committee be agreed to.

We advocate very strongly for our motion. We believe it takes things forward. With regard to Mr Rich-Phillips's point about members of the Privileges Committee, clearly any current members of the Privileges Committee who were named in the report should be substituted by other members and not be involved in any ongoing investigation into these matters.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Fire services property levy

Ms PATTEN (Northern Metropolitan) (12:00) — My question is for the Special Minister of State, representing the Treasurer in this place, and it relates to the fire services property levy. The 2016 annual report of Catholic Church Insurance, in its 'Notes to the financial statements' under 'Other assets', includes a line item 'Deferred fire service levy expenses' the

amount of \$3.15 million. Can the minister explain why Catholic Church Insurance were holding assets of this class and whether these deferred levies have since been collected by the state?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Ms Patten for her question and her concern about this matter. It would be unwise of me to speculate in relation to the answer to that question, and I will refer that to the Treasurer.

Supplementary question

Ms PATTEN (Northern Metropolitan) (12:01) — I thank the minister for his frankness there. Budget paper 5 lists \$22 million in forgone revenue pertaining to the fire services property levy. What proportion of this \$22 million in forgone fire services levy pertains to Catholic Church assets?

Mr JENNINGS (Special Minister of State) (12:01) — I have established a precedent, and Ms Patten would be very surprised if I gave her a detailed answer to the supplementary. I will not give a detailed answer to the supplementary. I will refer that to the Treasurer as well.

Kangaroo pet food trial

Mr YOUNG (Northern Victoria) (12:02) — My question today is for the Leader of the Government representing the Minister for Energy, Environment and Climate Change. Minister, a trial commenced in 2014 to allow the use of kangaroos, otherwise controlled by an Authority to Control Wildlife permit, to be processed by licensed operators as pet food. This trial was initially such a success that this government extended the time periods of the trial and the areas in which it was taking place.

Minister, this trial is set to end this month and as of yet there has been no indication of its continuation, so I ask: is the government going to support this initiative by making it permanent or at the very least continuing it on a trial basis?

Mr JENNINGS (Special Minister of State) (12:02) — Mr Young in his question outlined almost all of my knowledge base on the nature of the trial. But I have been informed that the Minister for Energy, Environment and Climate Change is going to make a determination on this matter shortly, and I will leave it to her to make that determination to be able to provide the answer that Mr Young seeks.

Supplementary question

Mr YOUNG (Northern Victoria) (12:03) — Thank you, Minister, for your answer and indication that this is being discussed and that an announcement will be made soon. Given that there is no clarity around that answer, I would like to say that many people now have jobs that rely on this initiative. If the trial is not going to proceed, what will the government do to ensure that these jobs are not lost?

Mr JENNINGS (Special Minister of State) (12:03) — I am certain that my colleague will be advised on the basis of the benefits to the environment and the industry in the allocation of jobs and the safe practices that would be associated with not only the culling or the harvesting of kangaroos but the way in which they are processed and that she would be very mindful of all of those factors when determining what should happen in the future.

Commissioner for Aboriginal children and young people

Ms SPRINGLE (South Eastern Metropolitan) (12:04) — My question is for the Minister for Families and Children. The inaugural commissioner for Aboriginal children and young people, Andrew Jackomos, completed his term in January of this year. Minister, this is obviously a vitally important role and it no doubt involves a rigorous appointment process, but given the scale and urgency of challenges facing Aboriginal children and families right now — in Victoria Aboriginal children continue to be removed from their families at higher rates than during the stolen generation — two months is a significant amount of time for that position to be vacant. When will an appointment be made to this role?

Ms MIKAKOS (Minister for Families and Children) (12:04) — I thank the member for her question, and I am particularly grateful for the opportunity to pay tribute to Andrew Jackomos and the very important work that he did undertake in that role. I had the opportunity to make some comments at an event that was held to pay tribute to him for his very important advocacy on behalf of Aboriginal children and families in this state, and I particularly want to thank him for the very important reports that he has handed down that have been tabled in this Parliament that relate particularly to issues such as the Aboriginal placement principle and other issues that relate to the over-representation of Aboriginal children in our child protection and out-of-home care system.

I have spoken about my considerable concerns about this over-representation on a number of occasions. There are many recommendations that he has made in those reports that the government is assiduously working its way through, and there are also some matters that he has recommended in his reports that I am very pleased we as a government have provided significant funding for in successive budgets. For example, advocacy that he has made together with the advocacy of others led to the establishment of the Aboriginal children's forum that I co-chair that meets quarterly together with the CEO of an Aboriginal community-controlled organisation. This is really showing us that Aboriginal self-determination is being put into practice by our government. We are allowing our Aboriginal community-controlled organisations to show us exactly what needs to happen to address these particular issues.

I want to pay tribute to Mr Jackomos. He has made a very important contribution to addressing these issues in this state, and I do think in fact his advocacy has shown the way for these issues to be addressed nationally. I certainly hope that his calls and pleas to other jurisdictions to have a comparable position in other jurisdictions will in fact be heeded, because I do think that he has given a very strong voice to the needs around this particular issue. I did have an opportunity to pay tribute to him — I think Ms Patten, from recollection, was also at that particular event — and it gave us an opportunity to thank him for his considerable service over a number of years. I wish him well in his new endeavours working with government around a treaty process and self-determination process as we address the broader issues.

This is a very important role, a very important position, and it is important that the government does give proper consideration to appointing his successor. I can advise the member that a process has been underway for some time that has involved people being interviewed for this particular position.

Honourable members interjecting.

Ms MIKAKOS — It is very unhelpful to have comments from those opposite belittling these important issues, because what I can advise the member is that this appointment process is well underway, and I will be making some statements about the replacement commissioner for Aboriginal children and young people very soon.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:09) — I thank the minister for her answer. What impact if any is the lack of a commissioner having on the commission's work and, critically, on Victorian Aboriginal children?

Ms MIKAKOS (Minister for Families and Children) (12:09) — I thank the member for her question. Obviously I would have preferred that Mr Jackomos was able to stay on longer. I did respect his wishes around the timing of his departure, and we have been working assiduously to go through a selection process to appoint his successor as quickly as is possible. I will be making some comments about this matter very soon, as I explained. However, his unit in the commission remains. There are dedicated staff within the Commission for Children and Young People that work to support Aboriginal children and families every day, and of course we have an outstanding principal commissioner as well, who has a very strong personal interest in these issues, so I do not believe that these children or families have been disadvantaged in any way. The work of the commission does continue, and it is a very important role that they perform.

Federation Square

Dr RATNAM (Northern Metropolitan) (12:10) — My question is to the minister representing the Minister for Tourism and Major Events. The government's proposal to allow an Apple megastore to be built in Federation Square is strongly opposed by hundreds of thousands of Victorians. When this plan was forced onto Victorians without any public consultation or transparency we were told that for Federation Square to remain viable it needed this mega retail store, requiring demolitions and the redevelopment of this place of heritage and cultural significance. Yet Fed Square Pty Ltd made record operating profits last year of \$7.5 million. There are also worrying changes to how our premier public space is operating, with Fed Square no longer reporting the number of community events it hosts and references to free public and community wellbeing programs and community engagement also disappearing. My question is: does the government support Fed Square abandoning its responsibility under its charter to provide a civic and cultural precinct for Melburnians, instead turning it into a shopping centre, corporatising our precious public space?

Honourable members interjecting.

The PRESIDENT — Order! I am mindful, actually, that the house made a determination on this matter in respect of a motion that was put to the house recently. Nonetheless, I call Minister Dalidakis.

Mr DALIDAKIS (Minister for Trade and Investment) (12:11) — I thank the member for their question. As is my practice, I will refer this to the minister in the other place.

Honourable members interjecting.

Mr DALIDAKIS — I will refer it to the minister in the other place, but let me say that there is a lot of noise on the other side. What a surprise, because they also voted against the Greens' motion, yet now they feel that they have some voice in this issue. They have opposed jobs, they have opposed investment, they have opposed the ability to bring —

The PRESIDENT — Order! Minister, you know that in question time the expectation of the house in respect of answers is not for debate and not for reflection on other parties or members of the house. The question was fairly specific. I think you have indicated that you are going to refer it. I am not sure that you have much more to add after that.

Mr DALIDAKIS — Thank you, President. I am only referring to the interjections that those opposite are making. We will support jobs, we will support investment, we will also support an extra 2 million people visiting Federation Square per annum as a result of this investment. Now, that might be something that those opposite oppose — it might be something that is also opposed by those sitting adjacent — but we on this side of the chamber will support jobs and investment, greater tourism and greater opportunity. And of course, as I said in my contribution at the time, I will defer to Donald Bates. I read, of course, his op ed at the time into *Hansard*, and I suggest you go back and read it.

The PRESIDENT — I assume, though, that for a response to the substantive question we are going to the minister in another place, not to Donald Bates, the architect.

Mr Dalidakis — Yes, that is correct, but I am happy to go to Mr Bates, too.

The PRESIDENT — Thank you.

Supplementary question

Dr RATNAM (Northern Metropolitan) (12:13) — My supplementary question is: will the government commit to reviewing the operation, management and

board of Fed Square Pty Ltd to ensure that it is adhering to its vision and charter to deliver an inspirational civic and cultural public space for Melbourne, including exercising the escape clause of its secret contract with Apple?

Mr DALIDAKIS (Minister for Trade and Investment) (12:14) — Well, I can reject completely almost every premise of the supplementary question by Dr Ratnam. In fact if I again refer to the debate contribution that I made at the time, Donald Bates, the original architect of Federation Square, established in his op eds both in the *Age* and also in *Architecture Now*, I think it was, that in fact the original vision had significant commercial activity in it. I think our board of Federation Square does a wonderful job of attracting, as I said, opportunity and cultural events, one of which I was at just a couple of weeks ago, the Thai Culture and Food Festival. Indeed I think we should support what work our executives and board do. I will take the supplementary on notice and ask the minister in the other place if he can add.

Brighton incident

Mr O'DONOHUE (Eastern Victoria) (12:15) — My question is to the Minister for Corrections. Minister, despite your assurances that you would be accountable and transparent, you subsequently commissioned a secret report into the Brighton terrorism siege. Minister, what specifically has changed as a result of the recommendations in that secret report?

Ms TIERNEY (Minister for Corrections) (12:15) — I thank the member for his question. I am absolutely perplexed as to what the member is actually asking. There was an investigation by the Justice Assurance and Review Office, there was a number of people who have informed the department in terms of what occurred during that incident, and I am not in a position to respond at this time.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:16) — Minister, with the recommendations from the Callinan review and the Harper review still not fully implemented, what guarantees can you give the Victorian community that everything that can be done has been done to ensure that another siege like this, where a terrorist on parole breached Callinan recommendation 13 and was able to purchase two illegal weapons that caused such devastation, will not occur again?

Ms TIERNEY (Minister for Corrections) (12:16) — I thank the member for his question. This government takes all reviews very seriously. We adopt by and large the recommendations. We take the safety of all Victorians very seriously. We do that in terms of our work and in terms of implementing Harper, and we do that in terms of implementing reports that are provided to this government by experts.

School cleaning contracts

Mrs PEULICH (South Eastern Metropolitan) (12:17) — My question is to the Minister for Small Business, and I was very glad to hear him recommit to jobs and investment. Minister, when a business falls into liquidation or leaves Victoria, your department is tasked to provide employee and business assistance. Can you detail what support has been provided to the more than 800 small businesses throughout Victoria that have had their school cleaning contracts terminated early by the Andrews Labor government in favour of union-supported companies?

Mr Dalidakis — On a point of order, President, a similar question to this has been asked before. I have advised the house that those contracts that the member refers to are in the domain of the Minister for Education.

Ms Bath — They're small business operators.

Mr Dalidakis — And you're a small-minded politician.

The PRESIDENT — Order!

Mr Dalidakis — President, we have dealt with these matters before. They are not in my portfolio responsibilities, and I suggest that the member refer them to the appropriate minister.

Mrs Peulich — On the point of order, President, the opening part of the question quite clearly established the link between my question and the minister's responsibility, and I restate: 'when a business falls into liquidation or leaves Victoria, your department is tasked to provide employee and business assistance'. I think that clarifies and provides the rationale for my asking this question to this minister.

The PRESIDENT — In respect of Mr Dalidakis's point of order, for a start there is no reason why any member of this place cannot pursue a further question on any matter. Obviously they are entitled to follow up, and in many cases subsequent questions are informed by the answer that was received on a previous occasion. So that is certainly not any constraint on a member

pursuing similar subject matter, albeit that it would be both a wasted question and perhaps a discourtesy to all if it was exactly the same question put. I am not sure that I would be keen on that, but in terms of subject matter, there is no problem about revisiting that, quite clearly.

In terms of the matter raised by Mrs Peulich, whilst the contracts might have been administered or determined by a minister in another place because of his jurisdiction in the matter of the expenditure of education department funds, the question referred to by Mrs Peulich was clearly about small businesses that were displaced as part of that decision and whether or not they were entitled to or indeed received any business assistance support, and that is a matter for the Minister for Small Business, not for the Minister for Education.

Mr DALIDAKIS (Minister for Small Business) (12:20) — Thank you, President; I appreciate your advice. Let me say that should the department of education not choose to continue with contracts, that is indeed a matter for the Minister for Education and his department, and should the minister and his department choose to provide any support to those companies not being provided contracts, that is again a matter for the Minister for Education and his department.

I am happy to talk about what we offer for small businesses in Victoria, because I will tell you what, President: it is a whole lot more than what they offered when they were in government. Let me tell you that in the last 12 months we have had over 14 000 new small businesses in Victoria — growth: over 14 000 small businesses grown in Victoria.

Mrs Peulich — On a point of order, President, the minister has actually dismissed or skirted around the question; he has not answered the question. Now he is entering into just a general debate. He was asked specifically to detail what support has been provided to the more than 800 small businesses throughout Victoria.

The PRESIDENT — I am familiar with the question put to him.

Mrs Peulich — Thank you — and he has not answered that part of the question at all.

The PRESIDENT — I am also familiar with the clock, which says that he has used only 45 seconds of his —

Mrs Peulich — But he moved on.

The PRESIDENT — Well, I am not to know that he has skirted around the answer and I am not to know that he has moved on. I am listening to the minister, and he has ample time, in fact, to address the question. The minister, to continue.

Mr DALIDAKIS — As I was saying, there are a lot of things that we do to support our small businesses right across Victoria. Whether those businesses receive contracts or not, we provide a range of services. We have mentoring services, we have two small business buses and we have of course the largest small business festival in Australia, which ran for five weeks last year and had over 500 events right across Victoria, of which over 50 per cent were in rural and regional Victoria — the first time in Victoria's history it was over 500 events and the first time in Victoria's history that 50 per cent were in rural and regional Victoria, which some of those members opposite wish that they actually had done when they were in government.

We have also, to make their lives easier, extended payroll tax thresholds from \$550 000 to \$650 000, taking over 33 000 small businesses out of the payroll tax payment system. Of course that is an inconvenient truth over there, because it is the first time we have done that since 2002.

The PRESIDENT — Minister, you are stretching it in the sense that you are actually providing a very broad answer that is not apposite to the question, and more importantly you are provoking me by continually referring to what the previous government or the opposition might think, do or have done. I do not want to hear that. I am not sure that a festival is of great comfort to the people who might have lost a contract, which is what the question was about. I had great confidence that you were going to address that as part of your answer. I think I have now had enough of the broad.

Mr DALIDAKIS — President, again I appreciate your guidance, and of course, as I said in my opening remarks, should the department of education choose to not pursue existing contracts going forward — and there are a range of reasons for that that the Minister for Education announced and enunciated at the time — then we as a government will continue to provide whatever support we have across the range of programs that the government already provides, including, by the way, mediation services. Our department provides mediation services through the small business commissioner — subsidised — to enable people that have concerns between one party and another to be able to do that without going through litigation and without going through the court system. So mediations are also

available to our small businesses, regardless of whether they have lost a contract from government or within the private sector. We do not discriminate.

The net growth of small businesses in Victoria should give a great deal of comfort that operating conditions in Victoria — that confidence in Victoria — have never been better. We can see that with our unemployment rate. At 6.7 per cent when we came into government — no reference to of course the previous government, just ours —

Honourable members interjecting.

The PRESIDENT — I have asked the minister to come back and provide an answer that is apposite to the question. He is endeavouring to do that. He has accepted my request that he does not stray or in fact refer to the opposition, and I do not want to see him provoked by interjections that in fact encourage him to take a different tack. The minister, to complete.

Mr DALIDAKIS — Thank you, President. I will continue to take your advice in good faith in the way that I must as a member of this place. As I was saying, when we came to government unemployment was at nearly 7 per cent, and it is now at 5.6 per cent. It is at 5.6 per cent because this government has provided confidence to the private sector to continue to invest to grow their businesses, and this is no different from small businesses. Again there were reasons that the Minister for Education chose the path that he did. We will support all small businesses with our services, including our mentoring services and our mediation services and beyond — including the festivals so that people can have an understanding of what is available to them in the marketplace.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) (12:26) — Bertram Cleaning Ltd is a small business cleaning Hampton Park Secondary College, and come 1 July 2018 this business will face almost certain bankruptcy despite unwavering support from the school council and their concern that they are being blackmailed by the Andrews Labor government into early termination of the contract. How can you, a small business minister, wash your hands of or ignore the treatment of small businesses like Bertram Cleaning by your government and watch the assets, livelihoods and small businesses of hardworking families and Victorians destroyed before you commit to taking any action?

Mr DALIDAKIS (Minister for Small Business) (12:27) — I am not sure that that is strictly apposite, but what I will say is that the member is trying to draw a very, very long bow. The Minister for Education — let us remember and remind the chamber — took this course of action because there was a vast array of rorting and taking advantage of employees —

Honourable members interjecting.

Mrs Peulich — On a point of order, President, my supplementary question was apposite to the question because the minister in his answer to the substantive question indicated that he would be taking no action before the termination of contracts. Clearly this is a failing of him as minister, and I am asking: how can he as a small business minister ignore the consequences of this action by this rorting government?

The PRESIDENT — Mrs Peulich, you know and I know, because we have both been around the block a couple of times, that that is not a point of order — that in fact you have sought to press your case a little bit more firmly. You did not have a point of order in that respect. The minister, to continue.

Mr DALIDAKIS — So we had a situation where there were businesses both rorting their employees —

Honourable members interjecting.

Mr DALIDAKIS — Well, if it is good for the goose it is good for the gander. We had people — hardworking individuals — being taken advantage of by our industrial relations system, and the Minister for Education took action. And thank God he did.

Ordered that answer be considered next day on motion of Mr O'DONOHUE (Eastern Victoria).

India trade mission

Mr ONDARCHIE (Northern Metropolitan) (12:30) — My question is to the Minister for Trade and Investment. Minister, earlier this year, on 15 to 17 January, the Premier visited India to increase exports to India, promote international education, strengthen trade partnerships, discover innovative partnerships and meet new Indian business ambassador Dr Kiran Mazumdar-Shaw. Given all these activities are directly related to your portfolio responsibilities, why did the Premier leave you at home and undertake this trade mission to India without you?

Mr DALIDAKIS (Minister for Trade and Investment) (12:31) — The simple answer is I was actually on leave with my family, enjoying school holidays with my children.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:31) — Minister, this is yet another trade mission that the Premier has undertaken without you and often with the support of the member for Footscray instead. So if the Premier is too embarrassed and does not have confidence in you to undertake trade activity, why should Victorians and industry have any confidence in you?

Mr DALIDAKIS (Minister for Trade and Investment) (12:32) — Sadly we have got to the point where the attack of the individual and the smear of the person is all that the question identifies. In my substantive answer I indicated to the member concerned that I was unable to travel because I was spending time with my family. I think I am entitled to be able to spend some time with my children at the end of school holidays.

Youth justice system

Mr FINN (Western Metropolitan) (12:32) — My question is to the Minister for Families and Children. Minister, under the Andrews Labor government Corrections Victoria has received cost orders for failing to present adult prisoners to court. I ask: since 1 January 2016 on how many occasions has a young offender in youth justice failed to present to court?

Ms MIKAKOS (Minister for Families and Children) (12:33) — Thank you, Mr Finn, for that question. We are really scraping the bottom of the barrel when Mr Finn is asking questions about these matters. What I can advise the member is that it is absolutely unacceptable when any young offender refuses to attend court.

Honourable members interjecting.

The PRESIDENT — Order! You have asked the question. Let us hear the answer — unless you do not want it, in which case we can move to the next question. I am happy. Minister, without assistance.

Ms MIKAKOS — I can advise the house that it is absolutely unacceptable when any young offender refuses to attend court. There are detailed procedures in place that guide youth justice custodial staff in preparing a young person for court and the steps that they need to take in the event that a young person

refuses. There are procedures that encourage a young offender to attend all court appearances, highlighting the consequences of not attending, and timely advice is provided to the court in the event that a young person continues to refuse to attend.

It is important that those opposite understand that under the Children, Youth and Families Act 2005 physical force cannot be used for the purpose of compelling a young person to attend court. I am not quite sure if that is where the opposition are wanting to go in relation to this particular issue, but we know that they do have contradictory positions — a whole range of positions — in relation to youth justice, and we see that playing out here every single week.

It is important to understand also that youth justice staff work with young offenders to make sure they understand the consequences of refusal. The staff also work closely with the courts to identify whether a video link is appropriate, and ultimately whether a video link is used is at the discretion of the court.

It is important also to point out that a young person not attending court could be for a variety of reasons. The member should not automatically assume that it relates to a refusal to attend. It might relate to illness, a mental health issue or a range of other matters relating to a young person's mental or physical condition at the time. However, the court does have the ability to make orders regardless, and I note that there have been comments by magistrates in the past in relation to these types of matters where those kinds of situations have in fact eventuated.

Obviously I do not have specific numbers available to me in relation to the specific question that the member has asked, and I am not certain whether those numbers would even be retained. These matters, I would assume, would be placed on the young person's file, but as to whether particular numbers are available, obviously I will seek some advice from my department in providing a written response to the member in relation to the specific detail he has asked for.

Supplementary question

Mr FINN (Western Metropolitan) (12:37) — I can assure the minister that I have shown a great deal of interest in youth affairs matters for a very long time, and I would suggest to the minister that it is about time she did as well.

Minister, going to a specific case, on Friday a young offender on remand for a violent home invasion, which involved a young mother in my own electorate who had a knife to her throat as she slept next to her

five-year-old son, failed to front court because he was asleep in a youth detention centre. The responsible magistrate said, and I quote:

It's important they are here for a number of reasons ... I'm concerned it becomes a bit viral.

Could you explain how this specific failure to appear before court was able to occur under your watch?

Ms MIKAKOS (Minister for Families and Children) (12:38) — The member would be well aware, as I have explained in the house previously, that I cannot comment on specific matters that are before the courts, but I have already explained in the substantive answer the processes and the procedures that are followed in relation to these particular issues.

I do think it is completely unacceptable for any young offender not to attend a court appearance without a good reason for that. As I have explained, there may well be a range of reasons that could apply in any particular case as to why someone may be unavailable to attend in person, but that does not mean that there are not other options available to the court, including video link appearances, nor does it preclude the court from making particular orders in relation to these issues, regardless of whether the young offender is present.

North Richmond playgroups

Ms CROZIER (Southern Metropolitan) (12:39) — My question is to the Minister for Families and Children. Despite assurances by the government that it would not occur, North Richmond families have been left devastated and angry that community playgroups and Vietnamese playgroups that were at the North Richmond Community Health building have been axed because of the interim supervised heroin injecting facility. As one person wrote, and I quote:

Originally we were informed that any facility would be a low-impact add-on on the north/rear side of the health centre, as far away from the primary school as possible and separate from the general health services.

Again I quote, with this person saying they:

... have now been told the room will be temporarily situated in the main internal area, taking over the community meeting area and in direct conflict with the general population.

Minister, what was the specific reason given to these playgroups about why they have been displaced for an interim drug injecting facility?

Ms MIKAKOS (Minister for Families and Children) (12:40) — I congratulate the member on, in her fourth year as shadow minister, finally asking me a

question about playgroups. It has taken four years to get a question about playgroups in this chamber.

What I can say to the member is that it really defies logic that the member does not understand that where you have got people coming into a facility who may well be drug affected we obviously need to ensure that young children and families are at a safe distance to ensure the safety of members of the community. What I can say to the member is that there has been a lot of work that has been undertaken by Minister Foley with the council and with the local services in that community to ensure that all the services and the programs that are available to that local community can be put in place in a manner that does not adversely impact that local community.

I know that the Richmond community has strongly welcomed our government's commitment to this particular supervised injecting facility because of the criminal behaviour and the risky behaviour that has been engaged in in people's doorways and on footpaths in neighbouring streets for some time. I commend Minister Foley for taking action in relation to these particular issues to clean up the streets of Richmond and also to make sure that the health and wellbeing of people going into this facility can be maintained and ensured into the future.

What I can say to the member is that our government is absolutely committed to supporting playgroups. In fact we have provided seed funding to new community playgroups being established in our community — \$50 000 in funding each year to ensure new community playgroups are established. In our last budget I am very proud that we enabled supported playgroups to be rolled out statewide for the first time — more than \$22 million, I seem to recall — ensuring that local government areas that have not had a supported playgroup can get access to a supported playgroup for the first time.

We know that these playgroups also work with newly arrived parents and others who might be at risk or experiencing some vulnerability in the community. It is about giving parents greater confidence in parenting skills and linking or referring them to other relevant services as well, whether they be maternal and child health services, kindergarten programs or other services in their community.

What I can say to the member is that we are absolutely committed as a government to supporting playgroups in this state. We are absolutely supporting our playgroups, and we have demonstrated that through our funding, through our investment in the budget last year and

through other investments that we have made. But we are also committed to ensuring that people who are suffering addiction can be kept alive, and we are supporting the people of Richmond to make sure that this longstanding issue can be addressed in a way that I know that that local community, who are in my electorate, are very supportive of.

Supplementary question

Ms CROZIER (Southern Metropolitan) (12:44) — Minister, haven't you in fact failed to inform these playgroups that they have been displaced because the government's flawed legislation passed in this chamber to establish the supervised heroin injecting facility actually stated the incorrect planning volume and folio number for the community health building where the facility was originally announced to go, instead meaning it has to be located in the current playgroup and other community rooms just 10 metres from the primary school?

Ms MIKAKOS (Minister for Families and Children) (12:45) — I do not think that the member has added anything new in her supplementary question. What I reiterate to the member is that Minister Foley, his department, the local health service, the council and others in that local community have been working assiduously to ensure that a range of services can be available to the community in the City of Yarra. That is something that those opposite should be welcoming of. We have been working now to ensure that these longstanding issues around drug injecting in the streets of Richmond can be addressed, and I am sure that the parents and the families who attend local playgroups in the City of Yarra would also be reassured by the steps that our government is taking.

The PRESIDENT — Before I mention the directions on written responses, can I just indicate that it is not helpful — and indeed it is provocative — when a minister, as an opening gambit of their answer, actually tries to reflect on the person who has posed the question. Even from my point of view, references to a member not having asked a question for a period of time or on a particular subject matter or suchlike are not helpful to the house at all. I think they are actually irrelevant as observations, because there are obviously many matters that are prosecuted by members of this house and the arrangements by which parties allocate their questions and so forth is a matter for them. I do not think that it deserves reflection or observation by others. It is not helpful, and it does lead to a barrage of interjections. I can understand why that occurs, but it makes it very difficult for a proper answer to proceed as the house would expect.

Written responses

The PRESIDENT (12:47) — Coming back to today's questions, on Ms Patten's question to Mr Jennings — I was very surprised that he could not answer that — the substantive and supplementary questions, I direct that written responses be provided within two days. Mr Young's question to Mr Jennings, the substantive and supplementary questions, two days, as in both cases it involved ministers in another place; Ms Ratnam's question to Mr Dalidakis, both the substantive and the supplementary questions, two days; Mr O'Donohue's question to Ms Tierney, the substantive question, one day; Mrs Peulich's question to Mr Dalidakis, the substantive question, one day; Mr Finn's question to Ms Mikakos, both the substantive and supplementary questions, one day; and Ms Crozier's question to Ms Mikakos, the substantive and supplementary questions, two days because they do involve a minister in another place.

Ms Wooldridge — On a point of order, President, I have had a written response from the Leader of the Government in relation to a question that I asked yesterday about the membership of the ALP campaign committee. This was very clearly put to the Leader of the Government in his capacity across the board. It was a question that you allowed yesterday. It was a question in response to which Mr Jennings said that he was on that campaign committee, so he would be well-equipped to answer, even if it was only regarding the time he was on it, in relation to the membership, and it is a matter to which he is clearly connected. So I ask you to reinstate that question and ask Mr Jennings to actually answer the question that I asked him and that you asked him to provide a written response to.

The PRESIDENT — In respect of that question — and Ms Wooldridge had indicated to me that she would seek a reinstatement of it, so there has been some consideration of the matter by the clerks as well as by me — it is an interesting one, because as the house would be aware I do not normally allow questions that go to the affairs of political parties as distinct from matters that are clearly within the jurisdiction of the ministers or indeed, as an extension to that to some extent, their behaviour in their general responsibilities as members of Parliament as well. There would be occasions where those questions also would be very relevant to the house and to public interest.

In respect of this one, the minister did provide an answer to the question yesterday. At the time, as I recall, I asked for a further written answer to that question on the basis that I encouraged, if I remember rightly, the minister to reflect on whether or not it was

possible to provide further information. The answer he gave yesterday was that there were various people who attended meetings — I am not quoting him directly in this, by the way — of the campaign committee at different stages, so it was different people at different times and it was difficult for him to actually provide a coherent response to that in respect of who might have been on the committee at any particular time. He also indicated that he was not on the committee for periods of that campaign activity and therefore had no direct personal knowledge of that. That might not be a matter of great concern in that he could obviously refer to minutes or otherwise find that information.

However, the minister's response to Ms Wooldridge today is that the affairs of that campaign committee do not fall within the responsibility or the jurisdiction of his role as a minister at this point in time and therefore he feels the answer that he gave yesterday and has given further consideration to in the written response is apposite to the question posed to him and what he is able to provide as an answer.

I have got to say the clerks are probably a bit more lenient towards Ms Wooldridge's position than I am. I am obviously not really in a position to anticipate that either of the motions before the house under opposition business today will succeed — I cannot anticipate that — but it does occur to me that the question that was posed by Ms Wooldridge in questions without notice yesterday would have been better explored perhaps as part of either of those two processes rather than by way of that question. I think that the minister has provided an answer. As members are aware, I am not in a position to actually direct the minister on what that answer should be. Whilst it does not satisfy the question in terms of the names of people involved, the minister has, I think, nonetheless provided an answer that discharges the matter on this occasion, so I will not reinstate the question.

Mr Rich-Phillips — On a point of order, President, I also seek reinstatement of my question — a question asked of the Minister for Agriculture which you ordered a written answer for, which was the supplementary question, in which I asked the minister:

... at any point did John Lenders or any other person approach you about being involved in the field organiser scheme?

The minister in her written response said:

I do not recall the particulars of when I became aware of the field organiser pooling arrangements, but I can confirm I was aware of them prior to the 2014 election.

The question was not about when she became aware of them; the question was about whether she was approached by Mr Lenders or any other person about participating in them. I ask that you reinstate that question.

The PRESIDENT — On this occasion I will reinstate that question.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:54) — My question is for the Minister for Local Government. It is in relation to the public hearings being held by Nillumbik Shire Council in relation to the public notice to sell 17 parcels of land. Community members have raised concerns from the consultation sessions around the conduct of the mayor and some councillors in interacting with submitters. The Nillumbik councillor code of conduct is clear that councillors must act in the best interests of the community and facilitate effective communication between council and the community. Section 65 of the Local Government Act 1989 goes on to define part of the role as representing the local community in decision-making. Will the minister intervene to remind the mayor and councillors of their obligations under the code of conduct and reinforce how to positively engage with the community?

Northern Victoria Region

Mr GEPP (Northern Victoria) (12:55) — My constituency question is to the Honourable John Eren, Minister for Sport, in the other place. Across northern Victoria local sporting clubs are the lifeblood of many country towns. Involving kids in football, netball, cricket, soccer and basketball makes kids feel involved in their local community and brings country towns together every weekend to support their local team.

The Andrews government's sporting club grants program provides grants to assist in the purchase of sports uniforms and equipment and to improve the capacity and accessibility of Victorian clubs and other community sport and recreation organisations and increase the skills of their coaches, officials and managers. Local clubs from northern Victoria recently applied for a grant to help them out, including Barham Koondrook cricket club, Cobram Football Netball Club, Merbein Football Netball Club, Shepparton Soccer Club, Shepparton Swans Football Netball Club, Echuca Basketball Association, Echuca Junior Football Club, Kyabram Bowls Club, Cobram Pistol Club and

Ultima Football Netball Club. I am proud to put on the record my support for all of these clubs.

My question for the Minister is: how will the sporting club grants program assist and support local sporting clubs in northern Victoria?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (12:56) — My constituency question is for the Minister for Public Transport, Jacinta Allan, and it concerns the Melbourne Metro Rail Authority project around the Arden station precinct. I ask this on behalf of employees who work at George Weston Foods subsidiary Mauri foods. There are 50 employees on site in Arden Street. That site supplies 40 per cent of the total baking industry in Victoria. They have a number of truck access paths which allow 240 trucks in there per week, including a B-double route that runs Dryburgh Street to Arden Street and a semitrailer and rigid access route that goes around that Arden Street precinct as well.

There have been significant traffic issues during the construction phase. There has been a complete lack of consultation with Mauri foods about what is going to happen. As the project goes along it looks like they are going to be landlocked and there will be no truck access at all. That will mean the 50 employees will have to be either relocated or will lose their jobs. There has been an ongoing capability issue with the increasing urbanisation around that Arden Street precinct. I ask the minister to respond to me in terms of what provisions have been made for Mauri foods and their employees to be able to gain access to this right through the Arden Street project.

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) (12:58) — My constituency question is for the Minister for Education, the Honourable James Merlino. The Andrews Labor government has invested an unprecedented \$2.5 billion in school infrastructure over the past three budgets to ensure we can continue to cater for the estimated 90 000 students who are expected to enter the school system over the next five years. This school building boom has delivered more than 1000 school upgrades and 56 new school projects across the state, supporting almost 5000 construction jobs for Victorians. One such project is the new P-9 school in the Truganina area in my electorate. This school is set to accommodate 675 students from prep to year 9. It will service the young families in the fast-growing areas in my electorate of Western

Metropolitan Region. Could the minister please provide an update on the construction and progress of this new much-needed school?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:59) — My question is to the Minister for Agriculture. Last year the government committed \$110 million in the budget to establish more timber plantations, including in the region of Latrobe Valley. In relation to the Latrobe Valley the minister said:

... we will certainly be working very closely with industry and the community to increase the amount of plantation timber available to industry going forward.

Almost 11 months later not only has nothing progressed but in fact over 700 hectares of state-owned land in the Latrobe Valley that for decades and until very recently was used to grow plantation timber now lies fallow. Workers in the plantation timber industry have not heard a whisper from you, Minister. I ask you: why have you failed to keep your promise to grow timber plantations across the state?

The PRESIDENT — Ms Bath, you have a very large electorate, but it does not encompass all of Victoria. Can you please rephrase the constituency question to reflect the needs of your electorate.

Ms BATH — Easily done. Thank you, President. Minister, why have you failed to keep your promise and grow timber plantations across Eastern Victoria Region?

Sitting suspended 1.01 p.m. until 2.02 p.m.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:03) — My constituency question is for the Premier and relates to my electorate of Southern Metropolitan Region. I noticed on page 63 of the Ombudsman's report tabled in the last week into the Labor rorts and the misuse of taxpayers money for Labor campaigning that in Southern Metropolitan Region John Lenders had Justin Barbour working for 70 days and Katherine Hardy working for 78 days. I note that the total amount expended between the two of those campaign workers — paid for by taxpayers money through the Parliament — was \$44 732. That is on page 64. But on page 76 of the report it makes it clear that they were deployed for Assembly electorates, for Nick Staikos in Bentleigh and for Neil Pharaoh in Prahran.

What I seek from the Premier is an indication of how many of those days were allocated to Prahran and how

many to Bentleigh. How much of that money was expended in that period in each of those seats for the ill-defined or the badly purposed spending of taxpayers money? I seek also from the Premier an indication that Neil Pharaoh will not again take money for his campaign in this way — corruptly, crookedly and wrongly in the way it occurred last time.

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:04) — My constituency question is to the Minister for Local Government, the Honourable Natalie Hutchins. Last night at the City of Greater Geelong council meeting a ratepayer raised an allegation in respect to an objection to the planning permit granted to Nuchev Proprietary Limited to establish an intensive goat factory in Forest Road South, Lara, whilst coerced by Nuchev legal counsel to not proceed his appeal to VCAT in a compulsory conference by inference of the possibility of the City of Greater Geelong taking enforcement action against him for not having permits for some of the structures on his land.

Minister, this objector, Mr Rob Leonard, felt threatened by alleged actions. The question I ask is: will you get the local government inspectorate to investigate the alleged threatening and intimidating actions by Nuchev legal counsel against Mr Rob Leonard in respect to his initial objection — and by the by, he has a neighbouring property — to the proposed site of this 1400-head goat factory?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:05) — My question is to the Minister for Health, and it is regarding the continued use of the cream brick north and east tower buildings on the Anne Caudle Centre site for a number of Bendigo Health services. Bendigo Health are forced to continue to operate their dental, their rehabilitation and some administrative services from the building, despite it not meeting current fire safety standards and other safety code specifications.

I first raised this matter in August 2016 and then again in June last year, calling on the Andrews Labor government to provide funding to relocate the services to other areas of the old Bendigo Hospital and demolish the cream brick buildings. The generic response I received was that the government was working with Bendigo Hospital on possible future uses of the towers. It is time the health minister stopped dithering and provided the funding to relocate the services from these buildings and order their demolition. When will the minister provide the funding to relocate services from

the cream brick north and east towers on the Anne Caudle Centre site and demolish the buildings?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:06) — My constituency question is to the Minister for Public Transport. The minister is well aware of deep community opposition in Essendon to the government's current plan to remove the Buckley Street level crossing. Members of the public are ropeable about the canyon that will divide Essendon when the project is completed.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (14:07) — The matter that I wish to raise is for the attention of the Minister for Multicultural Affairs, and it is the issue of community languages and more specifically the teaching of Greek. Many constituents in my electorate make significant commitments in terms of time and resources to make sure the learning of the Greek language is available to their children. In many instances those children are born in Australia, and those who ultimately go through to the Victorian certificate of education (VCE) are competing with children who are born in Greece and speak Greek fluently, as opposed to those who were born here and do not.

I am asking the minister whether he could work with the Minister for Education and the Victorian Registration and Qualifications Authority to see whether the Victorian curriculum can actually introduce two levels of Greek at VCE so that students are not competing with each other unfairly.

ELECTORATE OFFICE BUDGETS

Committee referral

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) (14:09) — If I could turn now to paragraph (2)(d) in the motion, which is in regard to the recommendations of the Ombudsman's report. We are calling for the government to implement them as soon as possible, actually by the last sitting week before the winter break, on 19 June, and also to report to the Parliament by that date as to what they have done.

Recommendation 1 is to:

Revise the limitations in the Members Guide on electorate officer duties to:

- 1.1 remove the prohibition on political activity but emphasise the prohibition on party-specific activity;
- 1.2 provide guidance and examples to members about the types of activities which electorate officers may not be directed to perform;
- 1.3 include a statement about the effect of section 30(4) of the Parliamentary Administration Act 2005 (Vic) (see Recommendation 2).

Recommendation 2 is to:

Review section 30(4) of the Parliamentary Administration Act.

This was referred to quite extensively in the report by the Ombudsman, by the members of Parliament who were interviewed and also by the Secretary of the Department of Parliamentary Services as being a source of confusion as to the responsibilities of members of Parliament with regard to the use of their electorate office and communications budget and the way they direct their staff.

I have to say that I do not agree with that view. I think that section of the act pretty clearly codifies that while electorate officers are employed and paid for by the Parliament of Victoria, they are directed by their MPs but not directed to do party-specific activity. I just wanted to raise that because I think that section of the act has been falsely used to cover up and explain away the misappropriation of funds by MPs. I do not mind it being reviewed, but that is my view on that section.

There are people who claim otherwise, including Mr Pallas, who again raised the view of the government on this in an interview on the Jon Faine show last week and said that the Ombudsman agreed with that view. I do not believe that she agreed with that view in her report; she raised it as an issue that other people have raised, I think, incorrectly.

Recommendation 3 is to:

Ensure the proposed parliamentary integrity adviser has a training and guidance function that is appropriately supported by the Department of Parliamentary Services.

Again I say that recommendation could be subsumed in our motion, and in the motion moved in this place by Mr Barber on 17 June last year calling for the establishment of a commissioner for standards in Victoria. That commissioner could be something similar to the UK model, which includes an advisory function, an educative function, a monitoring function and an investigatory function. The model that the Ombudsman is referring to is that put forward by Mr Jennings on 13 December, which does not include

the monitoring function or the investigatory function; it just includes advisory and education functions and the requirement to report to Parliament. That is not going to get us past where we are now. If we want to avoid this sort of situation in the future, we need to put in place a parliamentary commissioner for standards that operates across the Parliament, not just in one house, and monitors the activities of all MPs and ministers to ensure that everybody is complying with the standards. In terms of recommendation 3 the Greens would be saying, 'Yes, implement it, but beef it up to the level of a parliamentary standards commissioner, not just an adviser'.

Recommendation 4 is to:

Adopt the recommendation of the Hazell review to create a separate allowances and entitlements handbook, publicly available and kept up to date.

That should be done and should have been done already. In fact I think the Hazell review was undertaken some five years ago. One of the reasons we are in this particular situation is that the Parliament has been bereft of proper accountability measures. I have been a member of Parliament under both governments, and both have refused to move these things forward. This is the time we should do it, and it should be done posthaste.

Recommendation 5 is that:

The Department of Parliamentary Services review current pooling arrangements and propose guidance for the consideration of the Presiding Officers.

As I mentioned, there have only been pooling arrangements overseen by the Department of Parliamentary Services — that I know of — for the Labor Party. This was something completely unknown to the Greens. We were always told that as it is plainly said in clause 9 of the Members Guide, pooling is not allowed, and yet pooling was allowed for one party in the Parliament.

One of the things that should be addressed here is transparency unfairness around any pooling arrangements, because that has not been the case hitherto. While the Ombudsman appears to believe that the existence of pooling arrangements in the ALP led to some of them being confused about their responsibilities, I do not accept that. The Ombudsman does state emphatically that the arrangements put in place with the Community Action Network, instigated by former member John Lenders, who I think is known very intimately by the leadership of the Labor Party in both houses and by those MPs who participated, had

nothing to do with pooling and everything to do with another systematic, deliberate campaign and program.

Recommendation 6 states:

Establish clear investigative capacity and pathways to refer alleged misuses of parliamentary resources for examination by an independent agency as appropriate, with information available on Parliament's website.

Again, I think that particular recommendation can be fulfilled by putting in place the parliamentary commissioner for standards in Victoria, as I have mentioned already in my contribution. That exists in many other jurisdictions with those functions of education, advice, monitoring and also overseeing and updating codes of conduct and rules in a regular way. I think this is one of the most important parts of the motion that we are moving today — to actually put this in place as soon as possible to prevent anything else like this happening again and to have an independent parliamentary commissioner for standards in place in Victoria.

The model in the United Kingdom — I am sure everyone realises — was put in place after scandal after scandal; at the end of the day they had to address it. Actually, in this place we said the same thing when we came in here in 2007. We said we needed what turned out to be an IBAC many years later. The reason we got the Crime and Misconduct Commission, the Crime and Corruption Commission et cetera in other jurisdictions was due to the many scandals. Now we find ourselves in this position of having a major scandal where members of Parliament have misappropriated funds for party-related activities, which is clearly not allowed in the Members Guide. Everybody else adheres to that — and strictly adheres to that.

The Ombudsman also said that the Department of Parliamentary Services holds a lot of information, and I suggest it should look through its records and release the full information about the other falsely signed time sheets. Our motion will move things forward. It aims to get redress and reparations for the Parliament and the people of Victoria.

The ACTING PRESIDENT (Mr Morris) — Thank you, Ms Pennicui. I am aware there may be some amendments. Are they to be circulated by you or by others?

Ms PENNICUIK — I did refer to them, but they are not finalised. I just wanted to foreshadow them.

Ms PULFORD (Minister for Agriculture) (14:18) — I do not intend to speak for long in this debate. There are other matters listed for debate on this

day that my colleagues and I guess other parties in the Parliament have an interest in, in particular the apparent efforts by the coalition and the Greens to stop an important public housing development at Markham estate. The issue of access to housing is of course about safety, security, dignity, community — lots of things that members in this house are no doubt concerned about. But let me put the government's position on these two motions.

We will be opposing Mr Rich-Phillips's motion to establish a select committee. We will, however, not be opposing the motion moved by Ms Pennicuik to refer this matter to the Parliament's Privileges Committee. We believe that the Privileges Committee is the appropriate place for this matter, a matter that has been —

Honourable members interjecting.

Ms PULFORD — I have sat here for the best part of 2 hours listening to two speakers in silence. That would not be an unreasonable courtesy.

Honourable members interjecting.

Ms PULFORD — Two hours — we have been debating this for 2 hours and we have sat here quietly. I have been up for seconds and there is this chirping from over there. If I could speak to the motion briefly, we do believe the Privileges Committee is the appropriate place for this. This matter has been, as members know, investigated by the Department of Parliamentary Services, Victoria Police and of course now the Ombudsman. A politically motivated select committee, we believe, is completely unnecessary and will add nothing to our understanding of these matters. Indeed what Mr Rich-Phillips proposes is a costly witch-hunt involving junior employees and Parliament staff, and while MPs are big enough and broad-shouldered enough to participate in such things, it is our view that a proper inquiry rather than a politically motivated inquiry will better serve the Parliament and those in the community who have an interest in such things.

I take this opportunity to indicate to the house that the government will seek leave tomorrow at the appropriate time to replace government members on the Privileges Committee with members who were not members of the 57th Parliament. We would also seek clarification from the coalition — formally, informally, however they want to do it, I guess — as to their membership. The notice paper lists Mr O'Sullivan, but the website lists Mr O'Donohue, so we will just be seeking some clarification of that as we make some changes to our own membership of that committee.

We know that the Liberal Party would prefer the focus of this Parliament to be on this matter for some time rather than, say, Fishermans Bend or Ventnor or, heaven forbid, things that matter to the Victorian community, like creating jobs, the efficacy of our fire services, removing level crossings, ambulance waiting times, fixing TAFEs — the list of things our government is focused on is long.

I think it is important to remind members that the coalition and the Greens refused to allow the Ombudsman to look into their arrangements. Mr Rich-Phillips and Mr Barber on 9 February 2017 in this place tried their level best to justify why they did not want the Ombudsman to be looking into their arrangements, and the best they could come up with — a couple of smart guys, a couple of people who have been around for a long time — was that the house has an informal process where consideration of matters is flagged on a Wednesday; barely a fig leaf, not even really a fig leaf. Mr Rich-Phillips is one of the most experienced and longstanding members in this place. Mr Barber at the time, in making his contribution as the Leader of the Greens, had been in this place at that stage for more than a decade. I guess we can only speculate as to why the coalition and the Greens did not want the Ombudsman looking into their arrangements, but the arguments proffered in that debate were really very skinny indeed. No case was made whatsoever. It was just a shameless use of their majority. Members who were not in the chamber for that debate might want to cast their eyes over *Hansard* from Thursday, 9 February, 2017 because it is quite telling, I think.

There has been some discussion during the debate and in the public discussion around these matters — indeed in the Ombudsman's report — around legal costs. Specifically I want to speak to the part of Mr Rich-Phillips's motion on legal costs because this demonstrates a fundamental misunderstanding of the purpose of legal action and seeks to perpetrate a myth that the coalition are peddling about that legal action.

If I could, for the record, I will inject into this debate some facts. Firstly, the original Supreme Court action was initiated by the Ombudsman — not by the government — to clarify her powers and the powers of the Parliament. The Ombudsman made it clear, including in her letter to the Parliament, that she intended to 'remain neutral' in the matter. Secondly, the government joined the proceedings after the court made orders inviting interested parties to make application to join the proceeding. The President, as it happened, also joined proceedings on behalf of the Legislative Council. I think it is important to note that the court stated that, and I quote:

Had the proceeding remained in the same state, the court would not have had the benefit of a proponent for any view nor a contradictor of any view. Fortunately, however, applications for joinder were later made on behalf of the President of the Legislative Council and on behalf of the Attorney-General for the state of Victoria.

The government expenses in relation to the Supreme Court, the Court of Appeal and the High Court amounted to approximately \$139 000 — again something quite different to the myth that is being perpetrated.

The question about the Ombudsman's jurisdiction is an important consideration for the working of the integrity framework, and it is entirely appropriate that the government made submissions to the court on the interpretation of the Ombudsman Act 1973. The main matter in question related to what was meant by 'any matter' — why is grass green, why is the sky blue, why are the couches in here red; Ventnor, Fishermans Bend, strange dinners with colourful characters — or was it limited to any matter that was within the Ombudsman's normal remit? That is an important question, and it is important because the integrity architecture that we have in Victoria lays out that certain things are for the Ombudsman to consider, certain things are for IBAC to consider, certain things are for Parliament and certain things are for the Auditor-General.

But if 'any matter' means any matter that can be circumvented by either house of this Parliament or any committee of either house of this Parliament, by extension, four members, constituting a quorum of one of our other house committees, say, can meet on a Wednesday night and, without any reason or notice, change the work plan of the office of the Ombudsman at will. We thought that was an interesting question to thoroughly test. It turns out though, after these legal questions, that 'any matter' does mean any matter. So we now have that clarified. Anything can be referred — the sky is the limit for anyone who can command a majority in either house of the Parliament or on any committee of the Parliament.

Another important question is privilege. The Legislative Council has always — for a lot longer than I have been here, and certainly in the time that I have been here — guarded its privilege. But it now appears that the Assembly — and that is the house of government — could refer any member of the Council for investigation and the Ombudsman would have no choice but to investigate, and vice versa. So it is a concerning precedent.

On the question of costs, it is ridiculous to suggest that the Australian Labor Party should be responsible for the

Ombudsman's costs when she initiated the action, no costs were awarded, she thanked the government for intervening in the action to clarify the powers and, as I have already said, the court was grateful that the government joined the proceedings. The proceedings were not about the Labor Party; they were not about avoiding scrutiny. I know there are members for whom it is convenient to paint that picture, but it is simply not true. The proceedings were about the jurisdiction of the Ombudsman and the interpretation of the Ombudsman Act. That is not a matter for the Labor Party, and it is properly a matter for the executive government.

It is even sillier to suggest that the Labor Party should be responsible for bearing the costs of the upper house when the upper house's involvement in these legal proceedings was indeed something that the President engaged Council in following a vote by the coalition and the Greens in the Council requiring him to do so. Moreover, the clarity provided by the legal action now means that everyone is crystal clear on who can be referred by whom, what can be referred, the inability to rely on privilege and the Ombudsman's obligation to accept all references.

A former member in this place, Theo Theophanous, has an opinion piece in one of our newspapers today where he makes the case that perhaps the Ombudsman ought to have the power to say no. It is an interesting point, I think, that Mr Theophanous raises in this broader debate about how our integrity framework is designed to work and how it works. But right now the Ombudsman cannot choose to investigate or not. What we have now is a very clear understanding that the Ombudsman is obliged to accept all references.

So members have made this bed and now they must lie in it. Let me state that at no point did the government seek to halt the investigation, again contrary to what opposition members are claiming.

Ms Crozier — Why did you fight it in the High Court then, Minister?

Ms PULFORD — If you had been here at the start, you would have heard all of that, but I am not going to go through it all again. You can read it tomorrow.

Mr Finn — Another Labor fiction.

Ms PULFORD — Well, I just thought that a few facts in the debate were not going to kill you; right? The acting Attorney-General wrote to the Ombudsman to make clear the government's view that while the legal question was settled we acknowledged that it was open to the Ombudsman to commence the investigation and

that we would not seek in any way to prevent the office of the Ombudsman from doing so.

Honourable members interjecting.

Ms PULFORD — I know you are very interested in talking about this in the most selective of ways, but if you go to —

Mr Finn — Cost of a million dollars.

Ms PULFORD — No, \$139 000.

Ms Crozier interjected.

Ms PULFORD — Just keep making things up.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! Thank you, members. I note that there are many other speakers on this motion, so I would encourage Ms Pulford to continue.

Ms PULFORD — This point is outlined in the report, so if members want to have a look it is at page 22, paragraph 69, of the report. If the Ombudsman was in any doubt about whether or not the Ombudsman could commence the investigation, the government made it absolutely clear that we were not seeking in any way to prevent the investigation from being undertaken while we were testing that important legal question. The legal action was never about the investigation; it was always about —

Honourable members interjecting.

Ms PULFORD — Well, you can choose to believe whatever you like, but I am just telling you what happened. It was always about the structure of the state's integrity framework and the powers of the Parliament to refer any matter it fancies to the Ombudsman for investigation forthwith.

Legal costs incurred are consistent with the practices of previous governments and will be accounted for in the usual manner in the annual reports. It is important to note that the Ombudsman did make clear that she did not criticise the legal proceedings which she initiated. This matter has been the subject of investigation by the Department of Parliamentary Services, and Ms Pennicuik spoke to this in some detail. There are clearly areas of confusion, and the Ombudsman's recommendations go to this. The Ombudsman indeed did accept that the nature of electorate office work is inherently political and talked about some of the challenges that arise from that.

Victoria Police conducted an investigation, and again the report refers to this. These allegations were referred to Victoria Police in September 2015, and I quote from the report:

These allegations had also been referred to Victoria Police in September 2015. While the Ombudsman Act 1973 (Vic) requires me to investigate and report 'forthwith' on matters referred from the Parliament, it also requires me not to perform my functions if doing so would prejudice a criminal investigation. I consulted with Victoria Police, which requested that my investigation remain on hold while its enquiries were progressing. On 8 June 2016, Victoria Police advised me that its review of the allegations had concluded and it would not take ... action.

I will now just conclude by talking about some of the things that the Ombudsman found. At the outset, maintaining the integrity of the Ombudsman is of the utmost importance to the government, and that is why the Premier directed the state secretary of the Victorian branch of the Labor Party to reimburse those funds. As members know, this has now occurred. The Ombudsman has tabled her report, as members know, on matters concerning the 2014 election campaign. In her observations the Ombudsman said that the members of Parliament involved in the staff pooling arrangements acted in good faith and derived little or no personal benefit from the use of parliamentary funds in this way. She found that the members acted in good faith and that there was no wrongdoing, and she made no recommendations that action be taken against anyone involved in these arrangements.

The government accepts the Ombudsman's view that there are competing interpretations of the relationship between section 30 of the Parliamentary Administration Act 2005 and the Members Guide and that any confusion should be resolved swiftly. While the Ombudsman did not make recommendations against anyone involved in this arrangement, as I said, the Premier did make that request of the state secretary that the funds be reimbursed.

The Ombudsman recommended that the Parliament consider giving greater clarity to the role of electorate office staff and improve transparency around the expenditure of MPs' allowances. The government is already taking a number of steps to make the parliamentary allowance system for MPs more transparent and accountable, which includes tightening the second residence allowance, adding restrictions to the commercial vehicle travel allowance and removing components of the electorate office and communications budget, something the previous government did not do and refused to do. We support all of the Ombudsman's recommendations and will

ensure the Parliament is provided with all of the support it requires to implement them.

Mr O'SULLIVAN (Northern Victoria) (14:36) — This is the first response that we have heard from the government. Not once did we hear the word 'Sorry'. Not once did the minister apologise on behalf of the government and say, 'We did something wrong. We apologise to the people of Victoria for wrongly rorting money that was not ours'. They come in here and they dodge, they weave, they duck and they hide. They still do not think they have done anything wrong. They just want to hide behind whatever they can and pretend that nothing has gone wrong in this situation and that they did everything that they should have done and were entitled to do. They are not sorry. The Premier was sorry that they got caught. At least he would admit that he was sorry that they got caught. We just heard Minister Pulford come in here and duck and weave and justify and try to use weasel words to get out of what Labor actually did.

Let us make it very clear what Labor did: they rorted hundreds of thousands of dollars of taxpayers money. The Ombudsman said it was wrong, but no, Minister Jaala Pulford came in here and did not even admit what the Ombudsman was prepared to admit — that it was wrong — let alone say sorry. I am actually disgusted that we have to come in here and listen to the Labor Party pretend that there was nothing wrong in terms of what they did. They did a lot wrong. Why can't they at least admit that they have done something wrong — that they misused taxpayers money to benefit their own purposes? It makes me really angry that they will not even come in here and say that. The Ombudsman has made it very clear that they have done something wrong, and they will not even be brave enough to stand up and admit that they have done something wrong. They try to use weasel words and selective quoting out of the Ombudsman's report to say that this was all okay. It is not okay.

We will make sure that the people of Victoria are well aware of this issue and that in their minds this issue is front and centre when they go to elect their next government at the end of this year. There are a lot of things that the people of Victoria need to take into account when they decide who needs to be the next government of Victoria.

What the Ombudsman's report has done is show calculated, systematic rorting of taxpayers money over and over again. It was not just a one-off accident and it was not just once here or once there; it was systematic rorting across the board for months and months and months — and it involved hundreds of thousands of

dollars. What makes it even worse is that it was done at the highest levels of the Labor Party. The absolute highest levels of people were involved in this right through to their top campaign committee at the Labor Party, which involved the most senior members of the Labor Party. Daniel Andrews, the Leader of the Opposition at that time, was involved in that committee. Their state director was involved in that committee. John Lenders was involved in that committee and was the actual architect of this program, and we certainly know that Gavin Jennings was involved in it as well.

In terms of the motion that has been put up by Mr Rich-Phillips, it is a very good motion and it is one that this chamber needs to consider very seriously, because we need to get to the bottom of exactly what happened. When you look at the report itself, the Ombudsman has made it very clear that this report does not cover everything that happened. To quote the report, Ms Glass says:

While I can draw cogent conclusions from the evidence available, there are gaps in the evidence of which Parliament should be aware.

Well, this is the mechanism for the Parliament to find out what those gaps are. What are those gaps. Also the Ombudsman went on to say that they do not have the jurisdiction to inquire into all members in the lower house, and we have only very brief details of the members of the lower house who were involved in this and exactly what they got up to.

In terms of the people in this house who were asked to provide evidence to the Ombudsman, if we look at the three ministers who were up to their ears in this, Minister Mikakos is across here right now, listening to this. She was involved up to her ears in this. She did not even appear in front of the Ombudsman; she gave a stat dec, as did the other two ministers. They did not even provide an interview where they could be questioned on the evidence that they gave to the Ombudsman — because they ducked it. They did not want to get in there and answer the questions of the Ombudsman, and the Ombudsman has made it very clear there are gaps in this information.

What we also know is that the Labor Party and the members across there who are dishonest would give only a bare minimum of information to try and cover their own backsides. So we need a detailed public hearing so we can get to the bottom of what they were dealing with.

The motion that has been put up by Mr Rich-Phillips is a very good one. It very clearly wants to look at and

talk to those members of the red shirt brigade and those members of Parliament who refused to cooperate with the Ombudsman's inquiry and to give fulsome evidence to the Ombudsman. We need to understand that. We need to understand all the relevant information in relation to the gaps that the Ombudsman was referring to. It is our duty to fill those gaps so we can get the whole picture and so every person in Victoria knows the whole picture as to what those gaps are, because I bet my last dollar that there is a hell of a lot in those gaps that we need to know about, which will show there is a lot more to this story than this Ombudsman's report shows. It absolutely stinks to high heaven that government members sit over there, they look at their phones and they will not even acknowledge that they have done anything wrong. They will not say sorry. They are sorry they got caught. They provided the bare minimum of information to the Ombudsman in a written form and would not even answer any questions that the Ombudsman would have asked them.

Also we know the lengths that the Labor Party went to to stop this investigation by the Ombudsman happening. They went to the Supreme Court; they lost there. They went to the Court of Appeal; they lost there. They went to the High Court and lost there as well. So that is the extent they went to to hide this from not only this side of the Parliament but everyone in Victoria. It was a calculated attempt to hide what they have really done, and even here today they want to hide even further and will not even apologise for the little bit that we actually do know about. It is disgraceful; it is absolutely disgraceful.

What I also find really annoying about this case is that the Labor Party and Minister Pulford talked about how the Greens and also the coalition did not want to be a part of expanding the original motion to ensure that it applied to both sides of the house, in terms of the investigation. We are not the ones who have been found guilty of rorting taxpayers money. There are no allegations of anyone on this side of the house, over on the cross bench or in the Greens rorting taxpayers money. Why should we be involved when it is only the Labor Party who are rorting the system?

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! Thank you, members.

Mr O'SULLIVAN — I want to go to the level of involvement by individual MPs in this. Minister Mikakos is sitting over there and she is wanting to throw all sorts of allegations back our way. I am happy to say that in the Ombudsman's report on

page 12 it details the amount of money each MP rorted from taxpayers money to pay for the red shirt brigade. There are some 20-odd MPs who were involved, and three ministers who sit in this very house have their names up in bold in terms of being found guilty of rorting.

Minister Mikakos: \$21 148. You have rorted \$21 148 of taxpayers money, Minister. I hope you apologise to the people of Victoria for doing that, because that is absolutely disgraceful.

Let us have a look at some of your colleagues. John Lenders, a former Leader of the Government, the man who was responsible for integrity in this state, he signed forms to the tune of \$44 732. Who are the other ministers we have got here? Gayle Tierney: \$20 559. Three ministers; you are the people who are meant to be setting the example in this state in terms of how the state is run, how taxpayers money is used and the values that we have in terms of the way we run our society. You have let us down, you have let the people of Victoria down and, worse still, you have let yourselves down. You do not even realise that. You walk in here and you want to look at the values about why and how we conduct ourselves. What sort of values do you people have over there, when you think it is okay to rort taxpayers money and not even be sorry for it? You are sorry you got caught. You are absolutely sorry you got caught, and you wish it did not happen, because you did not want to get caught. But you were quite happy to take the money, you were quite happy to sign those blank sheets, you were quite happy to let them go and work in other people's marginal seats to try and get yourselves elected into government.

Who knows? It might have actually worked. In some of these seats there were only a couple of hundred votes between the Labor Party being elected or the Liberal Party or The Nationals or the Greens or whoever it was being elected. So how do we know that the efforts that the red shirt brigade undertook in those seats did not make the difference and it was actually the difference between a Labor MP winning over a coalition MP or indeed a Greens MP?

If you look at page 63 of the Ombudsman's report, it shows the number of days authorised by MPs for the red shirt brigade. Do you know how many days there were? There were 1150 days. That was the total number of days that the Labor Party MPs, either current or former, signed blank pieces of paper for staff that in many cases they never even met. They never even met them.

Mr Davis interjected.

Mr O'SULLIVAN — Page 63. Mr Davis, let us find out how many days were signed for by members of the Labor Party, particularly in this house. There are some who are not in this house who we will not mention. The Leader of the House, Gavin Jennings: for 32 days he signed blank pieces of paper. Shaun Leane signed for eight days. John Lenders, the architect, signed for 148 days, so he is not guilty?

Mr Davis — He is guilty.

Mr O'SULLIVAN — Yes, absolutely, he is guilty, Mr Davis. Minister Mikakos signed for 70 days worth of blank pieces of paper for Sebastian Henderson. Have you ever met Sebastian Henderson? Did those people do any work in your office at all, or did they work in other people's offices to try and get other people elected? Gayle Tierney, another minister: 68 days she authorised through blank pieces of paper. It is an absolute disgrace for people to come in here and pretend that they did absolutely nothing wrong, because certainly they did do wrong things.

In the little time that I have got remaining I want to look at the Premier's involvement in all of this. He was obviously the Leader of the Opposition at the time, and he would have known exactly what was going on, because if you are the Leader of the Opposition and you want to be the Premier of this state, you are absolutely across every strategic element of the campaign. I have been a campaign director a few times myself in former roles that I have had. I tell you what: the leaders that I had — Peter Ryan particularly — knew every idea that was in my head. He knew that he had a stake in whatever I was going to do, that it reflected on him. So for Daniel Andrews to say that he did not know anything about any of this and that nobody complained to him that this was wrong is untrue, to say the least — absolutely untrue. What is even worse is he will not stand up and take responsibility for it now. He is happy to let everyone else take the blame for it.

Ms Mikakos, he is happy for you to take the blame for it. He is the leader of your party and will not stand up and take responsibility for this himself. He is throwing you under a bus on this. He is throwing all the other ministers under a bus on this, yet he does not want to have anything to do with it at all. What is interesting is that in the other place you must understand that he refused to take part in anything to do with this report while it was being undertaken, yet in question time he hides behind it and reads out a couple of words here and a couple of words there as his justification to say, 'Everything is okay, we didn't do anything wrong. The Ombudsman said that we all acted in good faith'. That is absolute rubbish. You did act in bad faith —

absolutely. And I think everyone in Victoria thinks you acted in bad faith. Every time you stand up and say you acted in good faith you make yourselves look even worse.

In terms of what has to happen from here, I will not be satisfied until all six ministers who were involved in this resign from their posts. And if you will not resign from your posts because you do not have the integrity to do so, it should be the Premier sacking you, because you are up to your ears in roting taxpayers money. What's worse, the Premier should go as well. Anyone who was involved at a senior level in the Labor Party who now holds very senior level positions in government should resign immediately if they have got any intestinal fortitude.

Ms CROZIER (Southern Metropolitan) (14:51) — I am very pleased to be able to rise and speak to Mr Rich-Phillips's excellent motion that he has brought to the house today, and I note Ms Pennicuk's motion also to refer this issue to the Privileges Committee. I want to say a few words in relation to a number of issues around this. We have constantly heard from the government members, and we have heard it from the major rorter herself, Ms Mikakos: 'Just refer to the Ombudsman's report in relation to what the Ombudsman said' — and I am going to. I am actually going to read out part of what the Ombudsman said.

In the foreword the Ombudsman says:

Our task was to get to the truth of the matter — were entitlements misused? If so, what happened and who was responsible?

I think it is pretty clear that the Ombudsman was completely frustrated by the obfuscation, the dodging and weaving and the deceptive undertakings that were done by members of the government, because in the foreword she says:

Answering this has been like trying to complete a jigsaw puzzle from which, at the outset, you are not sure how many pieces are astray and whether you will have enough to see the image. In the end, although some pieces are missing because of claims of parliamentary privilege and exclusive cognisance, or simply loss of memory as some witnesses asserted, a clear picture emerged.

It was Ms Mikakos who could not recall. As the Ombudsman said, when Ms Mikakos was questioned she gave a stat dec — she would not appear in person. She was not prepared to appear in person before the Ombudsman. I wonder why. I wonder why she just provided that statutory declaration. She did not have the fortitude to go and speak to the Ombudsman, because she was the major rorter in this whole scam. For Mr Henderson, who was under employment and is

named in this report, Ms Mikakos signed off 70 days — that we know about. The Ombudsman said:

Ms Mikakos did not recall receiving or signing the DPS forms and time sheets associated with field organiser Sebastian Henderson's employment as an electorate officer, but 'accept(s) that, in all probability, I did at or about the time I met with Mr Henderson, at the commencement of his employment'.

She signed off 70 time sheets at the commencement of his employment. What sort of ethical components does she have? She does not have an ounce of ethics in her body. I wanted to say that this all became clear, because if you look at the parliamentary guide in terms of the members code of conduct for MPs it is actually quite explicit in what it says. It talks about what we can and cannot do as MPs. It says in summary:

Members need high ethical standards to be effective representatives.

That is what the parliamentary website says about our code of conduct and how we should conduct ourselves. It is clear that this government and these MPs have no ethical standards and they have rorted their way into power. That is basically what they have done by abusing taxpayers money by not just the hundreds of thousands, it is potentially millions; we do not know. That is why we need this inquiry, because this is just the tip of the iceberg. As the Ombudsman said herself, she does not know. But what she did find out was that it was a jigsaw puzzle where there are bits missing and people could not recall information, and it is clear why. The government went to the High Court and spent \$1 million to prevent this very investigation from going ahead. These major rorters, of whom multiple are in this house, are the main beneficiaries.

The Ombudsman also said:

But while some electorate officer work was done for some members of Parliament, the arrangement to employ field organisers as electorate officers was an artifice to secure partial payment for the campaign out of parliamentary funds, and was wrong.

The Ombudsman said it was wrong. And what does 'artifice' mean? If you look at the *Cambridge Dictionary* definition it is 'a clever trick or something intended to deceive'. So that is it; that is what the Ombudsman has said — that this was a clever trick or something intended to deceive.

Mr Finn — I am not sure it was all that clever.

Ms CROZIER — Well, Mr Finn, it is not clever.

Mr Finn — No. A trick, but not clever.

Ms CROZIER — Because ultimately those who do wrong get found out. The point of this is: what message does this send — what message? — especially from this minister, who is responsible for youth justice and who has got a very big responsibility? We all know that youth justice is out of control, but what message is this report sending to people out in the community and those young offenders when the very minister has been the major rorter and contributed to this absolutely extraordinary amount of taxpayers money being stolen by the Labor Party to get them into power? The issues surrounding their entire behaviour are just a disgrace.

An honourable member interjected.

Ms CROZIER — What with? I have a very strong view about this. Those who are responsible for law and order and who are making the laws for this state have been complicit in the rorting of who knows how much money. It is well in excess of \$1 million, and I think that just demonstrates the nature and the culture of this government. And we have seen it.

Mr Finn — That's why we need the inquiry, to find out about it.

Ms CROZIER — Well, we do need the inquiry. That is exactly the point of having the inquiry, because it has got to extend further to those MPs in the lower house who refused to speak to the Ombudsman, Mr Finn. What I am concerned about, as I said, is the culture of this government, because it did not start or finish with the lead-up to the 2014 election. It has continued in government, and we have seen that through the disgraceful actions of the former Speaker of the Assembly, Telmo Languiller, the former Deputy Speaker, Don Nardella, and a former minister of this house, Mr Herbert, with his chauffeuring of dogs and rorting of taxpayers money as he —

Mr Finn interjected.

Ms CROZIER — You might laugh, Mr Finn, but it is a serious matter. He has carted his dogs around on the basis of the very privilege of being a minister of the Crown and really just abused that privilege, and he thought it was okay for that to occur. The former Speaker thought likewise. The Speaker and Deputy Speaker are two individuals who are meant to oversee these guidelines and talk about what are the ethics and standards of MPs. What an absolute joke! Don Nardella did not quit straightaway. He did not apologise straight away, nor did the Premier. They were out there backing these men who had actually rorted their second home electoral allowances. It is just extraordinary. This government has taken hundreds of thousands of

dollars — in actual fact it is millions of dollars — and they have done that during the term of this Parliament.

I will come back to those who have been involved. Then there is Mr Eideh, who is still I think receiving the Deputy President's salary even though he is under investigation for his printing rorts scandal. This list is just appalling. It is shameful that a government in this great country is behaving like this. What message does that send to the community? What message does it send young people? You, Minister Mikakos, of all people should be so ashamed because you are the Minister for Youth Affairs. You are the Minister for Families and Children. You are the minister for youth justice. You are one of the major rorters here, and you think nothing was done incorrectly. You think nothing is wrong. There is everything wrong about this — everything.

It is an absolute disgrace for this state that we have a Premier who, along with ministers, hides behind parliamentary privilege and would not appear before the Ombudsman to have an investigation that was thorough. She said herself that there were gaps, and that is why a further investigation needs to be done. For the life of me, I do not understand why any member of this Parliament, if they believed in the integrity of the Parliament, of the privilege of government and of the privilege of being an MP, would not support Mr Rich-Phillips's motion. Quite frankly, those across the chamber can try and put everything on members across this side, but do you know what? There was no orchestrated, systematic rorting of public funds by our side.

If you look at whether there is personal gain, there is personal gain. There is a lot of personal gain. Those MPs were opposition MPs; they are now government MPs. Some are ministers; they have got ministerial salaries. Some of those people involved in the red shirts affair have now got positions with government ministers, and so they are getting ministerial advisory salaries. They have had a gain in this. They have had a big financial gain, a big career-rewarding gain, and then they have said there has been no personal gain, 'Nothing happened here. We've paid it back' — they paid it back when they got caught. They spent so much time and effort trying to hide what actually went on, and it is just an appalling state of affairs that we have got this disgraceful government. It really is just dreadful that they themselves, despite their actions, think that they do not need to face any consequences.

We do not know the full extent of this. We need to have a wider inquiry than would be allowed under the Privileges Committee, which does not enable a broad inquiry, as Mr Rich-Phillips's motion has suggested.

An honourable member interjected.

Ms CROZIER — Nor a public one. We have seen just how much the government is really scrambling by watching Mr Eren in question time in the Assembly. He had previously said that he had not signed off on time sheets for a campaign worker in the seat of Bellarine — Mr Ramsay was in here before, and he is well aware of what went on — and said 'I didn't do anything wrong' a few months ago, and it has been exposed by the Ombudsman that he was one of the major rorters providing an exceptional amount of money to electorate officers in that area of Bellarine to work against members in that part of the world. When questioned on this in question time today he started talking about tourism numbers, for goodness sake. What an absolute train wreck!

You cannot hide behind fluff and bubble and think that the public are not going to see through you. They have, they will and I along with my colleagues will ensure that those in the community are reminded of just how crooked this government is, what it has done in terms of ripping off the taxpayer and its arrogance in saying, 'We did nothing wrong. We did it in good faith'. What absolute rubbish. No-one believes the Premier, no-one believes these ministers and they are all up to their necks in it.

Mr Lenders is the one who orchestrated the whole jolly thing, and I find his resigning two days before this report was tabled an absolute farce. He has gone off to enjoy his time with his grandchildren. Good luck to him in doing that and swanning around overseas. But he also gained. He indicated his intention to resign from this place well before the 2014 election, and he was given a plum government job. So he also benefited by those opposite getting elected — those ministers opposite who have been complicit in this and those MPs that we do not know enough about. We need this investigation to get to the bottom of it.

We need to ensure that the integrity of the Parliament and the integrity of all MPs is somehow restored, because this government has trashed it. This Premier has trashed it. No-one believes a word he says. He talks about the east-west link and then wastes \$1.3 billion, he says there will be no new taxes and away they go, and he says there is nothing to hide, but he hides behind Don Nardella and Telmo Languiller in the Assembly saying, 'No, they're fine'. There is also Steve Herbert and Khalil Eideh, and the list goes on. The culture within this government is toxic and shocking, with their corrupt activities — or their crooked activities, I should say.

Mr Finn interjected.

Ms CROZIER — It is pretty close to it, isn't it? That is why we need the investigation — to see if it actually is. I am not convinced that it is straight. I will finish off there. I support Mr Rich-Phillips's motion, and I urge all members to do so too.

Mr ONDARCHIE (Northern Metropolitan) (15:06) — I rise to speak to Mr Rich-Phillips's motion 554 on the notice paper today — which coincides with Ms Pennicuik's motion 555 — regarding having a select committee to inquire into what has been probably one of the biggest rorts in Victoria's history. It recommends that a select committee be put in place to investigate what we do not actually know — that is, the things that have been held back from the people of Victoria. We have a clear case here of in flagrante delicto, which is Latin for 'blazing offence' or, as we would say colloquially in Australia, 'caught red-handed'. This mob have absolutely been caught red-handed, because they are the party of rorters.

Let us look at the names of the people who have ripped money from the people of Victoria to pursue their own political endeavours. There is no way to hide from this. There is no way to spin this, despite the government doing their very best. They are a bunch of liars and cheats, and they have stolen from the people of Victoria: Elizabeth Beattie, Candy Broad, Anthony Carbines, Lily D'Ambrosio, Joanne Duncan, Nazih Elasmir, John Eren, Joe Helper, Gavin Jennings, Shaun Leane, John Lenders, Margaret Lewis, Cesar Melhem, Jenny Mikakos — hey, big spender; 70 days authorised — Martin Pakula, John Pandazopoulos, Johan Scheffer, Adem Somyurek, Lee Tarlamis, Brian Tee, Marsha Thomson, Gayle Tierney and Matthew Viney. They are people who would not even get into the Australian cricket team despite how badly they are going at the moment, such is their rorting, such are their lies and such is their thieving.

Look at the money they have spent. It is an inordinate amount of money, estimated at this time at around \$388 000 — that we know of. Let us not forget that the need for this select committee is so it can dig a little deeper, because there are many members of the Legislative Assembly who have absolutely refused to participate in this whole process. In addition to that, it is reported that they spent up to \$1 million of taxpayers money to stop this whole process — to go to the High Court to stop the Ombudsman undertaking her inquiry. Why would they go to all that effort? Why would they spend all that money if they did not think they did anything wrong? To quote the Premier, he 'acted in good faith'. Here is the line of the year for you,

Premier: we do not believe a word you say, because this government has form. The Labor Party has form in rorting, in lying and in cheating the people of Victoria.

Let me take you back to the night before the last state election when the then opposition leader, now Premier of Victoria, spoke directly to Peter Mitchell of Channel 7. When Peter Mitchell asked him, 'Opposition leader, if you become Premier, will there be any new taxes?', the Premier looked straight down the barrel of the camera and said, 'I make this promise to every Victorian: there will be no new taxes'. Here we are, three and a half years in, and there are 12 new taxes in Victoria. This man lies. This man cheats. This man will say whatever it takes to move his political fortune ahead. This is form by the Australian Labor Party. Do not forget he said he would cancel the east-west link contract and it would not cost Victorians a cent. He went to the election with that commitment and then paid \$1.3 billion not to build a road.

Mr Dalidakis — On a point of order, Acting President, in the member's contribution — and he is of course welcome to make it — he asserted that the Premier cheated. I ask him to withdraw that most unparliamentary remark.

The ACTING PRESIDENT (Ms Patten) — Will you withdraw, Mr Ondarchie?

Mr ONDARCHIE — On the point of order, Acting President, if I withdraw, will I be accused of misleading the house?

The ACTING PRESIDENT (Ms Patten) — The Premier is not named in the report. This motion is most clearly around the Ombudsman's report, so I would on those grounds ask that you withdraw.

Mr ONDARCHIE — I withdraw. I hope the glass jaws of the Labor Party are satisfied today. Those ball tamperers, I hope they are satisfied.

Let me go on to form when it comes to the form of the Labor Party to rort and deceive Victorians. If they cannot stand the heat, maybe they should get out of the kitchen. The Premier also said he would not pay a cent for cancelling the east-west link contract, but \$1.3 billion of taxpayers money was paid to cancel the contract to build a vital piece of infrastructure that even the Australian Labor Party now acknowledges is required. He paid \$1.3 billion of your money — taxpayers money — not to build it.

Former Speaker of the Legislative Assembly Telmo Languiller claimed over \$100 000 to live outside his electorate in a holiday shack down by the beach, and

taxpayers paid for it. Former Deputy Speaker of the Assembly Don Nardella was living outside his electorate of Melton in some fancy place somewhere else and claiming thousands and thousands of dollars, rorting from the taxpayer when he should have been living in his own electorate.

Former minister Steve Herbert arranged for his limousine driver to pick up Patch and Ted, his little dogs, from Hampton, drive them up to his country property and then come back to Parliament and pick him up. He thought it was all right to use taxpayers money to ferry his dogs around in his ministerial limousine. And the Labor Party think it is okay that he did that — but let us go back even further. Khalil Eideh, the temporarily suspended Deputy President of this place —

Mr Dalidakis — On a point of order, Acting President, I have had a very good look at the motion that the member is speaking to, and he has strayed by the distance between here and the moon and back. It has got nothing to do with the motion before us.

Mr ONDARCHIE — Sit down, you clown!

Mr Dalidakis — Further to that point of order, can you please ask Mr Ondarchie to withdraw the remark he made then as well, it again being most unparliamentary, against me this time?

The ACTING PRESIDENT (Ms Patten) — There is no point of order, but I would ask that you try to keep your comments fairly directly about the discussion today and on the motions being debated today.

Mr ONDARCHIE — I am speaking directly to the form of the Australian Labor Party to rort money from the taxpayer. That is essentially what the Ombudsman's report talks about — the misuse of taxpayers money for one's own personal gain. If Mr Dalidakis was offended by me calling him a clown, I withdraw, and I deeply apologise to clowns who might be offended as well.

We talked about the misuse of taxpayers money. I refer you to commentary in this place and outside about Mr Eideh's alleged connection to those who undertook some printing that carefully funnelled money to the Australian Labor Party for memberships. But we can go back even further than that. We remember the dodgy how-to-vote cards at the Nunawading by-election, organised by Peter Batchelor. They have got a long history of this — a lot of form in trying to con the Victorian people.

Let us look at the money. In my business life I often found that when you want to try to get to the bottom of

an issue, you should follow the money; chase it down, and you will get your answer. Here are some of the answers that we see in terms of the money that has been spent — a limited amount of money, as the weight of the evidence provides. John Lenders spent nearly \$45 000. Elizabeth Beattie spent nearly \$25 000, and the same for Margaret Lewis. It was nearly \$22 000 for John Pandazopoulos, Joe Helper and Johan Scheffer. Jenny Mikakos, the minister who sits in this place like butter would not melt in her mouth, spent nearly \$22 000 of parliamentary money to fund the Labor Party campaign and signed off on 70 days — let us get that clear: 70 individual days — for a person purportedly employed in her electorate office who perhaps she never, ever met, to go out and campaign for the Australian Labor Party. That alone is a sackable offence; that alone means she should step down. Steve Herbert was sacked as payback for spending \$192.80 to take his dogs in his ministerial car.

These ministers are standing here and saying, 'We did nothing wrong. Please forgive us. We acted in good faith'. Well, I have to tell you, ignorance of the law is no excuse. They are the rules; you purported to know them, you broke them and now you should resign. I go also to Ms Tierney, who spent nearly \$21 000 when she employed someone called Marcus Feather in her office for 68 days to go out and campaign for the Australian Labor Party.

Let me get this right. If you steal from your employer, even if you pay it back, you should lose your job. It happens in private industry every single day. Why do these people think that they can get away with it? As I said in this chamber yesterday, and I repeat it today, it is a bit like they stole Victoria's brand-new car three and a half years ago and then brought it back last week, washed, cleaned and vacuumed and full of petrol, and said, 'Everything must be okay'. Well, it is not okay. We do not forgive them and the taxpayer does not forgive them.

Adem Somyurek signed off on 40 days for Jeremy Ratcliffe working in his office. As I said, Gayle Tierney did. Cesar Melhem — he has got form, and I could go into that another time, but Mr Dalidakis might object to it — the great number-cruncher, employed Alice Wade in his office. He signed off on time sheets for Alice Wade. One wonders whether he ever met Alice Wade when she was employed by the Parliament of Victoria using taxpayers funds to campaign for the Australian Labor Party. I find that abhorrent, as should every Victorian.

I repeat to you, Acting President, that in any company in any private industry today if an employee stole from

their employer, they would be sacked. Why have these people not been sacked? That is why it is important we pursue this select committee referral. We need to get to the bottom of this. We need to find out all the answers. Many Labor members refused to deal with the Ombudsman in her inquiry, so there is a lot more to be found. Right now the number looks like \$387 842, plus the legal fees that are probably getting the total close to \$2 million. That is taxpayers money that has been spent. You could add to that the \$1.3 billion they spent not to build a road, but that is a discussion for another time. These people rot and they thief from Victorians. Victorian people, Victorian families and Victorian schoolchildren shake their heads and say, 'These people stole money from me and they don't think they should lose their jobs'. I tell you what, if any of the schoolchildren visiting this place was working at Macca's and knocked off a Big Mac without paying for it, they would lose their job, so why haven't this mob — this government that stole \$387 842 on current estimates from the people of Victoria — lost their jobs?

I remind Victorians that in November this year they have a chance to sack this mob. If Daniel Andrews will not sack his ministers, if he will not admit that he was part of the campaign committee that had a lot to do with the stealing of this money, then we as Victorians should sack them. We should sack them in November this year, because what they have done is nothing less than theft. They have stolen from the people of Victoria and they have conned them. They have stood up and said, 'We acted in good faith'. Well, ignorance of the law is no excuse. You broke the law, you stole money and you said, 'We paid it back; everything must be okay right now'. That is not how it works. Those are not the values we are teaching our children and society. We have enough of a youth problem in this state. When the government of the day cannot govern themselves, they cannot possibly hope to govern the people of Victoria.

Mr Finn interjected.

Mr ONDARCHIE — I will pick up Mr Finn's interjection. Therein lies the problem: they did not think it was a problem until they got caught. What were they apologising for? Were they apologising because they got caught or were they apologising because they actually did this?

This is a rotting, cheating, insipid government.

Mr Finn — Crooked.

Mr ONDARCHIE — They have form. They need to go. There is corruption. They are crooked, Mr Finn.

Mr Davis — Go to jail; do not pass go.

Mr ONDARCHIE — We read a story in the paper not long ago, Mr Davis, picking up your interjection, where an employee of one of Australia's major banks had defrauded the bank of an amount of money, and that employee went to jail. Why aren't this mob in jail? Two things: number one, they cannot control the justice system; and number two, there would be prisoners that would welcome their entry into the hallowed halls of Port Phillip Prison. Mr Melhem would be someone's best friend in Port Phillip Prison; I can tell you that now.

It is interesting that today we have spent time on social media and in the media talking about the failings of the Australian cricket team, about the cheating and alleged rotting in the Australian cricket team, but that pales into insignificance compared to what this mob have done.

An honourable member — Time!

Mr ONDARCHIE — I support Mr Rich-Phillips's motion.

Mr FINN (Western Metropolitan) (15:21) — This is a sad day for the Parliament; it is a very sad day for the state. I for one never thought that I would have to rise in this place to speak on what was a basic act of corruption by a government. It was a premeditated, deliberate and seemingly successful attempt to steal from the Victorian taxpayer — to rot the people they are sworn to serve. It is, as I say, a very sad day for this Parliament and for parliamentary democracy in this state.

I am not a lawyer, I am very proud to say and very pleased to say — my bank account probably is not so pleased to say.

Mr Davis — You've got to draw the line somewhere.

Mr FINN — Yes, you do, Mr Davis. But I do have some limited knowledge of criminal justice — criminal law. There are two aspects of criminal law. There is a crime itself, and then there is the conspiracy to commit a crime. What we have seen here is both. We have seen the rot, we have seen the rip-off, we have seen the act of stealing and then we have seen the cover-up. Some people have asked, 'What is worse: the initial theft or the cover-up?'. In terms of dollars, clearly the cover-up is worse because we are looking at somewhere around \$1 million — probably a little bit more, lawyers being what they are. With the actual act of theft itself, it was around about \$388 000 to \$389 000 that we know of, keeping in mind that the Ombudsman has said herself that there are huge gaps in this report because quite a

few members of Parliament refused to cooperate with her.

One of those members who refused to cooperate with her was the Premier of Victoria — the Premier, the man who supposedly leads this state. He refused to cooperate with the Ombudsman. He says he does not know anything about it and then refuses to cooperate with the Ombudsman. If he knows nothing about it, why wouldn't he sit down with the Ombudsman and tell the Ombudsman that he knows nothing about it? If he is fair dinkum and if he honestly does not know anything about it, why wouldn't he sit down with the Ombudsman and say that? It is pretty clear to me what is going on there.

Of course we have the leader in this house, Mr Jennings. Mr Jennings, according to the report, has clocked up a whopping \$20 539 of rorted money. That is taxpayers dollars we are talking about here. Of course Mr Jennings is the Special Minister of State, the man in the state who is charged with parliamentary integrity. Here is a bloke whose responsibility in government is parliamentary integrity, and he is in this totally above his head. Gavin Jennings has rorted \$20 539 from the taxpayer.

We have seen the Premier say that he is sorry. We have heard him say he is sorry. Mr Ondarchie said he is very, very doubtful about what the Premier is sorry for. My own personal view is very clear that he is sorry because he got caught. Everything was fine until he got caught, and then he was very sorry. It reminds me of when I was a kid. You get away with a lot of things when you are a kid — until you get caught. The Premier of this state — 'Dodgy Dan', as they call him — is at that caper himself.

The front page of the *Herald Sun* earlier this week, I think, told a story where it listed the 21 members of Parliament and former members of Parliament —

The ACTING PRESIDENT (Ms Patten) —

Mr Finn, I would ask you from the chair to withdraw your comments about the Premier.

Mr FINN — Okay, I will. I did refer to him as 'Dodgy Dan', and I will withdraw that. There are many, many other D-words I could use, but I will not at this point in time.

Mr O'Sullivan — Go on!

Mr FINN — No — as tempting, Mr O'Sullivan, as it might be.

The front page of the *Herald Sun* listed the 21 members and former members of the Labor Party who are named in the Ombudsman's report. The big headline on the front page of the *Herald Sun* was 'Pack of cheats'. That is exactly what they are: a pack of cheats. It is fascinating to see people talking about what has happened in South Africa with the Australian cricket team, but that is pretty small beer compared with what the Victorian government has done. It has been exposed for what it has done.

I can understand why the Labor Party opposes Mr Rich-Phillips's motion. I fully understand why they would oppose a select committee — because they do not want to be investigated. They have already been investigated as much as they want to be. In fact they have been investigated more than they wanted to be. As we know, they actually went to the highest court in this land to stop the investigation, and they were thrown out on their ear. The High Court of Australia threw the case out on its ear — threw the Attorney-General into Lake Burley Griffin and said, 'Don't bother us again'.

This is an act of appalling bastardry by this government towards the people of Victoria. I can understand why the government does not want this select committee, but I have to ask: why doesn't the Greens party want this select committee? My understanding is that the Greens party is opposing Mr Rich-Phillips's motion. Can I get some confirmation from the corner over there? Is the Greens party opposing Mr Rich-Phillips's motion? Ms Pennicuik, I understand you said you are opposing Mr Rich-Phillips's motion. You did not say that? Let us say we are up there. We are still working on it, are we? That is good.

If indeed the Greens do oppose this motion, I have to ask why the Greens would be voting to let this government off the hook, because all Mr Rich-Phillips's motion is about is shining a light. As we know, when you have got cockroaches you shine a light and they scatter everywhere. They scatter in all directions. That is what is going to happen with this government. If we have this select committee, this Parliament and this chamber will shine a light on what this government has done in this regard, and you can bet your bottom dollar they will, like cockroaches, scatter everywhere.

This is hard for me to say but I almost miss Ms Hartland, because whilst Ms Hartland and I did not share many views it has to be said — we were not exactly bosom buddies — at least Ms Hartland had principles. I see the Greens over there in conference at the moment to discuss whether they have principles. Ms Hartland knew that she had principles, and I have

absolutely no doubt that if she was still in this chamber now, she would be supporting Mr Rich-Phillips's motion. She would be putting her hand up to be on the select committee, because this is something that people of principle would support. They want to find out what is going on. They want to find out who has done what to whom and how many times.

These are basic issues that we are talking about. This Parliament and this chamber have a responsibility to the people of Victoria to find out what this government has done — indeed, to find out what this government is doing. Because if they got away with it last time, you can bet your bottom dollar they will give it a go this time. In fact they may well have already started, that is for sure. If the Greens vote with the Labor Party on this to block this select committee, we can say officially that the coalition has been formed. The coalition between the Greens and the Labor Party has been formed, but it is a coalition of corruption. It is coalition of corruption, and let me tell the Greens that if you know somebody has committed a crime and you cover up for them, that makes you an accomplice. That makes you an accomplice. If the Greens vote with the Labor Party to block this committee, that corner over there will forever be known as 'Accomplice corner', because that is where the accomplices hang out.

We have known over a long period of time that corruption is in Labor's DNA. We have seen the former Speaker of the Legislative Assembly and we have seen the former Deputy Speaker of the Legislative Assembly take the taxpayer for a ride to the tune of hundreds of thousands of dollars. They thought they were doing a great job until they got caught. There we go — the Labor Party think they can get away with anything and then, when they get caught, they say sorry. Not that they are sorry that they did it; they are sorry that they got caught.

Of course, when you look at our brothers up in New South Wales, you have got Eddie Obeid and Ian Macdonald sharing a cell at the moment. They may be a lot closer than they have ever been before. I understand they were factional brothers, and they may well be joined very closely at this point in time. You have got to remember that the Keneally government in New South Wales was defeated largely because of the corruption factor, because it was seen by the people of New South Wales to be corrupt — but not just seen to be corrupt; it was actually corrupt. It was totally corrupt, and let me tell you, the Andrews government is heading the same way. The election in November is 241 days away. This government is facing defeat on the basis that the people of Victoria accept that it is a corrupt government. That is the fact of the matter.

As I said earlier, the Ombudsman has said that there are huge gaps in the report because there were so many members who refused to cooperate with her. You have got to ask why a member of Parliament would refuse to cooperate with the Ombudsman. The Ombudsman has got a job to do and a very important job to do. I would have thought every MP in this state would respect enormously the role played by the Ombudsman. Why would you refuse to cooperate if you had nothing to hide? Clearly many members of this government, many Labor members, have a lot to hide, and this select committee as proposed by Mr Rich-Phillips has the best chance of, as I said earlier, shining a light on the truth. That is what we need to do.

Many people have contacted me and many of my own constituents have contacted me, telling me to go harder. They say, 'We cannot let these people get away with what they have done'. There is a real fury in the community. I do not expect members opposite to have copped that fury, because of course they are so far removed from real people that it is not funny. They would not have heard what I have heard. They would not have heard the anger and the fury that so many people have. How can we teach our kids not to cheat, not to lie and not to steal when the government of Victoria is doing just that? How can we do that? How can we teach our kids to be honourable, to live lives of honour and decency when we have a government that is doing exactly the opposite — that has shredded honour, that has shredded decency, that lies, that cheats, that steals. It has no shame. Indeed, it has no shame. How can we as a community tolerate this government any longer?

The Premier says he knows nothing. Well, on a lot of fronts, he is right, but on this occasion, I think he knows a hell of a lot. We need this committee to find out exactly what he knows and when he knew it. This motion is worthy of the support of the house, and I am hoping that each and every member of this house will give it that support.

Mr RAMSAY (Western Victoria) (15:37) — It is always a hard act to follow Mr Finn. It is an important issue, and he gave a very good summary of the importance of the motion of Mr Rich-Phillips. I note, sadly, that there appear to be only two members of the Labor Party actually in the chamber to listen. Both of them are unable to sit in the chair as they have been named in the report.

This motion of Mr Rich-Phillips seeks the chamber's support for a select committee to further investigate the work that Deborah Glass, the Ombudsman, has done in delivering and tabling a report to this Parliament in

respect of 21 Labor members of Parliament in both the Assembly and the Council and the misuse of the electorate staff salaries that were paid to electorate staff, who were principally being used for party political campaign purposes. That is not in dispute.

I saw a media conference with the Premier, Daniel Andrews, Gavin Jennings and the Attorney-General, Martin Pakula, last week when the report was delivered. Mr Andrews was very quick to say, 'We have paid back the money and life will go on'. There was no apology at that stage. In fact there was absolutely no acknowledgement that at the very least those members did not abide by the Members Guide in respect of their responsibilities for hiring and firing electoral staff as well as how they should use them in the electorate office and not for party campaigning.

The Attorney-General was also standing beside Daniel Andrews, not saying anything of course. As we know, he was the one responsible, through the whole investigation, for having the Ombudsman run back and forth to the Supreme Court, the Court of Appeal and the High Court as the government continually appealed the investigation process in those three courts. As we found out, the approximate cost of that action by Attorney-General Martin Pakula was in excess of \$1 million of taxpayers money to try and fight the investigation of the Ombudsman through those three courts. Thankfully they were unsuccessful and the Ombudsman was able to table a report after her investigation. But the point of all that was to ensure that she had limited means, resources and time to do a full and proper investigation.

I believe the report is the tip of the iceberg. While there has been an acknowledgement that there was around \$388 000 to \$389 000 identified through the Ombudsman's investigation into the misuse of electorate office payments, I believe a select committee would have the power to further investigate the potential misuse of more taxpayer funds. I note that this motion is part of a cognate debate with Ms Pennicuik's motion, by which the Greens are seeking to refer this matter to the Privileges Committee. As we know Ms Pennicuik's contribution talked about seeking an apology. Quite frankly, an apology to the Parliament is not good enough. Daniel Andrews has already, under considerable pressure, made a sort of apology at the press conference but only when he was coerced into doing so.

I note that the two ministers noted in the Ombudsman's report, Gavin Jennings, Special Minister of State and minister for integrity, and the Attorney-General, stood mute in the background as Mr Andrews delivered an

absolutely deplorable performance at the press conference in trying to justify the repayment of the money that was rorted from the taxpayer by 21 MPs. He only did this press conference on the basis that the findings of the Ombudsman's report said no consequential action should be taken and that the findings indicated that, yes, the members transgressed the Members Guide in respect to their responsibilities and hiring electoral staff for parliamentary purposes. He also tried to convince the public that there was no fraud, no theft and no rorting by his ministers or members named in the report.

Mr Dalidakis went on the Tom Elliott show 24 hours later, because Lisa Neville refused to do her normal weekly interview with Tom Elliott, and it was an absolute train wreck of an interview. He tried to hide behind the fact that the Ombudsman made no recommendations in respect of consequential action or punishment for those members that had clearly trespassed the line of the Members Guide and had moved into the areas of knowingly fraudulent behaviour that constituted theft and fraud of taxpayers money. Deborah Glass, the Ombudsman, said as much in her report.

I will have the opportunity during statements on reports to go into a little more detail about the report itself. At this particular time we are here debating the merits of the coalition's motion calling for the establishment of a select committee to further investigate the red shirt rorts, as they are known, and also the opportunity to use the powers of that select committee to be able to fully investigate what some purport to be an over \$18 million fraud when the costs and benefits are totalled up cumulatively. While we originally thought this particular campaign of rorting had cost taxpayers directly around about \$400 000 through the misuse of actual staff, we know in rough figures it cost around about \$1 million in court action that the government, through the Attorney-General, pursued to try to stop the investigation. We understand there could well be, when you see some of the hidden benefits of Labor winning the 2014 state election and the accrued benefits of those members who became ministers, in excess of anywhere between \$10 million and \$20 million. We have a substantial potential fraud that the Victorian public have been subjected to by the Labor Party which needs to be fully investigated. That is why I firmly believe that we need a select committee.

I ask the Greens to consider their position in respect to their motion, which is admirable, but we know — and I am sure Ms Pennicuik knows, given her long experience in this place — that the select committee will have much better outcomes in relation to delving

down and looking at what actually happened through this campaign and how Labor members of Parliament misused their entitlements to allow this red shirt campaign to have significant influence on the outcome of the state election in 2014. So I ask the Greens to reconsider their position on their motion and support our position for a select committee that will give some justification and confidence to the Victorian public that in fact there has been a proper investigation. That is no disrespect to the Ombudsman. She did what she could and under a significant amount of pressure, obstruction and hindrance by the Andrews government in having to put her position forward through the three courts — the Supreme Court, the Court of Appeal and the High Court — to allow this investigation to continue.

I congratulate those who voted for the Legislative Council to take this action, and also the President on representing the Council in the courts in respect to the actions taken by the Andrews government. I believe Bruce Atkinson needs to be mentioned for his role as President of the Council in representing us, the Council, and making sure that the investigation by the Ombudsman was able to be concluded without the obstruction of the Andrews government as it took these appeals through the courts.

In summary — and I will go into more detail during statements on reports on the three ministers in my Geelong region, Gayle Tierney, John Erin and Lisa Neville, and their involvement in the rorts — I appeal to the Greens to support us in this very important process that the Council must go through to allow a select committee to do its work and allow its findings to be made public. The Privileges Committee does not have that opportunity, nor does it have the powers that a select committee would have. We need to do the Victorian community justice by doing this job properly, and the only way we can do that is through a select committee process. So I strongly support the motion moved by Mr Gordon Rich-Phillips to have this chamber support his motion.

Ms LOVELL (Northern Victoria) (15:47) — I move:

That debate be adjourned until later this day.

Ms PULFORD (Minister for Agriculture) (15:48) — I note Ms Lovell has now proposed that these motions be deferred. I understand that there are many members who wish to speak. This is a matter that I think we all agree is worth the consideration of the house. As I said, there are a number of members still to speak. This is certainly the first we have heard of it, and so on that basis we will not be supporting it.

House divided on Ms Lovell's motion:

Ayes, 19

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr (<i>Teller</i>)
Crozier, Ms (<i>Teller</i>)	Patten, Ms
Dalla-Riva, Mr	Peulich, Mr
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

Noes, 20

Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms (<i>Teller</i>)	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr (<i>Teller</i>)	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr	Truong, Ms

Motion negatived.

Ms LOVELL (Northern Victoria) (15:55) — I rise to speak on the motion to refer this issue to a select committee for investigation. This is one of the worst scandals that I have come across in my almost 16 years as a member of Parliament. I have never known of a government that has been so dishonest, so corrupt, as this current government is. They have just flouted the Ombudsman's rulings and said, 'Oh, nothing to see here. Oh, look, we're not sorry; we're just sorry we got caught. But gee, hey, isn't it great that we all benefited so much from this?', because there is a pecuniary benefit for each of the members of Parliament still in this house from their activities.

Let us just have a look at what actually happened. We had John Lenders, a very senior member of the former government — he had been a minister; he had been a Treasurer of the state — who knew the rules, yet he thought up this crooked scheme, and it is a crooked scheme. It went to their campaign committee. Daniel Andrews was a member of that campaign committee. Certainly Gavin Jennings was also a member of that campaign committee. Their then state secretary, Noah Carroll, was a member of that campaign committee. They all endorsed this rorting — or maybe we should say stealing — of taxpayers funds to fund the Labor Party's campaign for the last election.

John Lenders signed off on time sheets to the tune of \$44 732 for people to work on the Labor Party campaign. Everyone knows that our electorate officers are provided to us to service our constituents: to make

sure that the people in our electorates are looked after and to support the work of the member of Parliament — keeping our diaries, doing research et cetera. But certainly there is a very distinct delineation between —

Ms SPRINGLE (South Eastern Metropolitan) (15:58) — Pursuant to standing order 12.25, I move:

That the questions be now put.

The ACTING PRESIDENT (Mr Ramsay) — Order! Pursuant to standing order 12.25, Ms Springle has sought to move for the closure of debate. Standing order 12.25 requires that six other members must rise in their place to support the motion. I ask those members who wish to do so to now rise in their place to indicate their support.

Ms Lovell interjected.

The ACTING PRESIDENT (Mr Ramsay) — Order! Ms Lovell!

Required number of members having risen:

The ACTING PRESIDENT (Mr Ramsay) — There being at least six members who support the closure motion, I will put the question forthwith without amendment or debate.

House divided on Ms Springle's motion:

Ayes, 21

Dalidakis, Mr	Pennicuik, Ms (<i>Teller</i>)
Dunn, Ms	Pulford, Ms
Eideh, Mr (<i>Teller</i>)	Purcell, Mr
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr	Truong, Ms
Patten, Ms	

Noes, 18

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr (<i>Teller</i>)	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms (<i>Teller</i>)	Young, Mr

Ms Springle's motion agreed to.

Honourable members interjecting.

The PRESIDENT (16:04) — Order! I indicate that we are to proceed to another vote. Once that vote is concluded, Ms Lovell will excuse herself for half an hour. The question that I wish to put to the test now is Mr Rich-Phillips's motion.

House divided on Mr Rich-Phillips's motion:

Ayes, 19

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

Noes, 20

Dalidakis, Mr	Patten, Ms
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr (<i>Teller</i>)	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr	Truong, Ms

Mr Rich-Phillips's motion negatived.

Ms Lovell withdrew from chamber.

The PRESIDENT — The question is:

That Ms Pennicuik's motion be agreed to.

Motion agreed to.

BOROONDARA PLANNING SCHEME AMENDMENT

Mr DAVIS (Southern Metropolitan) (16:10) — I move:

That, in relation to amendment C298 to the Boroondara planning scheme which applies to land at 3 and 10 Markham Avenue, Ashburton, this house —

- (1) notes planning scheme amendment C298 was gazetted on 1 February 2018 and tabled on 6 February 2018; and
- (2) pursuant to section 38(2) of the Planning and Environment Act 1987 revokes amendment C298.

I will be brief on this, because this has been debated at significant length in this chamber previously in the form of planning scheme amendment C251 and the revocation motion that I moved for that amendment. The house resolved on 16 November 2017 to revoke

planning scheme amendment C251 relating to precisely the same piece of land. Indeed the truth of the matter is that planning scheme amendment C298 is substantially the same as planning scheme amendment C251.

I want firstly to make some very brief points about planning scheme revocation. This is a mechanism that the chamber and the Parliament ought to use sparingly. It ought to be used, in my view, on occasions and relating largely to public land where there is a significant public interest. It ought not to be used or very sparingly indeed in relation to private land.

I make the point very clearly here that what occurred with the earlier amendment was a poor process on the part of the government. There was public housing originally on the area, and it had been cleared. There was no community support, or virtually no community support, for the government's proposal. It was a sensitive area near Gardiners Creek. There has been significant community opposition to it. I make the point that there is support in that area for public housing. Mr Watt, the local member for the area, in the Burwood electorate, has been very active in supporting public housing, but this development, as proposed in the initial amendment and in the current amendment that has been gazetted, is too intense, too intrusive and far from being in character with the area.

The government, despite its aggressive and arrogant approach with respect to the first amendment, has not learned with this subsequent amendment. I can record for the house that in fact I became aware of the subsequent amendment when the City of Boroondara contacted me to tell me that in fact the government had informed them late in the day that the next day there would be a further gazettal on the Markham estate matter. They did not know what that amendment was, there had been no consultation with the local responsible authority, there had been no consultation with the community and there had been no discussions or learnings from the earlier planning scheme amendment. So this is not a case where the government in a process sense had taken a different view. Development Victoria has responsibility here, and there is obviously a housing association involved. We all need more public housing, but not at any cost and with the destruction of a particular area in a very unhelpful way and not where the process completely bypasses the community and the council.

The government has come back with this planning scheme amendment. The proposal is essentially one storey less. That is the short summary. It is very little changed from the earlier amendment, which was overly intense. This is equally overly intense. The process is

bad, there has been significant community opposition and it is substantially the same as the earlier amendment. For that reason, the opposition has taken the view that we should revoke the planning scheme amendment in this matter.

I should note that the City of Boroondara has taken a formal position and communicated that to me. I note that today there are a number of councillors present who have a very strong view about this. Garry Thompson has been very active on this matter. Cynthia Watson and Felicity Sinfield have also been very active on this matter, putting the case that in fact the community want public housing and they want a sensible development, but they do not want this overly dense development foisted on the community, completely and utterly out of character with the area and close to sensitive Gardiners Creek.

I also make the point that there is an upper house parliamentary inquiry into this matter by a committee chaired by Ms Fitzherbert, and that has yet to report. The evidence that has come to that committee does not fill anyone with enthusiasm for the government's approach to these types of developments. These are important developments, but they have got to be done right. They have got to be done with community support, and they have got to be done in a way that brings the community with them. They have to focus on what is actually appropriate in particular areas. This particular development is the wrong development in the wrong place with the wrong process behind it. For that reason I seek the house's support for this revocation.

As I said, revocation is a significant instrument and it is to be used sparingly and appropriately. I am fully aware of the significance of bringing this particular motion to the house. I know that some in the development industry do not like revocation motions, but they are actually legally part of the planning process. Section 38 of the Planning and Environment Act 1987 does give that power to both chambers. It is interesting to note here the significance of this and to think about what has occurred. The old Town and Country Planning Act and the original Planning and Environment Act took the view of ceding power to the minister but retaining a check or a balance on the use of that power, where if a land use change had been made by legislation, it would have required the support of both chambers. In this sense, the check and the balance of either chamber being able to disallow it mirrors the arrangements that would have been in place if a piece of legislation had to come through. That subordinate legislation matter is important. It is an important check and balance. I note that we do not intend to overuse revocation motions,

but we will use them where it is appropriate and sparingly.

Ms PENNICUIK (Southern Metropolitan) (16:19) — The Greens will be supporting the motion moved by Mr Davis that amendment C298 to the Boroondara planning scheme, which applies to the land at 3 and 10 Markham Avenue, Ashburton, which was gazetted on 1 February and tabled on 6 February, be revoked. As Mr Davis has said, we have spoken about the issue of the Markham estate redevelopment several times in this chamber.

Firstly, I raised it by way of adjournment and other matters. Then I moved a motion to set up the inquiry which is currently underway chaired by Ms Fitzherbert. It is looking into various matters associated with the public housing renewal program of the government, including the redevelopment of the Markham estate. We need far more public housing in Victoria. As Ms Fitzherbert pointed out in the chamber a couple of weeks ago, we have more than 37 000 applicants waiting for public housing — that is 37 000 applications, not 37 000 people; it is much more than 37 000 people. The public housing renewal program as put forward by the government is not going to make any sort of a dent in that waiting list. We need more public housing; we need to keep the public housing land that we have in public hands, and this planning scheme amendment C298 put forward by the government still proposes to sell off the majority of that public housing land to the private sector, even if that is called by the minister ‘affordable housing’.

The incorporated document that I have had a look at with regard to this planning scheme amendment is very little changed from the first one. So we have a planning scheme amendment again coming to this house which has basically no changes in it — fewer apartments and the amount of public housing is exactly the same as it was in the first planning scheme amendment, with no increase at all. The development itself, with 200-odd units on a very small parcel of land in a cul-de-sac in Ashburton, is completely inappropriate for that particular site.

The other thing that is really egregious about this particular planning scheme amendment is that when the previous planning scheme amendment, C251, was revoked by this chamber, the government went away in secret without consulting with the community, even though under the Development Victoria Act 2003 it is meant to consult with the council and the community; it is actually required by law to do that. It then came back with this new planning scheme amendment, C298. I am advised that the council was told about it the night

before it was gazetted, so that means consultation — none. Consultation — nil. The council should be the responsible authority. The planning minister has made himself the responsible authority, and in doing that he has given himself the job of selling off our precious public land — our precious public land for public housing to be sold off to the private sector.

I have stood with the community now for more than two years on this issue. I have met with members of the community, I have visited the site many times and I have spoken at rallies. I pay great tribute to the Ashburton Residents Action Group and all the community members that support that group, because right from day one and right up until now their main concern has been that there is not enough public housing there. They want it kept as public housing; they do not want the public land sold off to the private sector, and there is no need for it. The reason we are being presented with this terrible public housing renewal program is that the government has not put enough money into it — \$185 million across nine sites — and as I said only this morning in this house, the government is intending to spend another \$300 million on the grand prix. Let us put that into public housing. We can easily find more money to keep our public housing land as public housing and really reduce that waiting list.

The community is still very much opposed to this proposal, as is the Boroondara council, who again have been staunch advocates for their community, for keeping public housing on that site and for a better result in terms of a design that is in keeping with the local community and with the precious local environmental surrounds of the remnant woodland et cetera that I have described before. I have gone into what is so special about that site on other occasions; I do not want to spend too much time on it today except to say it is next to Gardiners Creek and there is remnant grassy woodland there. It is very rare to find this sort of thing in metropolitan Melbourne, so to be plonking a huge development next to it that is going to upset the watertable, that is going to result in the loss of the existing very well established river red gums and other trees — it just beggars belief that the government thinks that this is in any way a good program; it is not a good program. This planning scheme amendment should be revoked.

Mr Davis went to the issue that has been raised by some in the community and others that there has been a flurry of planning scheme amendment revocations, and there has been; there has been a couple in a row. As I have said, planning scheme amendments go through this Parliament, laid on the table, every week and are not

revoked. When a house of Parliament moves to revoke one it is because there is no community support for it and it is a bad proposal. It is the way that the Parliament can hold the executive to account when they have gone down the wrong path with a planning scheme amendment, against the wishes of the community and the local council and really against the interests of Victorians who want to see our homelessness crisis fixed and want to see people who are on public housing waiting lists put into public housing. We can do so much better than what is being presented by this amendment.

Mr DALIDAKIS (Minister for Trade and Investment) (16:26) — I rise to — not surprisingly — oppose the revocation motion. We have walked down this path before, and we will walk down this path again. It saddens me greatly to see a party that presents itself as being a party of looking out for those that have the least —

An honourable member interjected.

Mr DALIDAKIS — No, certainly not the coalition. They never pretend to look out for those that have the least, but the Greens purport to represent people in need. They pretend to, and yet here we have a proposal that provides housing to those most in need and they are attempting to pull planning permissions for it. It is quite frankly an intellectually dishonest position to put in this place. They continue outside of this Parliament to try to be all things to all people —

Mr Gepp — Duplicitous.

Mr DALIDAKIS — Completely duplicitous — I take up the interjection from my colleague Mark Gepp, a member for Northern Victoria Region. He is quite correct. The Greens sadly on this particular matter are completely duplicitous. In fact you do not need to take my word for it, Acting President. Have a look at the media release from the Victorian Council of Social Service (VCOSS), the peak body that represents people in need of public housing. This is their press release. Let me quote:

VCOSS is outraged the Victorian Parliament has blocked the construction of new public housing planned for Melbourne's east.

More than 60 public housing units intended for the Markham estate in Ashburton are now at risk, because Liberal and Greens MPs in the upper house have united to block them.

That must be a very inconvenient truth for those adjacent to me, because VCOSS are the peak body that look after those in most need. We had a solution for it, and lo and behold that solution funnily enough included

private enterprise. Shock, horror, that we would try to make the best of those situations by increasing private investment, private opportunity and jobs while also expanding our ability to provide public housing for those most in need.

Let me say that in the proposal that is before us — I have got quite a bit of time to take you through this, and I will absolutely use all of my available time to make it very clear why the government opposes this — the fact remains that the current Markham estate proposal will deliver a 30 per cent reduction in the number of dwellings that it would have delivered under the original proposal. The member for Southern Metropolitan Region representing the Greens party, Ms Pennicuik, claimed that there was almost no difference between the original proposal and the proposal that we are debating through the revocation motion right now. That is not true. There is a 30 per cent reduction in private dwellings and no loss of public dwellings in this proposal. That came at obviously great cost to the development. There is no doubt about that. We cannot pretend that it did not. However, we found a way to move forward with the development to ensure that the public housing was not affected by the need to change that commitment that we made at the last election to rebuild the Markham estate.

Again if I turn my attention to those opposite, I know that they continue to struggle with the fact that they are in opposition. I know that they continue to struggle to accept that for some reason the people of Victoria, right across Victoria, rejected them. Unfortunately that is a fact of life. The people of Victoria rejected them for good reason. We went to the election with a policy to rebuild the Markham estate. That was a policy. It was not something that we introduced the day after we were elected. We did not decide just last week to just throw it up in the air and see what people thought of the policy. We went to the last election and we won the last election. They still continue to cry about it, they still continue to campaign against it and they continue to still deny it, but we went to the election with this as a policy and we were elected with this as a policy.

We are trying to implement this policy, and we are being frustrated at each and every opportunity to try to get more people into public housing who need it, not less. In fact what they are trying to do through what can only be described as political bastardry is deny 60 families an opportunity to get out of their current conditions and the opportunity to get into brand-new accommodation.

Ms Fitzherbert interjected.

Mr DALIDAKIS — I will take up Ms Fitzherbert's contribution and interjection, because it may be one of the last contributions she makes before the November election. Let me tell you this: it is not worthy of her. The contribution is not worthy of her because if she did her research she would find that the majority of people on the housing waiting list want apartments the size that they are being built. That is what people are wanting, so we are meeting the needs of people and what they want. That is another inconvenient truth for those opposite.

Let us just go through this again. We have brand-new accommodation for people in need, we have brand-new accommodation for people on the waiting list, and it is being denied by people who say they represent people in need but are doing nothing but being obstructionist and stopping people from being able to get housing accommodation that they are desperately in need of, whether they be people in crisis, whether they be people from a low socio-economic disposition or whether they be people who have had some kind of impact in their life that has changed its course. The Greens and those opposite have continued to turn their backs on those most in need.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Ramsay) — Order! Just take a breath, Mr Dalidakis. I am sorry. Mr Gepp and Ms Fitzherbert, honestly, you two screaming across the chamber is not adding to the debate. I appreciate it if you want to be on the speakers list. Mr Gepp is, and Ms Fitzherbert is not. I would suggest you talk to Mr Davis if you would like to make a contribution on this motion. Mr Dalidakis, you do not have to yell. We can hear you quite clearly.

Mr DALIDAKIS — It was a little bit difficult because an exchange was unfortunately going on over me. Again let me say that the Greens and the opposition are turning their backs on vulnerable Victorians. There is no other way to put it and they will be embarrassed by that, but that is the truth of the matter before us. Again the reason we are here is that the Minister for Planning saw fit to obviously have the housing development changed as a result of the last revocation motion that this chamber passed on a most shameful day when this chamber decided to turn its back on both private sector investment and providing public sector housing. Those adjacent to me decided that they would play some kind of class war to deny people the ability to have private sector investment at the same time — something that the Liberal Party has prided itself on over many years and turned its back on right now. So it is some kind of political game that is in Mr Davis's head that no-one else, frankly, can understand.

Then you have the Victorian Council of Social Service, the peak service provider for social services, attacking the Greens for doing it. They have no credibility on this whatsoever. The Liberal Party has no credibility in relation to private sector investment and the Greens have no credibility in relation to looking after the most vulnerable and those in need, and here we have a proposal that reduces the amount of private sector investment, in terms of the number of apartments that are on offer, from 225 to 220 apartments, and that is still not good enough.

The Greens will not be satisfied until there is no private sector investment anywhere. I think we should all hold hands and sing 'Kumbaya, my Lord'. Let's have a group hug and hope that the world turns out to be a better place tomorrow, because that is all the Greens are bringing to the table. They do not care about the 60 families that will miss out. They do not care about the 60 individual groups that will be able to be brought into brand-new accommodation. That is okay; they have obviously got their own accommodation sorted. Do not worry about the 60 people who do not or the 60 one and two-bedroom apartments that people are being denied.

The Liberal Party is turning its back on private sector investment. I would almost think today is 1 April, April Fools' Day, where we have the fools adjacent to me preventing vulnerable people from being housed and the fools opposite me attacking private sector investment. It is April Fools' Day come early. Because Parliament is not sitting on 1 April, they have decided to bring the show to the Parliament right now.

The ACTING PRESIDENT (Mr Ramsay) — Mr Dalidakis, I am sorry, but I cannot have you calling members of Parliament fools in the chamber through your contribution. I know it is April Fools' Day shortly, but I must say I have great difficulty with you calling members of Parliament fools in this chamber, so I ask you to desist.

Mr DALIDAKIS — I will certainly adhere to your ruling in absolutely good faith. I was only referencing April Fools' Day and not, of course, the parties, but I accept that absolutely. I was getting confused. In fact as I look at my watch, I see it is actually 28 March, so we are very close to April Fools' Day, and if I get the opportunity, I will continue my contribution until April Fools' Day if the chamber so wishes.

Honourable members interjecting.

Mr DALIDAKIS — You cannot claim that I am not generous of spirit. I have certainly offered that up,

and I accept that my colleagues, my peers, in this chamber do not wish that to be the case. Quite frankly I would be happy to go home and see my family at some point as well.

Getting back to the substance of the motion that Mr Davis has put and that Ms Pennicuik has indicated the Greens will support, the revocation of this motion would affect public housing tenants — tenants who are elderly or disabled or who have mobility requirements. Half of the private sector units, by the way, would be reserved for first home buyers. I fail to understand how making half of the units available to first home buyers is a bad thing when people talk about the cost of living and when we have those opposite, day in and day out in their speaking points, saying the cost of living is an issue for Victorians right across Victoria. We have a proposal here before us that meets the needs of the disabled, the needs of our elderly, the needs of our vulnerable and the needs of our young people, and they all want to stop it.

I think from the point of view of public policy this is the antithesis of good public policy, this stance of the Liberals and the Greens. Good public policy provides for us as a Parliament and for us as a government to deliver on these social outcomes. To deliver them through private investment is not a bad thing. Private investment is something that we should, where we can, adopt and accept. I will tell you what happens: when the private sector helps to build things for the public sector's benefit, that provides more money for government to spend on other public infrastructure. I am not going to elaborate on why we have tolls on our roads or why former Premier Jeffrey Kennett introduced tolls through the Monash Freeway and through CityLink. That was done because it meant that the government of the day was able to expend more money on other infrastructure.

It means we have more money to build new schools, rebuild existing schools, provide more hospitals with more beds and provide more nurses.

Honourable members interjecting.

Mr DALIDAKIS — I know that will make Mr Davis uncomfortable because he opposed helping nurses when he was the Minister for Health.

When we have more money in our budget, we have the ability to employ more nurses. All of this can only be done within a budget, which is finite. The budget is not infinite. The ability to invest in every area, as much as is needed by society, is unfortunately not there.

I know that within my own budget portfolios I would love it if I could get the Treasurer to write me a blank cheque so that I could do much more in innovation, do much more in the digital economy, do much more for trade and investment, take Mr Ondarchie on trade missions with me as the shadow trade minister and be able to do more with more for more. Sadly, that is not real life. We are dealing with restrictions and challenges that we face every day in every way, from the budget to the operation to the implementation. We had a perfect — well, it was not perfect; it was imperfect, because nothing is perfect — but we had the best policy outcome we could have for Markham estate.

Mr Davis interjected.

Mr DALIDAKIS — I will take that interjection up. Mr Davis wants to say it is nonsense. It is not nonsense providing for the elderly, the sick, the disabled or those who are of a lower socio-economic standing than you, Mr Davis. Just because you have a house, a roof over your head, does not mean you should deny that to somebody else. Let me tell you, Mr Davis, you have had a very privileged upbringing, as I have, compared to the people who are on the public housing waiting list. To deny them housing is shameful. This is a black day in Parliament if those opposite gang up to deny 60 families housing and accommodation that they can rely on, day in, day out, today, tomorrow, this year and next, all for the benefit of political bastardry. That is not a good policy outcome. That does not actually make the world go round. That does not make us a fairer society. It does not make us a better society. It does not allow us to be more inclusive in our society. It does not allow us to try to help those who are struggling the most. It does not allow us to be a government that cares, that delivers, that incorporates and that supports finance as best we can across all of our sectors.

Of course sadly we have come to expect this from the coalition. Sadly on this particular matter we have come to expect this from the Greens. I hope the Greens reconsider their position, I truly do. I am very happy to say that there are many people on the side of life of the Greens that I had challenges with prior to entering Parliament that I now enjoy a warm working relationship with, like Ms Dunn, for example. I enjoy a warm working relationship with Ms Dunn. I enjoy the discussions I have with Ms Springle, albeit they are discussions where we do not always agree. Ms Pennicuik is very sceptical about me and my contributions in public life. I can see it every time she looks at me. She is sceptical about my contributions, but I can tell you that there will be times that Ms Pennicuik and I will oppose each other. I presume we probably oppose each other in relation to

Elsternwick Park north, which Bayside council will be dealing with tonight.

What I can tell you is that the one thing I cannot question is their motive for being in this place, but we disagree on the outcomes for sure. I believe that the Greens are completely morally bankrupt in their position on this particular issue, but in fairness they think that if we have a group hug, tomorrow will be a better day, and that is not how the world works. Having a group hug will not deliver 60 new public housing units to people that need it — it will not. Sipping a chai latte or eating a tofu hamburger will not deliver it either, let me tell you. Riding my pushbike into work will not actually deliver it either. I tell you what delivers 60 units of public housing: investment. That is what delivers 60 public housing units.

This public housing development is significantly different from the one that the Parliament chose to revoke the planning permit for last time. Again I say what I said at the beginning, and I will not labour this point as I move on: the current Markham estate development will deliver a maximum number of 200 dwellings, a 30 per cent reduction from the original plan, without one dwelling being taken from the public housing. This is significant. It adopts a mixed-tenure approach, and as I said, it provides housing for those in our community that we are here to look after and help the most. Helping young people who are looking to enter the housing market for the first time is also a public policy that we should all pursue, and that is part of the development before us.

Mr DAVIS (Southern Metropolitan) (16:46) — In view of the statutory restrictions that apply on this, I move, under standing order 12.25(1):

That the question now be put.

The ACTING PRESIDENT (Mr Ramsay) — Mr Davis has sought to move for the closure of debate. Standing order 12.25 requires that six other members must rise in their place to support the motion. I ask that those members who wish to do so now rise in their places to indicate their support.

Required number of members having risen:

The ACTING PRESIDENT (Mr Ramsay) — There being at least six members who support the closure motion, I will put the motion forthwith without amendment or debate.

Committee divided on closure motion:

Ayes, 23

Atkinson, Mr	Ondarchie, Mr
Bath, Ms (<i>Teller</i>)	O'Sullivan, Mr
Bourman, Mr	Pennicuik, Ms
Crozier, Ms	Peulich, Mrs
Dalla-Riva, Mr (<i>Teller</i>)	Ramsay, Mr
Davis, Mr	Ratnam, Dr
Dunn, Ms	Rich-Phillips, Mr
Finn, Mr	Springle, Ms
Fitzherbert, Ms	Truong, Ms
Lovell, Ms	Wooldridge, Ms
Morris, Mr	Young, Mr
O'Donohue, Mr	

Noes, 15

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

Motion agreed to.

House divided on motion:

Ayes, 23

Atkinson, Mr	Ondarchie, Mr
Bath, Ms	O'Sullivan, Mr
Bourman, Mr	Pennicuik, Ms
Crozier, Ms	Peulich, Mrs (<i>Teller</i>)
Dalla-Riva, Mr	Ramsay, Mr
Davis, Mr	Ratnam, Dr
Dunn, Ms	Rich-Phillips, Mr
Finn, Mr	Springle, Ms
Fitzherbert, Ms (<i>Teller</i>)	Truong, Ms
Lovell, Ms	Wooldridge, Ms
Morris, Mr	Young, Mr
O'Donohue, Mr	

Noes, 15

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

Motion agreed to.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Ms LOVELL (Northern Victoria) (16:58) — I rise to speak on the Victorian Ombudsman's investigation of a matter referred by the Legislative Council on

25 November 2015. This report is about the rorting members on the other side of the chamber — the rorting, cheating, lying, thieving government that we have in this state, which is the Andrews Labor government. We know that 21 members of the Labor Party rorted around \$388 000 of taxpayers funds in the last term of government to cheat the Victorian people out of a fair and democratic election. They did this by falsifying time sheets. What an appalling thing to do, to sign blank time sheets and let them be filled in later by someone else for work that was to be done supposedly as electorate officers but not in their own office, no — campaigning for other people.

In Northern Victoria, in my own electorate, we had three members who participated in this, including Joanne Duncan, who was retiring and who rorted \$16 078 from Victorian taxpayers to support the campaign of Mary-Anne Thomas. That is a disgraceful thing that they have done — to take that money and to cheat the Victorian taxpayer that way.

One of the top three rorters was a woman by the name of Margaret Lewis, who was only here for just a few weeks really in 2014 yet she rorted \$24 358 in taxpayer funds. But add to that the rorting that went on prior to Ms Lewis coming into this Parliament by Candy Broad of another \$5925, and actually that one office in Northern Victoria Region — of course Marg Lewis replaced Candy Broad — becomes the second highest rorter in the state, second only to John Lenders. The Labor government say that nobody benefitted from this — that there was no pecuniary benefit to anyone. We know there was a pecuniary benefit to people like Gail Tierney, who is sitting on the front bench now — a pecuniary benefit to her of a ministerial salary. There was a pecuniary benefit to Mary-Anne Thomas of a parliamentary secretary's salary. There was a pecuniary benefit to many of the other people in here of a ministerial or a parliamentary secretary salary plus the other additional benefits they get of larger expense allowances and larger second residence allowances. In the case of Ms Tierney I think it is about a \$12 000 additional second residence allowance she would get for being a minister.

Ms Tierney — On a point of order, Acting President, the member is not dealing with the report at hand, but not only that, she is claiming that I claim a second residence allowance and states the amount. I do not.

Ms Lovell — I am happy to withdraw the bit about the second residence allowance if you do not claim it. That is fine. But there is still a pecuniary benefit that you are getting from this.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Ms Lovell; continue, please.

Ms Lovell — There is a lot of talk about whether the Premier will survive this scandal, because the Premier knew about this. He was on the campaign committee, as was John Lenders and as was Gavin Jennings. They were all part of the campaign committee that signed off on this dodgy deal. Noah Carroll, the state secretary, was part of that campaign committee. In fact in the Ombudsman's report we see offers of employment signed by Noah Carroll to work for the Labor Party to be paid by the Victorian taxpayer. That is disgraceful. We are hearing now all of this talk about Daniel Andrews perhaps not lasting to the election. Everyone is worried about the stench that surrounds him. The stench surrounds the whole of the Labor Party; let me tell you that. The Victorian people will vote on 24 November and they will tell you exactly what they feel about this.

But in that talk about leaders there is talk about who might replace Daniel Andrews. They are saying, 'Oh, Jacinta Allan. Perhaps she might, because she's not named as one of the 21 who rorted'. But she actually did benefit from this. Because in the rorting that went on by Marg Lewis and Candy Broad, people were assigned to work in Jacinta Allan's and Danielle Green's electorate for the benefit of Jacinta Allan and Danielle Green to get them re-elected. So Jacinta Allan did benefit from this. She is not free of the stench of this rorting, and certainly I believe that the Victorian public are hugely annoyed by this. My office is fielding calls quite frequently this week saying, 'What is being done about this?', because they think that the government is getting away with it. We will not let the government get away with this rorting. We will continue to raise this until the election. The Victorian people will then have their turn to have their voice on 24 November, and this government will be history.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mr Ramsay (Western Victoria) (17:04) — I too want to speak to the Victorian Ombudsman's report, *Investigation of a matter referred from the Legislative Council on 25 November 2015*, dated March 2018. I want to refer to the foreword by the Ombudsman, and in it she said:

Our task was to get to the truth of the matter — were entitlements misused? If so, what happened and who was responsible?

She went on to say:

Answering this has been like trying to complete a jigsaw puzzle from which, at the outset, you are not sure how many pieces are astray and whether you will have enough to see the image. In the end, although some pieces are missing because of claims of parliamentary privilege and exclusive cognisance, or simply loss of memory as some witnesses asserted, a clear picture emerged.

It was a picture of a well-organised campaign by the ALP to recruit and deploy full-time field organisers in the run-up to the 2014 Victorian state election, of which 21 were employed part-time as electorate officers and paid some \$388 000 out of parliamentary funds.

It was very clear from the few lines from the Ombudsman's report foreword that fraudulent behaviour by some MPs occurred through misusing their parliamentary allowance in respect to their payment of electorate officers as staff.

Labor has history here, because we know there has been a plethora of rotting behaviour by a number of MPs who are no longer with us and some that still are. I remind the house of former minister Steve Herbert chauffeuring his dogs in his ministerial limousine. We had Telmo Languiller, obviously as the Speaker of the lower house, embattled with a whole lot of expenses scandals of up to \$40 000, with his living-away-from-home allowance claims for potentially living in Queenscliff, although I do not think he ever got there. We had Don Nardella, the Deputy Speaker, who claimed \$174 000. We had Khalil Eideh, who is still currently under investigation by IBAC, and I could go on, but I will not.

I actually want to spend a little bit of time on those who were named in my electorate of Western Victorian Region. Strangely enough there are three ministers who were actually named in the report as abusing their entitlements. One was Minister Eren, who went through a horrible ordeal in question time in the lower house today and who seemed to have a total loss of memory about what he did and did not do in relation to his rotting of just under \$3000. We have Ms Tierney, who has been named as the Minister for Corrections in the Ombudsman's report and is also a member for Western Victoria Region, who has misallocated over \$21 000 to help another campaign. We have Andy Richards, the Labor candidate for South Barwon, who went up against our current sitting member in the Assembly, Andrew Katos, who is doing a fantastic job representing the electorate of South Barwon. Despite Ms Tierney's efforts in fraudulently misusing taxpayers money, Andy Richards was not successfully elected.

Then of course we have Mr John Eren misappropriating \$2358, as named in the Ombudsman's report, in trying

his level best to keep Lisa Neville in her job as member for Bellarine, and now, as we know, she is the Minister for Police — of all things, given she has been named in the report indirectly as being a recipient of fraudulent, stolen money from the taxpayer purse. There are three ministers from Geelong all named in the Ombudsman's report — all guilty of rotting, misusing taxpayers money and thieving from their employer, the Parliament of Victoria, and ultimately the taxpayer.

I have been calling for their resignations because I do not believe that they have any right to stand and represent the electorates they serve. Certainly Mr Eren, the member for Lara, has no right to represent that electorate, nor has he the right to stand as a minister of the Crown, including as the Minister for Sport. Ms Tierney has no right to represent the electorate of Western Victoria Region, a region which I diligently represent, as does Acting Chair Mr Purcell. Certainly she has no right to continue in her role as Minister for Corrections, a minister for the Crown, given that she has been found guilty in this Ombudsman's report of misappropriating at least \$20 559 from the taxpayer. Nor does Ms Neville, the member for Bellarine, have any right to be the Minister for Police.

Law Reform, Road and Community Safety Committee: drug law reform

Mr GEPP (Northern Victoria) (17:09) — I rise to speak on the Law Reform, Road and Community Safety Committee report entitled *Inquiry into Drug Law Reform*. I spoke briefly about that inquiry yesterday and how I am very proud to be a part of this committee. As Ms Patten said in her contribution yesterday, it really was a great example of how this Parliament can work very well together when we are considering significant issues and members approach the broad range of issues with goodwill and good intent. That was certainly evident from start to finish in this inquiry — certainly the parts that I was able to attend, because the inquiry had already started by the time I came into this place.

There are many positive and progressive recommendations that have flowed from this report, but I would say that it is very broad and covers a vast array of areas. Certainly what I would be saying to my colleagues in the government is that we should carefully consider all of these recommendations, but hasten slowly. This is a big area of public policy, and with some 50-odd recommendations we need to be very careful about all aspects of that.

What have we learned from the inquiry? We learned that our young people are risk-takers, that we cannot

arrest our way out of a drugs misuse problem in this country and that the issues are very serious and very complex. We learned that these challenges are being felt right around the world, that they are that are not unique to Australia, that they not unique to our shores and that these issues are being grappled with by jurisdictions right around the globe. We also learned that there is no safe way to take an illicit drug. That is a very important point that we must make through this committee's work.

From my perspective the other significant issue is that the discussion amongst the community is not where it needs to be on this issue and that there is a lot more work to be done. I hope that this report enables this conversation, this discussion, to continue. It is worthy of a bigger and broader community discussion because it traverses such a wide array of issues.

The other thing that is clear from the report, including from the many witnesses that came before the committee, is that research and data is insufficient in this area and we must do more. I think that we can all agree in this place that arriving at outcomes and recommendations that are actually based on evidence, real data and real reporting is something that we should all be striving for. We heard from many people who came before the committee that, overwhelmingly, there is a dearth of research and data when it comes to this particularly important area of public policy.

I was almost tempted to put in a minority report based mainly around the issue of pill testing. Some people who hear my views on this will be surprised about my views, but I am not convinced about it. It is because the technology is not quite there. There are no examples that we saw from anywhere around the world that would keep pace with the changing nature of synthetic drugs that are being used in society today. Logically I support the concept, but practically I am not there yet because I do not believe that I saw anything from around the world that would give me comfort to suggest that the technology is in the right place and that it will do the sorts of things that we want it to do in that new framework of four pillars that we talk about regarding illicit drugs and drug law reform in general.

I was very, very pleased to be a part of this committee. I thought that the work that we did was really important work, and I was really delighted with the interaction that occurred with the committee. We had such wonderful, quality witnesses that came before the committee, and this Parliament can be well satisfied that everybody who appeared before it did so with the best of intentions, with goodwill and with one objective in mind: keeping people safe in this state.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Ms BATH (Eastern Victoria) (17:14) — I rise this evening to speak on the Ombudsman's report — and it has got a lovely soft and gentle name that does not really state the absolute truth — on the *Investigation of a Matter Referred from the Legislative Council on 25 November 2015*. It could say be called the Rorting Report. That is more closely aligned to what it is. Socrates once said:

The first key to greatness is to be in reality what we appear to be.

Well, this government often purports to be great. It often purports to have the answers to the questions that the public of Victoria need to know. But in truth, early last week when the Ombudsman's report came out the veneer of greatness was peeled away piece by piece and page by page. I have it in my hand before me. It is ironic that this government has, in my time here, in my three years in this place, peeled away other people. Mr Somyurek in my first few months in here was stood down as minister after unproven allegations. Mr Herbert was forced to stand down for driving his dogs around in a taxpayer-funded chauffeured car. Mr Languiller was forced to stand down after misappropriating his second residence allowance. He took it on the chin and stood down. Mr Nardella duped people into believing that he actually lived in a caravan. He did not live in a caravan. They paid their money back — fine — but they also stood down. They are in a lesser position than they were when they started.

What we see here is a government that is not prepared to be great; it is not prepared in any way to be what it purports to be. We have also seen today, very sadly, that Mr Gordon Rich-Phillips's motion on this matter was lost. That motion was to send this government to a select committee to answer some of the questions that are not answered in this Ombudsman's report. Indeed it is very sad to see that the Greens did not support this increased transparency. I do believe that Mr Barber would have been across this if he was still standing in the house. Also, Mr Andrews once said, in an answer to a question without notice:

I thank the Leader of the Opposition ... the institution and all of its membership at the Fair Work Commission are people of, in my experience, integrity and probity, as is each and every member of my government.

What a load of codswallop. We have seen today with this report coming out last week that there was a wilful misuse of taxpayers money — a purposefully coordinated, planned and schemed reallocation of

electorate offices' budgets. There were 21 past and present members who supported and signed off on blank time sheets for these electorate officer recruits. They were to train, they were to direct, they were to endorse, encourage and coordinate doorknocking, phone calling, campaigning and grassroots activism. This was a blatant misuse of taxpayer-funded money.

Indeed the Ombudsman's report was thwarted almost three times by Daniel Andrews — once through the Supreme Court, but Deborah Glass did have jurisdiction. However, Mr Martin Pakula did not agree with that, so he sent it off to the Court of Appeal, and that was dismissed. The government then wanted to take it to the High Court on some notion about the removal of exclusive cognisance. You do not need to be super cognisant to understand that this government — and it is here in this report — is just one level away from shocking. Actually, they are not; they are shocking.

Mr Morris — They are.

Ms BATH — They are. Let me just finally comment on the Ombudsman's statement:

It was a picture of a well-organised campaign by the ALP to recruit and deploy full-time field organisers in the run-up to the 2014 Victorian state election, of which 21 were employed part-time as electorate officers and paid some \$388 000 out of parliamentary funds.

Time sheets were signed off wilfully. I think it is quite interesting that the architects — Mr Lenders, Mr Andrews and Mr Jennings — were right across this, yet they wanted to pull the wool over their members' eyes. It did not work. People understood what was going on.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mr ONDARCHIE (Northern Metropolitan) (17:19) — I rise today to speak on the Victorian Ombudsman's report on an investigation of a matter referred from the Legislative Council on 25 November 2015. It is the report of the rorts. It can be nothing more than that. This is a breathtaking summary of the policy of this government, which came to the election saying they were going to install what they called 'integrity' in government. They have done quite the opposite. I have to say that today in my contribution on Mr Rich-Phillips's motion I ran through a list of Labor MPs who have form on this. When I got to Mr Eideh I indicated his association with some alleged rorts around printing and that he had actually been suspended as Deputy President. I just want to correct that record. I

think he volunteered to stand aside pending the investigation, to be fair to him. Nonetheless, now that I have corrected that record, I have to say the Australian Labor Party have form on rorts. As Mr Finn acknowledged earlier in the day, this dates right back to the days that we remember of the how-to-vote cards in the Nunawading by-election when Peter Batchelor organised a host of dodgy how-to-vote cards —

Mr Finn interjected.

Mr ONDARCHIE — Indeed I think I was there that day too. But we take it right back to Mr Languiller, Mr Nardella and Mr Andrews himself when he promised the people of Victoria, when he spoke to Peter Mitchell on the night before the election as Leader of the Opposition, that if he became Premier, 'I make this commitment to every Victorian' — the then Leader of the Opposition, now Premier — 'there will be no new taxes for the people of Victoria'. Here we are, three and a half years later, and there are 12 new taxes on the people of Victoria.

It is a sad state of affairs when in Australia we expect higher standards of behaviour from the Australian cricket team than the government imposes upon itself here in Victoria. I am not going to get into a debate about Steve Smith, Dave Warner and others in South Africa — I think the media and others can make judgements about that for themselves — but there are some facts in this report today, where the Ombudsman highlights that at least \$380 000 was stolen from the taxpayers to support the Australian Labor Party campaign at the last election. Indeed this government is the one that instigated a review into horseracing to make sure there was no corruption and to make sure, as it said, it cleaned up the sport so that it was a good, clean sport of kings. That was Martin Pakula, who is named in this report as one of the rorters. So what he is saying is that if it is good enough for them, then it is good enough for him. So the chief lawmaker in this state, the Attorney-General and Minister for Racing, demanded in his capacity as Minister for Racing that Racing Victoria review the activities of horseracing, yet they will not do that for themselves.

Not only did they cheat the election campaign but they used hundreds of thousands of taxpayers funds to stop this report from ever coming to light. They took the Ombudsman to every court they could possibly take her to to stop this report coming out. None of the sitting MPs or ministers named in the report, including Special Minister of State Gavin Jennings, Attorney-General Martin Pakula, Minister for Sport John Eren, Minister for Energy, Environment and Climate Change Lily D'Ambrosio, Minister for Families and Children Jenny

Mikakos, Minister for Corrections Gayle Tierney, who I suspect after this investigation should sample some of her own facilities as a result of this — none of them, including other backbenchers — have resigned. They expect everybody else in Victoria to hold up the moral compass of what is right and what is good, but they will not do it for themselves. Steve Herbert went because he had his dogs chauffeured in his car. He went for \$192.10, yet these people, \$387 000-plus later, plus legal fees and other things we have not discovered yet, will not resign. This mob have no shame. They do not care. They will say and do whatever it takes to be elected and stay in government. We do not believe them.

The Premier said, 'I'm going to cancel the east-west link contract. It won't cost Victorians a cent', but \$1.3 billion later, people stuck in traffic every single day remember what happened. The royal commission into union rorts picked up other activities, including by Mr Melhem, and they will come to light one day. These people have no shame; they have no shame whatsoever. If they were true to their word, if they were truly honest, they would resign, but they will not, because they do not care about Victorians, and they do not care that it is their money; they just want to stay in power for power's sake.

Mr Melhem interjected.

Mr ONDARCHIE — Let me tell you, Mr Melhem, as you laugh and giggle at your rorting of Victorians, as you sit in the chamber unashamed about what you have taken from Victorians, let me tell you that in November this year we will not let them forget. They will remember and rightfully they will — and they should — chuck you out.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mr MORRIS (Western Victoria) (17:24) — I too rise to make a statement on the report of the Victorian Ombudsman's investigation of a matter referred from the Legislative Council on 25 November 2015, of March 2018. Indeed this is the red shirt rorting report that details the actions of the Labor Party in the lead-up to the 2014 election when the Labor Party stole \$388 000 from the Victorian taxpayer. We have heard from the Premier, Daniel Andrews, that he has paid it back. We have also heard from him that he is terribly sorry that he got caught. That is what we have heard. We have not heard any true contrition from the Premier about the fact that this was wrong, and the Ombudsman has pointed this out. The arrangements that the Labor Party undertook in the lead-up to the 2014 election with

their field organisers, who were paid for by the Parliament, were wrong. They were an artifice; they were a deception of the Victorian people by the Labor Party in an attempt to win government. Unfortunately they were successful in this. This was a shameful act by this Labor government. Not only have they stolen money, they have taken away the confidence of the Victorian people in this place and in the work of this place.

I did want to mention some of the circumstances that occurred in western Victoria. In western Victoria we saw Joe Helper, the former member for Ripon in the Assembly —

Mr Finn — And he is a helper.

Mr MORRIS — Yes, indeed he was a helper. The only problem is he was not helping the people of Ripon; he was helping the member for Wendouree by supplying —

Mr Finn — Who is the member for Wendouree?

Mr MORRIS — That is Ms Knight. She represents the people of Wendouree, so I am told. Mr Helper had an electorate officer who was not working in Ripon, one of the most disadvantaged electorates in Victoria, but rather the electorate officer he employed was working on Ms Sharon Knight's campaign. You might wonder who the electorate officer was who was working on Ms Knight's campaign.

Mr Finn interjected.

Mr MORRIS — Thank you for asking, Mr Finn. It was Ms Michaela Settle, who is now Labor's candidate for Buninyong in the Assembly. In this report the Ombudsman said that she felt that there was no direct personal gain that members received from this. I tell you what: there was direct personal gain for the electorate officers who were employed to do this work because they were paid significantly by the taxpayer for work that they conducted for the Labor Party. Ms Settle, who is Labor's candidate for Buninyong, has some very serious questions to answer.

I do note that there was an article in the *Courier* about this particular deception that has been perpetrated on the people of Victoria, and Ms Settle was not available for comment — surprise, surprise! Ms Settle may be able to run for a short time, but we still have a way to go before November, and before November she must answer these very serious questions. She needs to let the good people of Buninyong know whether or not she knew that this was a sham, whether or not she knew this was a dodgy operation, by the Labor Party or

whether or not she decided to stick her head in the sand and not ask any questions about what was happening — or indeed whether or not she was lied to by the Labor Party and told that this was a legitimate operation.

I am not sure about other members, but if I was lied to by a political party, I would not think they were the type of people I would want to be representing in this place. I think I would be resigning my position as a candidate and stepping down, because if you have been lied to by a political party, they are not people you want to be associating with.

Ms Settle has some very, very serious questions to answer. Indeed I am quite sure the good people of Buninyong will be pressing Ms Settle to answer these very serious questions about what she knew or did not know and indeed what she should have known about this dodgy operation that has occurred across Victoria.

It is a pity I have not got another 5 minutes because I could have kept going. This is a very illuminating report, but I am quite sure there is still more to learn.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mr FINN (Western Metropolitan) (17:29) — I also rise to speak on the Ombudsman's report on the investigation of a matter referred from the Legislative Council on 25 November 2015. As I said earlier, this is very sad reading. For those of us who have faith in our democratic system of government, for those who have faith in this Parliament and indeed for those who have faith in our government, this pretty much smashes it all to pieces. That has to be seen by anybody as a very, very sad day in our state.

We have seen what can only be described as shysterism by a number of very prominent members of the government. There is one sitting opposite us at the moment, the Special Minister of State. He is the minister charged with parliamentary integrity. That is what he is charged with. Perhaps he should be charged with something else. Let us find out a little bit later on. But here he is, this man who says that his job is to protect parliamentary integrity. He is named in this report, and he is in this for \$20 539. That is the man who is charged with upholding the integrity of the Parliament in this state. So much for this government caring about the integrity of anything.

I also note that Elizabeth Beattie, the former member for Yuroke in the Assembly, is named in the report. She was in it for \$24 773, so she is up to \$25 000. That used to be a Tatts win many years ago. I note that she has

given money and support of some significant value to a bloke called Joshua Bull, who is the member for Sunbury.

Mr Morris — Who? Never heard of him.

Mr FINN — Mr Morris says he has never heard of him, and it is not surprising because there are a number of people in Sunbury — the majority of people in Sunbury — who have never heard of Mr Bull. A few people around the footy club know him, and that is about it really. He does not get out much.

He has been the recipient of a very generous contribution from the taxpayer, courtesy of Liz Beattie. I think out that way they refer to her as the 'dancing bear' for reasons that perhaps we will go into another time. I think the people of Sunbury should be asking their representative, Josh Bull, exactly why he involved himself in this. Here is a bloke who allegedly represents the people of Sunbury. He has had his snout in the trough. He has got into a situation where he has been able to access taxpayers funds to help his own campaign. We all know that is crook. He was not a member of Parliament at the time, so clearly it was of some personal gain to him because he won.

Mr Morris — He won once.

Mr FINN — Well, he won once. The next time he is in more strife than the early settlers, I can tell you. But he won at that last election, and he won at least partially because he received support from Liz Beattie — well, not so much Liz Beattie but more the Victorian taxpayer. He was in it for all he could get, and he has done very nicely out of the caper. He is enjoying being a member of Parliament. In fact I do not think I have ever seen anybody quite enjoying being a member of Parliament as much as Mr Bull. He really gets into it. He has a ball, and I hope for the next eight months he continues to have a ball because come December he will be looking back and saying, 'What happened there?'. He is gone.

This is a very sad report, as I say. It is a dreadful reflection on a government that has no ethics and no morals, thinks it is above the law and in fact has no shame at all. This government is not fit to sit on those benches, and I look forward to 25 November and waking up when the stench of this government will be starting to dissipate.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mrs PEULICH (South Eastern Metropolitan) (17:34) — I also rise to speak briefly — although I

intend to do so in instalments over the coming months — on the *Investigation of a Matter Referred from the Legislative Council on 25 November 2015*, tabled recently by the Ombudsman. A more appropriate title would be ‘An Exposé of the Red Shirts Rort’. This is simply the tip of the iceberg. This exposes Labor’s lies, hypocrisy, corruption and simple fraud. This is not just roting of taxpayers dollars; it is actually roting of a state election, which saw a handful of seats won by the government by some slender margins. This is an exposé of Rorters Inc, a company of rorters made up of Labor Party hierarchy both in the Parliament and in its organisation.

Clearly a scheme masterminded by Mr Lenders, it was a systematic and well-organised fraud on Victorian taxpayers that involved hiring electorate officers to work as political campaigners. Mr Lenders knew that it was wrong. He had been state secretary, he had run a series of campaigns previously and he had had a number of opinions to indicate that indeed it was not acceptable. He misled his own members of Parliament in many instances, and most of them should have known better. But he did that also to secure himself a cushy job afterwards as chairman of VicTrack for \$90 000 a year. He fell on his own sword a few days ago; however, he ought to be charged. The simple fact of the matter is that he ought to be charged with fraud, and indeed we have other collaborators.

In 1984 the then federal Special Minister of State and Labor hero, Mick Young, stood by his own high standards by resigning as a minister in the Hawke government because he had brought a Paddington Bear into the country without paying the required duty. Minister Jennings might have made a personal acknowledgement of Labor’s election rorts to cheat voters, yet he will not follow these higher standards that Mr Young exemplified. Former federal Labor minister Graham Richardson said, and I quote from the *Australian* of 23 March 2018, that your government:

broke new ground when we were all able to read about a minister who used his chauffeur-driven government vehicle to transport his dogs to his country property, or senior MPs caught lying about where they really lived to fiddle travel allowances.

Since Labor has been sacking people like Mr Somyurek for far lesser reasons, why shouldn’t he be following his own standards and resign himself? As for the Premier, this scheme would not have progressed without his imprimatur. Orchestrated by Mr Lenders, supported by Mr Jennings, those two should lead by example and stand down — resign. I do not have confidence in the Privileges Committee. I do not believe that this will get to the bottom of it.

Paying back the money is simply not enough. We are not just talking about \$400 000 or thereabouts which has been defrauded and we are not just talking about the \$1 million-plus in legal fees spearheaded by the chief law officer of this state, Martin Pakula, who not only defrauded the electoral office budget but used taxpayers funds to support court challenges, but in addition to that there has been nearly \$19 million of benefit reaped by members of the ALP by winning government. Part of that has been listed, but in addition to that could I say that the total benefit for four years for Mr Daniel Andrews on his loading is \$290 488. For Deputy Premier James Merlino over four years it is an additional benefit of \$379 420. Ministers over the four years had \$462 416 of additional benefits. There are 19 ministers — that is \$8 785 904 — and that includes Luke Donnellan, a member of Parliament in my own region, as well Martin Pakula, both from the Assembly.

The Cabinet Secretary had a total benefit of \$201 564. Parliamentary secretaries had a total benefit of \$1 310 192, and that includes, from the Assembly, Judith Graley and Hong Lim as well as Gabrielle Williams in my region. The various ALP committee chairmen for the joint investigatory committees had a total benefit over two years of \$237 136. The ALP joint select committee chair — that is Gabrielle Williams — had a total benefit of \$29 644; the Government Whip in the Assembly, \$41 500; the chair of the Scrutiny of Acts and Regulations Committee, \$65 216; the Speaker of the Assembly, \$409 060; the Deputy President, \$130 424; and the Deputy Speaker of the Assembly, \$130 424. Each of the new ALP members who were elected have benefited over the four years of their term by over \$1.6 million. That includes the members for Bentleigh, Carrum, Frankston and Mordialloc in the Assembly. Hang your heads in shame.

This rort needs to be exposed. Those who are responsible for the architecture need to be charged, the ministers at the helm need to be stood down or sacked and everyone needs to be held to account. This is a rort not just of money but also of the state election.

SNOWY HYDRO LIMITED TRANSFER OF OWNERSHIP

Mr JENNINGS (Special Minister of State)
(17:40) — I move:

That, under section 6(2A) of the Snowy Hydro Corporatisation Act 1977, the transfer of the state of Victoria’s interest in Snowy Hydro Limited, held by the State Electricity Commission of Victoria, to the commonwealth of Australia be approved.

The reason I am moving this today on behalf of the Victorian government is that we want to acknowledge that this is a relatively rare moment in the history of the federation, and certainly a rare moment in current times, where the commonwealth and the state of Victoria and indeed the state of New South Wales have entered into a collaborative arrangement which will see the transfer of public ownership to the commonwealth of the Snowy Hydro scheme. Obviously members of this chamber and members of the community will be aware that the Snowy Hydro scheme in its halcyon days was actually seen as a national program of great engineering capability, with great infrastructure built on behalf of this nation.

There has been shared ownership between the New South Wales government, the Victorian government and the commonwealth, and they have held that asset in good stead. Now the commonwealth government has an interest in taking control of the asset to facilitate a vision again, to replicate the engineering ambition of the Snowy Hydro scheme to add to our energy capacity across the nation. The Prime Minister has personally been associated with that project, which is known colloquially as the Snowy 2.0 initiative, which hopefully, if it is successfully completed, will add to the renewable energy source across this nation and will address supply constraints that we experience within the national energy market. The Victorian government is pleased to support that.

The transfer, which was agreed at the beginning of March, will see the commonwealth increase its shareholding from the current 13 per cent to 100 per cent by purchasing the New South Wales government's 58 per cent and Victoria's 29 per cent shareholdings. The agreed market value of the enterprise is \$7.8 billion. The Victorian share will be \$2.077 billion and New South Wales will receive \$4.154 billion. The New South Wales government will support the transition of the asset to the commonwealth and will provide all reasonable assistance to enable Snowy Hydro to complete the aspiration of Snowy Hydro 2.0 in relation to current and future operations and the planning approvals that will be associated with this important initiative.

The Victorian government wants to make sure that we have protected the interests of Victorians in this transaction. As I have indicated already, part of those protections is to ensure that the asset stays in public ownership and is owned exclusively by the commonwealth and that employment levels will not materially change.

There are a number of important retail and distribution interests of the current capacity of this scheme and they are currently headquartered in Victoria. Red Energy and Lumo head office locations will remain in Victoria indefinitely. Those members of the Victorian community who time and time again have been let down by the distribution of GST revenues for the state of Victoria may be concerned that in fact this may have an adverse consequence for the GST revenues coming to Victoria. I am pleased to say that this transfer will not have an adverse effect on GST revenues coming back to Victoria.

Most importantly for the state of Victoria's considerations, it will not result in any changes to our current water arrangements. I would like to outline why that matter is very important to Victoria. Water from the Snowy scheme is not only fundamental to the health of the Snowy and Murray rivers but underpins the reliability of supply to the northern Victorian irrigation industry, towns and communities that are supplied from the Murray River. We have made sure that enduring arrangements are in place that ensure Victoria's access to water for the environment and communities are protected.

Releases from the Snowy scheme to the Murray make a significant contribution to the reliability of the Victorian Murray water entitlements, particularly during drought when it can provide one-third of the total Murray inflows. Victorian Murray water entitlements have a capital value of approximately \$3.9 billion and support the region's contribution to Victoria's \$4.9 billion per year irrigated agriculture industry. Victoria has ensured that there are no changes to the current arrangements on water issues. This means the cost of managing the scheme and storages will not be passed on to water entitlement holders now or into the future. It also means that New South Wales must work with us before any future changes are made to the Snowy water licence that might impact on releases from the scheme to the Murray. This is the same expectation we had as a shareholder. These protections are on top of the water-sharing agreements that we have for the Snowy under the Murray-Darling Basin agreement.

To crystallise that, Victoria has a legally binding deed with New South Wales and the commonwealth which ensures water for the environment will be managed through the scheme in a way that is consistent with the objectives of the Snowy water initiative, regardless of who owns Snowy Hydro. The sale of the Snowy scheme does not change this.

What is required and expected of us now that we have secured those protections for the state of Victoria, most importantly those water protections that I have outlined to the chamber, is that the government of Victoria expend the revenue, the \$2.077 billion, on productive infrastructure that supports our Victorian community and our economy. That will build on the significant investments already being made by the Victorian government in infrastructure, that is the hallmark of this administration. Indeed the current asset program of the Victorian government runs at \$10.2 billion per annum over the forward estimates. That is a significant increase on what had been historical levels of infrastructure spending, which was at \$4.9 billion per annum in the period before the government coming to office.

As a hallmark again of that investment and commitment of the current Victorian government, our community is aware of our removal of the 50 most dangerous and congested level crossings, our commitment to getting the Melbourne Metro system away and the project that is drawing attention to itself in current notoriety, the West Gate tunnel. They are all important projects to support transport infrastructure across the state into the future. We understand our commitments across the regions and the suburbs, so we are building a bypass in Drysdale; we are exploring the potential for the Mordialloc bypass; and we have committed to Thompsons Road, Plenty Road and Yan Yean Road.

These are tangible demonstrations of the infrastructure investments, particularly in transport, that the Victorian government is committed to. We are not a government that narrowcasts our infrastructure spend, whether we are rebuilding schools or hospitals or building other community facilities across the state — and again, across the state. It is important for us to actually support regional communities. That is what this government commits to. That is how we will use the return of this transfer from the state of Victoria to the commonwealth.

We actually think there is the potential for a huge win for the Victorian community and the Australian community to be achieved from this transfer from the state of Victoria to the commonwealth. I have great pleasure on behalf of the Victorian government in moving this motion today, and hopefully this chamber will support that transfer occurring.

Mr Rich-Phillips interjected.

Mr JENNINGS — On the basis of Mr Rich-Phillips's interjections I am informed that the

Treasurer made undertakings in the Assembly this afternoon that in fact the intended infrastructure projects will be identified in the budget and there will be a greater proportion of the proceeds from these revenues being spent in regional Victoria beyond what was the level that we committed to in the port of Melbourne transaction, which was 10 per cent of those proceeds to be acquitted in regional Victoria; they, I believe, are the undertakings that the Treasurer has made. And consistent with what I have already put on the public record, that expenditure will be in line with the undertakings that we made of the transfer to the commonwealth.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (17:51) — I am pleased to rise this afternoon to make some remarks on the motion moved by the Leader of the Government that under section 6(2A) of the Snowy Hydro Corporatisation Act 1997 the transfer of the state of Victoria's interests in Snowy Hydro Limited, held by the State Electricity Commission of Victoria, to the commonwealth of Australia be approved. The motion we have before the house this afternoon is a very unusual one. In fact I cannot recall another occasion in my time in this place when this house and indeed both houses of the Parliament have been asked to approve the sale of a state asset, or an interest the state has in a national asset in this case, through a mechanism such as this. It is very unusual that this house is called upon to give its approval by way of a resolution such as this, and it is one that I think is of considerable interest, and I expect that it will be of interest to the chamber as the debate unfolds.

As the coalition has indicated in the other place, we do not intend to oppose this motion to sell the state's 29 per cent shareholding to the commonwealth. But it is interesting to note that this is not the first time that the sale of the Snowy Hydro system, or Victoria's share in the Snowy Hydro system, has been of interest to this Parliament — although this is the first time that it has come forward as a formal motion — because in the mid-2000s we actually had a proposal from the then Bracks government to privatise the state's interest in Snowy Hydro. At the time the whole Snowy scheme was valued in the order of some \$3 billion, and the Bracks government at that time — around 2006 — got together with the New South Wales then Labor government in an effort to sell the Snowy scheme to private operators. That was controversial at the time. It was seen by the Bracks government as a way to quickly grab the proceeds of the state's share and expend it, presumably propping up the budget.

At that point in time we had a budget which was running structural deficits; we had the budget propped up largely by dividend revenue from the government business enterprises such as WorkCover and the Transport Accident Commission. The state needed revenue — it needed cash at the time — and at that point in time the Bracks government was very keen to offload to the private sector Victoria's interests in the Snowy Hydro scheme. It was in fact the then Howard government, which of course was the other shareholder along with New South Wales and the Victorian government, that intervened to prevent that sale of the Snowy Hydro system to private interests. Ironically it was slightly after that attempt by the Bracks government to privatise Victoria's interests in the Snowy that we saw this current provision in section 6(2A) actually inserted into the Snowy Hydro Corporatisation Act of 1997, which now requires each house of Parliament to sign off on any sale of the state's interests.

So it is an interesting provision; it is one that is very rare in legislation. Its application on an asset like this has been quite rare, but it does underscore the importance of the Snowy Hydro scheme. Snowy Hydro really was one of the great postwar nation-building projects. It was probably the great postwar nation-building project. It was initiated in the dying days of the Chifley government and kicked off in 1949 near Lake Eucumbene in New South Wales. The construction of the Snowy Mountains scheme ran for some 25 years, and it is probably the single most significant engineering project ever undertaken in Australia — a project which, as I said —

Mr Dalidakis — I challenge that — the NBN.

Mr RICH-PHILLIPS — Mr Dalidakis invites me to comment on the national broadband network (NBN) as a great engineering project in Australia.

Mr Dalidakis — Or it was until Malcolm Turnbull got to it. Don't take up the interjection.

Mr RICH-PHILLIPS — Mr Dalidakis provokes me about the NBN and Mr Turnbull. We must remember that Mr Dalidakis, as an adviser to then senator Stephen Conroy, who was —

Mr Dalidakis — Not just an adviser — deputy chief of staff.

Mr RICH-PHILLIPS — He was deputy chief of staff to then Senator Conroy — the architect of that debacle along with Mr Rudd as Prime Minister — and the contrast between the Snowy scheme and the NBN could not be greater.

With the Snowy Mountains scheme in 1949 we had the commonwealth intervening to build critical infrastructure for Australia where there was no alternative but for that infrastructure to be provided. There was no private sector that could build the Snowy Hydro scheme in 1949. Frankly there is no private sector party that could build the Snowy Hydro scheme in 2018, were that to be proposed. What we had, though, with the NBN was the complete opposite.

When the NBN was conceived by Kevin Rudd and Stephen Conroy — and Mr Dalidakis seemingly — it was at a time when we had major private sector telecommunications companies investing in telecommunications infrastructure. Yet we then had Prime Minister Rudd come in over the top and say, 'The commonwealth government knows better. We can step in where the private sector is already investing in fibre across the nation. The Rudd government knows better. We will step in, and we will build our own state-owned broadband network'. Of course the immediate reaction of the private sector to that intervention by the commonwealth was to stop investing. We saw Optus stop investing in the rollout of its fibre network and we saw Telstra stop investing in the rollout of its network, and the legacy of that continues to this day.

I have seen it in my electorate and further east of my electorate in the greenfield areas around Pakenham where, given that the private sector telcos are not investing in the infrastructure, the infrastructure has not been provided because the commonwealth has been unable to roll out that infrastructure in those greenfield estates at anywhere near the rate that is required. But of course because of the commonwealth intervention the private sector is not going to make the investment, and the consequence is that we see home owners in the greenfield areas missing out on the infrastructure they would have had, had the commonwealth not intervened with its ill-considered, ill-conceived NBN scheme. That stands in contrast, as I said, to the Snowy Mountains scheme, where there was no private sector alternative that could have built it in 1949. Therefore it was appropriate for the commonwealth to undertake that scheme both as a provision of critical infrastructure and also, in a postwar environment with a need to drive economic activity in Australia, obviously as a scheme which was very substantial in terms of the employment it created.

We have now a Snowy Mountains scheme that was 25 years in construction, which cost \$820 million at the time over the course of its construction. To put that into the context of construction costs for major infrastructure now is worth contemplating. A scheme

which consists of seven power stations, 16 major dams, 145 kilometres of interconnected tunnels and 80 kilometres of aqueducts is an extraordinary engineering achievement and something that sadly we are unlikely to see repeated in Australia today. It was a project which required vision from the government that started it. As I said, it started at the end of the Chifley government. It was a project executed by the Menzies government. It required vision that spanned governments, vision that spanned parliamentary terms. It was not a project that was conceived for the benefit of the next election, and it was not a project that delivered for the benefit of the next election.

We should pause and consider that in an environment where so many of the announcements and decisions made by government are focused on the next election. If we look at what we do in this place and if we look at what governments are doing in 2018, a government coming up with a project that would take 25 years in its execution and being able to implement that and have that undertaken through a change of government and then ultimately through another change of government at the very end of the project, when the Whitlam government came to power, is an astonishing achievement in the context of the way in which governments undertake infrastructure investment in 2018. I think the fact that we have lost that capability at a political level, even before we get into the execution of such a project, is a regret.

It is worth also commenting on the execution of the project. The fact that the Snowy Mountains scheme did deliver the 145 kilometres of tunnels, the 80 kilometres of aqueducts, the 16 dams and the seven power stations is also remarkable because we now operate in an environment where even getting relatively small major projects underway and delivered is challenging. We have an environment where the voices of the minority often drown out the majority when it comes to executing infrastructure that is in the state and national interest, and it is difficult in 2018, putting aside the challenges of political vision, to envisage being able to complete a project of the engineering scale of the Snowy scheme, given the roadblocks that we now see put in place with projects of that nature. I think it is of great regret that it is difficult to conceive that we could in 2018 start a Snowy Hydro scheme and execute it in a 25-year time frame, as the original was, with the outcomes that were achieved by the original scheme by 1974.

After the scheme was originally set up over that period, the way in which it operated evolved from the 1970s through to the 1990s, when Snowy Hydro Trading was established by the New South Wales government and

the State Electricity Commission of Victoria, which of course was at that stage the Victorian electricity generator and distributor, as a joint venture to trade electricity generated by the Snowy Mountains scheme in the national energy market.

Of course that was a legacy of the reforms of the Kennett government that led to the development of the national electricity market, the east coast market which we now enjoy and which we are now seeing the benefits from, particularly as we see increasing shortages of power in the east coast market. We are very fortunate that as a consequence of those reforms in the 1990s we have a national market on the east coast, because if we were in a situation where we were to rely on domestic generation only without the capacity from interstate in the national market, we would be in considerable difficulty.

We of course saw last year the closure of the Hazelwood plant, which knocked out 1600 megawatts from Victoria's generation capacity and which has left a major hole in baseload power generation in this state. The fantasy that we have heard from those opposite that that can somehow be replaced by wind turbines and the like is just that. We have seen the devastation that policy created in South Australia. Two weeks ago we saw the political consequences of that, with the defeat of the Weatherill government. But of course South Australia continues to suffer the consequences of that policy, and that is the direction this Victorian government is seeking to take us now with its platform on energy.

We would already be suffering the consequences of that were it not for the creation of that national energy market in the mid-1990s, which has allowed Victoria to buy electricity from New South Wales and Tasmania as domestic demand has required. With the absence of a new baseload generator coming online in Victoria, that demand is going to increase over the coming years. We already saw the elevated need for that on a couple of occasions over last summer.

We now have a situation where, as a consequence of reforms through the 1990s and as a consequence of the corporatisation of the Snowy scheme, also in the 1990s, ownership of the Snowy system is currently shared between Victoria, New South Wales and the commonwealth. Victoria's share is currently 29 per cent of the total asset, New South Wales holds 58 per cent and the commonwealth holds 13 per cent. Since the original proposal by the Victorian Labor government and the New South Wales Labor government in the mid-2000s to sell and privatise Snowy Hydro and the commonwealth decision not to

participate in that, that arrangement has been static. That holding between the three sovereign governments has been static until recently, with the commonwealth government conceding what has been called Snowy 2.0, which I think gives a bit of poetic licence, because in terms of the engineering undertakings of the original Snowy scheme what we are getting with Snowy Hydro 2.0 is not exactly on the same scale and is not the same nation-building undertaking as the original. But given the constraints we are seeing in the electricity market on the east coast of Australia, it will nonetheless add some valuable capacity.

It is proposed that the Snowy Hydro 2.0 scheme will add some 2000 megawatts of generating capacity, which is slightly more than that which was knocked out last year with the closure of Hazelwood. So basically what we have is slightly better than status quo being achieved in generation capacity through the introduction of Snowy Hydro 2.0.

The project also increases pumped-hydro storage with the addition of some 350 000 megawatt hours of storage capacity. While that has been promoted by the commonwealth as the large attribute of the project, the reality is of course that what we need in the network is increased generation capacity. This project will deliver some 2000 megawatts in terms of additional capacity, which as I said, will replace what has been lost through Hazelwood but of course will be shared across the —

The ACTING PRESIDENT (Mr Purcell) — The 30 minutes for government business has now expired.

ADJOURNMENT

Mr DALIDAKIS (Minister for Trade and Investment) — I move:

That the house do now adjourn.

Shepparton police resources

Ms LOVELL (Northern Victoria) (18:11) — My adjournment matter is for the Minister for Police, and it relates to the perennial problem of inadequate uniformed police resources at the Shepparton station. The action that I seek from the minister is that she provide a commitment that no police numbers or vacant positions are removed from the Shepparton police station and distributed to other stations in eastern region division 3 and that she ensure that the Shepparton police station has the resources to continue to deliver a quality policing service to the Shepparton community.

The Shepparton police station has a proud history of servicing the needs of the Shepparton community. The

station shares a cramped police complex with 13 various policing units that service the Greater Shepparton police service area. The Shepparton police station is the sole 24-hour station in the police service area, and therefore it is responsible for providing members to backfill positions at four other stations when members are on leave or on secondment to other units. Shepparton uniformed staff also staff the other units within the complex. There is a constant drain on resources because of this need to provide staff for other areas, and this has an impact on police service delivery.

The 2017 crime statistics that were released just two weeks ago have caused concern in the Shepparton community. The Shepparton police service area recorded the fourth highest criminal incident rate in Victoria. Interestingly Geelong, Ballarat and Bendigo — three policing areas with more police numbers — have less crime and did not even make top five highest crime areas in 2017.

The recent announcement of 20 new police custody officers to be stationed in Shepparton has caused concern that uniformed members will be removed. That Victoria Police might remove up to 10 uniformed members from the Shepparton police station is causing a great deal of concern within the Shepparton community. These members would be taken and placed at the other stations in division 3.

The purpose of having additional custody officers stationed at Shepparton is to free up uniformed members to return to frontline duties in Shepparton, not for them to be transferred anywhere else. Therefore the action I seek from the minister is that she provide a commitment that no police numbers or vacant positions are removed from the Shepparton police station and distributed to other stations in eastern region division 3 and that she ensure the Shepparton police station has the resources it needs to continue to deliver a quality policing service to the Shepparton community.

Police weapons

Dr RATNAM (Northern Metropolitan) (18:14) — My adjournment matter this evening is for the Minister for Police. I refer to the media event staged last week by Victoria Police revealing their new arsenal of weapons, and I ask the minister to release the guidelines on when and how these weapons will be deployed in Victoria.

The militarisation of Victoria's police force is evident in the purchase of semiautomatic rifles that fire capsicum rounds and blunt-force pellets, a rubber bullet launcher, stinger grenades and flash-noise distraction

devices. According to the Chief Commissioner of Police the equipment will lower the risk of serious injuries to police, rioters and members of the public by reducing the need for hand-to-hand physical contact. However, in practice these so-called 'non-fatal' weapons have been shown to cause serious physical injury and, in some cases, death.

The Greens share the deep concerns of many in the community that by using these weapons police are more likely to escalate conflict than resolve it. Putting time into building strong communities is the way to resolve conflict, not rubber bullets and grenades. Rather than protecting the public, we fear these weapons will be used against Victorian citizens standing up to injustice, teenagers at parties and those who are already marginalised and vulnerable. Police say the new gear simply provides them with more options for crowd management; however, history shows that the more weapons police have the more likely they are to be used. When it was first introduced Victoria Police used capsicum spray three times a week; its use then soared. We do not want to see Victoria Police turning into a US-style paramilitary force motivated by a fear of injury rather than by a desire to protect the community.

I note my colleague Sue Pennicuik's work on de-escalation; she has raised these matters in the Parliament on numerous occasions previously.

Greater Geelong infrastructure funding

Mr RAMSAY (Western Victoria) (18:15) — My adjournment matter is for the Minister for Regional Development, the Honourable Jaala Pulford. There are many projects in the Greater Geelong region that have been identified by the City of Greater Geelong, the Committee for Geelong, the Geelong Chamber of Commerce, G21 and in fact the minister's own initiative, the Barwon partnerships stakeholder group, as quality projects for the region but that remain unfunded. There have been repeated excursions to the capital by the gaggle of representative groups seeking funding support for projects like a convention centre, Comcare, electrified rail between Geelong and Melbourne, the Shipwreck Coast master plan, the railway station upgrade, the CBD revitalisation project and the waterfront harbour precinct upgrade — all very important projects, I might add. As I understand it, all priority projects that have been identified by these different stakeholder groups are seeking to sit under a city deal. The current city deal for Geelong is an agreement between the three tiers of government, but it actually has no funding commitments attached to it, just a memorandum of understanding that the three tiers of

government will work together to help get some of these projects off the ground.

While all eyes seem to be looking to the commonwealth, the Andrews government will soon announce its May budget commitments, which will no doubt be used as part of its election campaign. I am not privy to whether the commonwealth will fund any of these projects under a Geelong city deal, but I know the Turnbull government will heed the calls of Matthew Guy, the Leader of the Opposition, to make sure that Victoria gets its fair share of the GST component and also the infrastructure spend nationally. But I do not expect that and do not know if in fact any of these projects will sit under a city deal between the three tiers of government.

So the action I seek from the Minister for Regional Development is that she actually stand up and be counted in supporting these regional projects regardless of any potential city deal and make sure that they all actually sit within the funding allocations of this coming budget. These are badly needed projects. They have been much talked about and they have been much supported by all tiers of government, but we are looking for the Andrews government to take the lead by making sure that in fact these priority projects are allocated funding in the May budget. I call on the Minister for Regional Development in that capacity to ensure that they are.

Oromo community

Ms TRUONG (Western Metropolitan) (18:18) — My adjournment matter is for the Premier, Daniel Andrews. The Oromo-Australian community held a well-attended rally yesterday morning on the steps of Parliament House in solidarity with #Oromoprotests occurring around the world. These protests highlighted this community's ongoing efforts to seek justice and an end to the humanitarian crisis and instability that Oromos have faced over the past few years. Grassroots protests, like the one my colleague Ellen Sandell, MP for Melbourne in the Assembly, and I attended yesterday, are occurring all over the world to resist and denounce the Ethiopian government's announcements of states of emergency, apparently declared to suppress ongoing protests. The Ethiopian government has been accused of committing extrajudicial killings, arbitrary mass arrests, pre-planned episodes of massacre of Oromo civilians and forced displacement of Oromos. At the Oromo-Australian community's request I delivered their letter regarding this matter and addressed to the Premier of Victoria to his parliamentary office this morning. As Victoria is an incredibly successful multicultural community, it is

important and necessary for this Parliament to support our communities to advocate for human rights and justice across the world.

The action I seek from the Premier is that he publicly state that the Victorian community stands with the Oromo-Australian community in calling attention to the human rights abuses occurring in Oromia, indicate the Victorian government's support for displaced persons within Oromia, write to the Australian government seeking their commitment to putting diplomatic pressure on the Ethiopian government to have independent investigations by UN special rapporteurs into all atrocities that have occurred in Ethiopia and call on the Australian government to support international non-government organisations to increase the intake of Oromo refugees in neighbouring countries.

The PRESIDENT — In the adjournment debate you can only ask for one action, and there were at least three, probably four, that I counted in that matter. I must say I am also a little bit concerned about entering into areas of federal jurisdiction, which is not something that we ordinarily do. From time to time members do indicate a position on some international matters. Certainly I share your concerns and I am sure many members — and quite possibly the Premier as well — share your concerns about what is a deteriorating situation in Ethiopia. In fact I was in that region myself last year — or the year before.

Mr Dalidakis — In this term of Parliament.

The PRESIDENT — In this term of Parliament. I met with them and discussed quite a few issues in regard to displaced persons and so forth and their issues. On this occasion, given that it is one of your first adjournment items, I will let it through. I guess the action that I am most focused on in terms of where the Premier might go is perhaps encouraging the Premier to provide some sort of indication to the local Ethiopian community of support for them in these difficult circumstances and perhaps, where he does meet with federal colleagues, to express that support and encouragement for their involvement at international levels with agencies that might well bring some remedy to the circumstances in Ethiopia. I provide those remarks only as a matter of guidance on this occasion.

Latrobe Special Developmental School

Ms BATH (Eastern Victoria) (18:22) — This evening my adjournment matter is for the Minister for Education, the Honourable James Merlino in the other place. It relates to the Latrobe Special Developmental School in Traralgon, a place where children of

moderate to severe disability attend. This school has been in operation for many decades. The only main building, the only non-portable building, was built in 1958, and it is woefully inadequate. To see it would be to understand the reason more than 2700 people have signed a petition seeking an upgrade to this facility.

One of the mothers of a child who attends there — she happens to be on the school council — has given me some information that I am going to read just a tiny bit of. I have been there on a number of occasions.

Originally built as a day training centre for adults 60 years ago, it was never purpose-built for our most vulnerable students with moderate to severe disabilities.

There are four sections: the junior, the middle, the senior and Apex House for the most severely disabled children.

The junior unit classrooms are divided by gapped concertina and heavy folding doors, where noise travels freely and whiteboards and blackboards cannot be fixed to the walls. The power gets overloaded simply by teaching the kids how to make toast. The old formica walls and fittings belong in a museum and the toilets have no doors.

...

The 'new' allied health unit is now located in a former storeroom and corridor.

Eighty per cent of the buildings that are portables have asbestos warnings on them. This school needs a major upgrade. What I find very unsatisfying and disappointing is that the minister, after this petition was tabled and members of the families came down to this house to see it tabled, labelled it a political stunt. The community is behind this change. The children need this change. They need an upgrade to this facility. I ask the minister to come down to Traralgon to walk around with the school council to see firsthand how desperately this school needs an upgrade and communicate with the family of the mother who wrote to me and with those people about how this could happen.

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) (18:26) — My adjournment matter is for the Minister for Energy, Environment and Climate Change. The Andrews government is providing data to the commonwealth government on the development of a recovery plan for the Leadbeater's possum. The possum has been in decline for decades, to the point of being listed as critically endangered, and it is known that the drivers of its vulnerability and key threatening processes are habitat loss due to logging and bushfires. The action I seek from the minister is to commit to only

peer-reviewed data and scientific research being submitted by the Victorian government to the recovery plan drafting process and to the government not relying on unverified surveys or counts, including those conducted by the government-owned logging business VicForests.

Zoe Support Australia

Ms CROZIER (Southern Metropolitan) (18:26) — My adjournment matter this evening is to the Minister for Families and Children, and it relates to an agency in the Mildura region that is well-known to Mr Crisp in the Legislative Assembly, who has been advocating to the minister on behalf of the agency Zoe Support Australia. In actual fact the minister did, I believe, meet with Zoe Support in around 2015 or thereabouts. I might be slightly wrong on my dates, but that is my understanding. Zoe Support Australia provides, according to their annual report, holistic, place-based support to young mums to re-engage in education. It really is doing some tremendous work up in that region. The report talks about the disadvantage of the Mildura region and a number of areas. This report says:

The Mildura LGA ranked as the third most disadvantaged LGA in Victoria, falling in the highest 10 per cent of disadvantaged LGAs ...

The Mildura local government area has a population of around 53 878, and 3.8 per cent of the population identify as Indigenous. Substantiated child abuse is twice the state average, and 70 per cent of residents in Mildura hold a healthcare card.

The report states:

Less young people access mental health service compared to the state; yet over twice the number of mental health clients are registered compared to the state, along with twice the number of registered people with AOD issues.

The reason I am stating all of this is that they are doing some significant work with some young mums. They have got around 100 with 110 children. Fourteen of those mothers currently are pregnant and 86 are in the postnatal period. The organisation is providing tremendous support, and a lot of these young women are also engaged in education. The organisation is working extremely well and getting some very good outcomes.

I think it is disappointing that there was no response to a letter of 6 October seeking some advice from the minister's office in relation to the other local organisations up in the region. That was back in 2015. There was another email in 2016 — on 8 October —

and there has still been no response in relation to requesting some funding assistance.

The action I seek this evening is that the minister do take this seriously and provide funding assistance to Zoe Support so that they can go on and provide support to these many, many young women and their children. Of course we have had tragic cases in Mildura of unallocated cases, and we do not want these women and their children falling through the gaps and becoming worse off in the child protection system.

Medicinal cannabis

Ms SPRINGLE (South Eastern Metropolitan) (18:30) — My adjournment matter is for the Attorney-General. During debate on Victoria's Access to Medicinal Cannabis Bill 2015 in 2016, there was minimal discussion of how drug driving laws would apply to users of medicinal cannabis. At the time the Minister for Agriculture made it very clear that the government was taking a precautionary approach to the issue and that, based on consultation with Victoria Police, drug driving laws would not be amended to provide a defence for medicinal cannabis use.

This provision unfairly discriminates against users of medicinal cannabis. I am aware that people whose condition would be helped by medicinal cannabis are very nervous about accessing this treatment for this reason. The problem is that current testing for drugs does not test for impairment; it tests for trace levels of tetrahydrocannabinol (THC), the active ingredient in cannabis. THC can be detected in saliva for days after cannabis has been consumed, even though any impairment to driving is only present for several hours after consumption. This means that users of medicinal cannabis are unable to drive for days after treatment, even where their driving is not impaired at all by use of the treatment. Clearly this can have a huge impact on their ability to go about their daily lives.

Since this issue was debated in the Victorian Parliament, there have been significant developments in relation to research, evidence and debate on the issue. In South Australia a bill has been introduced to provide a valid defence to drug driving offences for medicinal cannabis users. But there is no indication that Victoria is keeping pace with this debate. I note that the final report of the Victorian inquiry into drug law reform recommended that the proposed advisory council on drugs policy investigate and explore likely changes to drug driving laws resulting from medicinal cannabis use in Victoria. But this work is long overdue, and the risks inherent for patients should be urgently addressed.

The action I seek is for the minister to review relevant emerging evidence, debate and legislative reform in other jurisdictions and to consider introducing a medicinal cannabis defence in Victoria.

Waste management

Mr FINN (Western Metropolitan) (18:32) — I wish to raise a matter this evening for the attention of the Minister for Energy, Environment and Climate Change. What a pity that she might not be as close now as she was just a few minutes ago.

I have expressed concerns here on a number of occasions about the impact the Ravenhall tip is having on local residents and will have on local residents if that tip is expanded to four, five, or maybe six times its current size, as has been approved by the Minister for Planning. I am also deeply concerned by reports coming out of Werribee as to the size of the Werribee tip and the fact that it is perhaps no longer a tip but more a 'waste mountain', as it is being described by some.

I want to make it very clear that I am absolutely sick to death of the western suburbs being treated as the dumping ground of Melbourne. I have had a gutful of it, and I know that most people in the western suburbs have as well. We want to find a way to dispose of rubbish without us being on the end of it on every occasion. We know that there are a number of ways of disposing of rubbish, whether it be high temperature burning in an inferno, an incinerator or similar methods. Whatever it may be, we know that there are alternatives. We in the western suburbs are very keen to ensure that Victoria is at the forefront of any new technology to dispose of garbage, because we know that if we are not, then that landfill will inevitably land in our backyard — if not indeed in our front yard. That is just not good enough.

I am asking that the environment minister establish a review of methods of disposing of rubbish with a view to establishing an effective alternative to landfill, because the landfill does pose a significant social problem for many sections of the western suburbs. Indeed it is a health problem for many. I have spoken to a number of people and have relayed stories from a number of people to this house about the impact that the Ravenhall tip has had on their health — people in Caroline Springs, Deer Park and those sorts of areas. I fear that Werribee may be going down the same path now. I ask the minister to establish that review and to provide some sort of alternative to what we are currently suffering in many parts of Melbourne's west.

Bus contracts

Mr DAVIS (Southern Metropolitan) (18:35) — My matter for the adjournment tonight is for the attention of the Minister for Public Transport in the other place. It concerns a letter that has come into my possession from just a few days ago from Gillian Miles, the head of Transport for Victoria. It is a very threatening letter, I should say, to a particular bus company — it is a single bus company that has sent me this letter. Obviously bus contracts are being renegotiated at this point, and they are being renegotiated with a series of private bus companies around Melbourne. This is very important for the future of our transport system in Melbourne and potentially as a pacesetter for country Victoria as well. The government has pushed into a particular mode of attack in its approach here, but this letter goes a notch further than it has gone previously. It says:

The state is aware of (and is considering its position regarding) public statements that were recently made by the Bus Association of Victoria Inc ... relating to contract negotiations presently underway with metropolitan bus operators.

I would like to take this opportunity —

and a finger comes out to wag —

to remind you of your confidentiality obligations under the *Metropolitan Bus Procurement Project: Process Deed* — *BAV Negotiation* (process deed) between you and the Public Transport Development Authority and the Department of Economic Development, Jobs, Transport and Resources ...

Under your process deed you are required to ensure that you (and your associates ...) keep confidential all confidential information. This includes ensuring that neither you or your associates make any public announcement ...

Let me just be clear here: this is a gag order. It is an attempt to gag individual bus operators from speaking publicly to their communities. It is atrocious. This is a nasty gag attempt by the minister via Gillian Miles, the head of Transport for Victoria, which is a new body that is becoming incredibly overweening in its approach to negotiations in this area.

The government has got a responsibility to get good tax outcomes for taxpayers — that is, good outcomes in terms of costs and results for communities. It has a responsibility to make sure that we actually get good results in terms of new routes and the quality and reliability of services. There is a decent and civilised way to go about these obligations rather than the threatening and bullying that is going on. This is a government that is prone to bullying, as we know. It begins from the top and goes all the way down. What I ask here is that the minister rein in these bureaucrats,

act to rein them in and ensure that this is conducted in a civil way and that the bullying and threatening cease.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (18:38) — We have had adjournment matters this evening from Ms Lovell to the Minister for Police in relation to ensuring that no possessions are removed from Shepparton police station; from Dr Ratnam to the Minister for Police asking her to release the guidelines for the new firearms at Victoria Police's disposal; from Mr Ramsay to the Minister for Regional Development asking the minister to continue to support regional development projects regardless of whether a city deal has been finalised; from Ms Truong to the Premier asking that the Premier state his support for the state of Oromia within Ethiopia; from Ms Bath to the Minister for Education asking him to come down and visit a Traralgon school to see that there are school buildings that need to be upgraded; from Ms Dunn to the Minister for Energy, Environment and Climate Change asking her to provide the commonwealth with peer-reviewed data in relation to the Leadbeater's possum; from Ms Crozier to the Minister for Families and Children asking for her to provide urgent funding to Zoe Support Australia; from Ms Springle to the Attorney-General asking that he review evidence in other jurisdictions about the medicinal cannabis defence; from Mr Finn to the Minister for Energy, Environment and Climate Change asking that the minister review alternatives to the Ravenhall tip; and from Mr Davis to the Minister for Public Transport asking that she speak to the chief executive of the —

Mr Davis interjected.

Mr DALIDAKIS — This is where I seek your guidance, President, because there were two organisations that Mr Davis referenced. I am not trying to be obtuse, but he mentioned Public Transport Victoria and also Transport for Victoria. I just seek clarification on which one he wants it directed to for the minister.

Mr Davis — I asked that she rein in her bureaucrats, including both varieties.

Mr DALIDAKIS — Well, in that case, let me dispatch that issue at the table, as I have done once before. We have what I believe to be the best —

Mr O'Sullivan — It's not your portfolio.

Mr DALIDAKIS — It does not matter whether it is my portfolio or not, Mr O'Sullivan. I believe we have the best public servants in Australia, and I think having

that characterisation of and that smear on our public service does a disservice to all members of the house, and I am dispensing with that adjournment matter right now.

Further to that I have written responses to adjournment debate matters raised by Mr Morris, Ms Shing and Mr Gepp.

Mr Davis — On a point of order, President, newer members of this chamber may not remember the lengthy discussion that occurred around 2008, when Labor sought to dispatch every adjournment matter by giving a trite and quip-type response on the evening. After a while the government decided at that time that that was not the appropriate way to go. In a sense I am just seeking to caution the minister that this is an undemocratic approach. If it is not your portfolio, you should pass it on to the relevant minister, because you may not be aware of all the details, and it may not be possible in an agency sense for you to fully dispatch it, whatever the technical aspects might be. So, President, I am seeking in a sense to caution the minister against adopting a practice that a previous government sought to adopt for a while and then later reversed when they realised it was very bad politics.

Mr DALIDAKIS — President, further to the point of clarification that was not a point of order by Mr Davis, I have not dispatched any other adjournment matters this evening, but I will not put through an adjournment matter that smears our public service and accuses public servants of abusive, threatening and bullying behaviour, which Mr Davis did. If he wishes to revisit this adjournment matter on another day and revisit the words he chose to use, he can do so, but we have the best public service in Australia, and I will not allow that adjournment through.

Mr Davis — Further to the point of order, President, the minister may think that an overweening attitude in this respect in negotiating contracts is not a matter of significance, but I certainly do. He is the Minister for Small Business, so I would have thought he would be very interested in the position of small businesses and the fair treatment of them.

The PRESIDENT — I must indicate from my point of view, Mr Davis, that you do not have licence under a point of order to counsel a minister or to indicate to a minister a caution. A point of order is actually an interchange between you and me on a matter of procedure; it is not a process by which you can convey your opinion to a minister of how they should behave or how they should respond to a matter. In the context,

a minister does have the opportunity to dispatch a matter if the relevant information is at hand.

I do note that to some extent there was a fairly general action associated with Mr Davis's request. I had some concern about that generality, and the action that was put to the minister in fact I felt was perhaps not the most direct action that one would expect to be sought in the adjournment debate. Notwithstanding that, I am of the view that a minister in this place is unlikely to have at hand the information related to the portfolio of another minister sufficient to ordinarily dispatch a matter. The expectation of the house is that matters raised with a particular minister who is not the minister at the table will in fact be referred.

I accept that Mr Dalidakis was dealing with a more general approach, and I understand the matters that he is discussing in terms of the government's approach to the public service's discharge of duties and the faith that the government has in the way they deal with the public and provide their services and so forth. I would accept on this occasion that those remarks are made generally in support of providing some assistance to Mr Davis on this matter, but I would expect that the matter would still be referred to the Minister for Public Transport, given that there were two particular departments within her jurisdiction. Yes, they are two separate departments, but they are nonetheless linked in terms of function. Therefore I seek that the matter will also be referred on this occasion.

Mr Ondarchie — On a point of order, President, relating to an adjournment matter that I raised on 8 February this year and again made reference to in a point of order at the conclusion of the adjournment debate last evening, I note from Mr Dalidakis's response that none of the adjournment responses he had tonight are for me. I remind you, President, that last night Minister Pulford gave me a commitment that she would raise this matter with the Minister for Families and Children first thing this morning to provide an explanation to me as to why it is now 48 days since I raised that adjournment matter and I still do not have a satisfactory explanation. I draw to your attention that as of this day I do not have either a response to my adjournment matter or a response to Minister Pulford's commitment to me last night that I would be provided with a satisfactory explanation after a discussion she was going to have with Minister Mikakos this morning. So here we are, 48 days on. I have the capacity right now to move a motion about my dissatisfaction with this matter. The point that I make now is that I seek from the minister at the table a personal explanation apropos of the commitment that was given to me during the adjournment debate last night.

Mr DALIDAKIS — On the point of order, President, I am not across these matters because I was not in the chamber last night when Mr Ondarchie raised them. I do have some sympathy for him given the time line as he has outlined it, should that prove to be correct, and there is no reason for me to expect that it is not. I can certainly ask the minister. However, can I also suggest, President, given the minister concerned is a member of this chamber, that that is something that could potentially be raised by you with the minister directly. Beyond that, because I am not across it, I am not in a position to provide a personal explanation.

Mr Ondarchie — Further on the point of order, President — and, Minister, I thank you for your candid response — I remind the house that both the minister at the table and the Government Whip are in the house. There is no good reason why we could not ask the minister in relation to this, the Minister for Families and Children, to attend the house right now to give a personal explanation.

Mr DALIDAKIS — I am not wishing to prolong this, but certainly we have entered into the adjournment period. If we had been given notice ahead of the adjournment period —

Mr Ondarchie — You were, last night.

Mr DALIDAKIS — No, but if we had been given notice today or even at the beginning of the adjournment this evening, I would have endeavoured to get that information, but to raise it with me at the end of the adjournment period makes it very difficult for me to solicit that information at this point in time.

Mr Ondarchie — I find it almost outrageous that the government minister at the table last evening gave me a commitment that this conversation would be undertaken first thing this morning and I would get an explanation today, yet here we are, 24 hours later, and the government is still saying, 'We don't know anything about this'. There is no good reason why you could not call the minister to the house right now to give a personal explanation. I find this disrespectful to the house. I find it in contravention of standing order 4.13(1), and I seek some direction from you, President, as to how we could progress this matter short of me now moving a motion to extend this house for a number of hours.

The PRESIDENT — Thank you, Mr Ondarchie, for providing me with some leeway in terms of trying to resolve the matter. I accept entirely your concern that a matter is overdue to that extent. Again, the expectation of the house is that ministers will provide a

response to adjournment matters within the time frame set out in our standing orders and understood by all members of this chamber. It is disappointing that, one, you have not received the response within that time frame and, two, you have had to now on two separate occasions raise the matter in the house as part of the adjournment debate this week. Given the courtesy that you have provided to me in terms of indicating that I can determine a way forward, what I would suggest is that through Ms Symes we will convey to the minister, Ms Mikakos, that an answer is outstanding, and I will perhaps also reinforce that tomorrow morning at the start of proceedings to ensure that by the end of the day you actually do receive that response or an explanation as to why —

Ms Symes — What does it relate to?

The PRESIDENT — He can tell you that — or an explanation as to why a response has not been provided. Could you just tell me the date of that matter again?

Mr Ondarchie — 8 February 2018.

The PRESIDENT — And the subject matter?

Ms Symes — Is it caught up in the debate over racism and racist remarks?

Mr Ondarchie — It is seeking an apology from the minister.

The PRESIDENT — We will check on it and follow through tomorrow. Minister, have you already conveyed to the house the written ones?

Mr DALIDAKIS — Yes, I have. It occurs to me that given that your advice to me was to continue to not discharge the matter for Mr Davis, I wish to accept your advice and then push through the adjournment matter from Mr Davis at your request to the Minister for Public Transport in the other place and ask that she look at the correspondence between the bus company that Mr Davis named and the chief executive of Transport for Victoria, and also the executive leadership team of Public Transport Victoria as well. I certainly note and believe that whilst we as members of Parliament are fair game in this place for our conduct, attacking a public servant does nobody in this place any good service. Certainly I would hope that Mr Davis reflects on that as well.

The PRESIDENT — On that basis, the house stands adjourned.

House adjourned 6.54 p.m.