

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 8 August 2018

(Extract from book 11)

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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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Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
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Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

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

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

Law Reform, Road and Community Safety Committee — (*Council*): Dr Carling-Jenkins and Mr Gepp. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward.

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

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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Deputy President:

Mr N. ELASMAR

Acting Presidents:

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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	Ind	O’Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O’Sullivan, Mr Luke Bartholomew 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	V1LJ
Elasmar, 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 ⁶	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁷	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;

Australian Conservatives until 3 August 2018

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 9 February 2018

⁷ Resigned 6 April 2017

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

ALP — Labor Party; ASP — Australian Sex Party; DLP — Democratic Labour Party;
Greens — Australian Greens; Ind — Independent; LP — Liberal Party; Nats — The Nationals;
RV — Reason Victoria; SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

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Wednesday, 8 August 2018

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

RULINGS BY THE CHAIR**Environment Protection Amendment (Container Deposit Scheme) Bill 2018**

The PRESIDENT (09:36) — I wish to make a statement at the outset of today's proceedings in respect of the Environment Protection Amendment (Container Deposit Scheme) Bill 2018, which has been introduced by Ms Springle. On 18 August 2016 Ms Springle introduced and first read the Environment Protection Amendment (Container Deposit and Refund Scheme) Bill 2016. The long title for this bill was:

A Bill for an Act to amend the Environment Protection Act 1970 to provide for the establishment and administration of a Container Deposit and Refund Scheme in Victoria and for other purposes.

Last sitting week, on 25 July 2018, Ms Springle tabled a statement of compatibility and read her second-reading speech to the house for the Environment Protection Amendment (Container Deposit Scheme) Bill 2018. The long title for this bill is:

A Bill for an Act to amend the **Environment Protection Act 1970** to promote the recovery, reuse and recycling of empty beverage containers by establishing a cost effective State-wide container deposit scheme and for other purposes.

In preparing the bill after the first reading it was drafted in such a form so as it would not infringe the financial provisions in section 62 of the Constitution Act 1975, in my view. In doing so the short and long titles as they were read to the house in 2016 differ from those in the bill that was circulated last week as the reference to a refund scheme has been removed from both. However, both bills are about the same thing — a container deposit scheme. I note that the member's intentions at each stage of the bill have been clear, and I am of the opinion that the bill is in order and may proceed in this house.

PETITIONS

Following petition presented to house:

Foster care

To the Legislative Council of Victoria:

We the undersigned residents of Victoria call on the Andrews government to urgently review current DHHS practices and decisions regarding those children in foster care and improve communication involving:

1. decisions regarding the removal of children from foster care and returning to parental control;
2. any payment owed by DHHS or any other agency to a foster carer;
3. a review of how medical histories of children in foster care are provided to foster carers;
4. communication between DHHS, agencies and foster carers.

By Ms BATH (Eastern Victoria) (25 signatures).

Laid on table.

ELECTORAL MATTERS COMMITTEE**Civics and electoral participation in Victorian state parliamentary elections**

Ms PATTEN (Northern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms PATTEN (Northern Metropolitan) (09:39) — I move:

That the Council take note of the report.

I encourage everyone to have a look at this report, *Inquiry into Civics and Electoral Participation in Victorian State Parliamentary Elections*. We are still finding increased informal voting in Victoria, we are finding a decrease in youth electoral participation and generally we are finding less interest in the parliamentary process in Victoria. This has been an ongoing issue and is certainly something that the Electoral Matters Committee has considered over the last few years, whether it has been in the general review of the 2014 election or in our inquiry into electronic voting, which was again about how can we reduce informal votes and how can we increase electoral participation.

But what we found in those previous inquiries is that to reduce informal votes we need education and awareness, certainly in that group of 18 to 24-year-olds, so civics education is absolutely fundamental and I think, sadly, sorely lacking. I am sure many of us have stories of where we have spoken to young people or even not so young people who have absolutely no idea of the electoral process and really little understanding of our political system in Australia. The Victorian Electoral Commission has been doing a student

education program called Passport to Democracy which has been somewhat effective, but it does not go far enough.

The committee was very fortunate to travel to New Zealand and to Canada where we saw some really interesting ways of engaging people. I certainly make note of the Canadian system that is run by Civix called Student Vote. Over there nearly a million students actually vote in their provincial and federal elections. That program is rolled out to over 600 schools in almost every single electorate or riding in Canada. They actually run the federal election within their schools. Members of Parliament go and visit the school and the students run the ballots, they run the counting and they set up the scrutineers. It is a wonderful way to increase awareness of and participation in the electoral system.

One of the other areas that we looked at was the recruitment of staff. The electoral commission will need 25 000 staff members for the upcoming 2018 state election. A lot of those staff members will be drawn from retired bank managers and retired schoolteachers, but that pool has been ever diminishing, because when you look at things like banks closing down in all of the regional areas, there are no bank managers to provide that expert knowledge that they bring to that role. When we looked at that in Canada we saw they were taking very creative ways to recruit staff to work in the election but also to recruit staff in an ongoing process. For instance, the electoral commission of Ontario can be found at the garden and flower show providing information to visitors to the garden and flower show about how they may like to work at election times. It is a really great way to get out into our community.

The other really interesting thing that we found overseas was the parliamentary engagement in civics education. Obviously we all speak to students who come from our regions as they come to the Parliament, but the recommendation in this report is that we can really improve upon that. In many jurisdictions in Canada we saw students actually playing a role in the parliamentary process, whether that was as pages in the chambers or as guides around the Parliament. This was a wonderful way to engage them, but also through the rollout of curriculum and even something as simple as actually having voter registration forms in the Parliament, so that after a tour of Parliament you can notify people who are eligible to vote that they can enrol to vote at the Parliament. All these programs could help us with the ever-declining engagement with and participation in our parliamentary process and in our democratic process.

I really commend this report. I think it teases out some very interesting areas in how we can improve the process and really connect with our electorates in a more meaningful way.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's Report on Managing Rehabilitation Services in Youth Detention, August 2018 (*Ordered to be published*).

Subordinate Legislation Act 1994 — Legislative instrument and related documents under section 16B in respect of a Declaration of the feral or wild population of the cat to be an established pest animal on specified Crown land.

MEMBERS STATEMENTS

Homelessness

Ms LOVELL (Northern Victoria) (09:46) — This week from 6 to 12 August is Homelessness Week, and I would like to take this opportunity to thank the many Victorians who provide vital services to those who are experiencing or are at risk of homelessness. The sector in Victoria, particularly the not-for-profit sector, and many volunteers do a fantastic job in assisting some of the most vulnerable people in our community, and Homelessness Week gives us the opportunity to put on record our gratitude to them.

However, in Homelessness Week it is also appropriate to review the performance of the current government when it comes to reducing homelessness, and unfortunately the stats show the Andrews Labor government is failing in this area. Every second year a street count of people sleeping rough in the Melbourne CBD is conducted. In 2014 when I was the Minister for Housing in the Napthine government the number of homeless persons sleeping rough in the Melbourne CBD was 142 people, a figure that I still considered to be too high and was working to reduce. However, in the first two years of the Andrews government that figure blew out by 74 per cent to 247 people. The blowout came as no surprise to anyone as the visibility of rough sleepers was evident to everyone who lived in or visited the CBD area. On 19 June 2018 that figure declined slightly to 210 people sleeping rough in the same area. However, while the government spin this as a success over two years, the reality is that under his watch in his four years as Minister for Housing, Disability and Ageing, Martin Foley has presided over a 48 per cent rise in the number of homeless persons sleeping rough in the Melbourne CBD. A 48 per cent increase is a big,

fat failure, and Martin Foley should hang his head in shame.

Nuclear weapon prohibition

Ms PENNICUIK (Southern Metropolitan) (09:48) — On 6 August 1945, 140 000 people were killed outright or later died after the first uranium bomb was detonated over the Japanese city of Hiroshima. More than 70 000 died when a plutonium bomb was detonated over Nagasaki three days later. Today, 73 years after those terrible events, people around the world are once again marking these dates and vowing it will never happen again.

In 2017 the International Campaign to Abolish Nuclear Weapons, which formed in Melbourne in 2006, was awarded the Nobel Peace Prize in recognition of its campaign to achieve an international treaty for the prohibition of nuclear weapons. On 7 July 2017, 122 nations, excluding Australia — almost two-thirds of the UN membership — voted to adopt the Treaty on the Prohibition of Nuclear Weapons. Once it enters into force the treaty will prohibit nations from developing, testing, producing, manufacturing, transferring, possessing, stockpiling, using or threatening to use nuclear weapons or allowing nuclear weapons to be stationed on their territory.

Since then 14 nations have ratified the treaty, including New Zealand on 31 July this year. Along with many parliamentarians around the world I have signed the parliamentary pledge for the prohibition of nuclear weapons. The abolition of nuclear weapons is a global public good of the highest order and is an essential step to promote the security and wellbeing of all people.

Drought assistance

Ms SYMES (Northern Victoria) (09:50) — I want to use my members statement today to congratulate those many, many communities that are taking action to help not only Victorian farmers but interstate farmers as well. The call to arms over recent weeks has been seen in many communities across Victoria, but I have taken particular notice of those in northern Victoria who are doing their best to support each other and their fellow country folk. From the Yarra Valley in the south to the mountain tops of our ski fields in the north, local communities are already banding together to help farmers across the country. We all know on this side of the house that hay, fodder and food for families are important.

We have seen amazing support come from the Euroa community in particular. In the Burrumbuttock Hay Run of February 2017 over 500 rolls or squares were donated across the region, and that is 16 semitrailer loads. It was a really massive and generous effort. The Rotary Club of Euroa and community through Euroa BP are providing fuel vouchers. Local truck companies Burls Livestock Transport and Kelly AG & Transport and other local operators are giving their time, energy and equipment. And obviously you have got the Parma for a Farmer rolling out all across the state, and in particular Benalla Bowls Club, Moyhu Hotel and Hogans Hotel in Wallan are all encouraging people to come in and have a parma and a dollar will go to our farmers.

Local government rates

Mr RAMSAY (Western Victoria) (09:51) — There is a need for rates reform for Victoria's rural and regional councils. Our current rating system is based on the early 19th century methodology emanating from the English county system, which relied on landholders and farmers to largely pay the bills. It has far passed its use-by date in tech-savvy industrialised Australia. Further, many councillors who set the rates have absolutely no business experience, yet council is big business.

Compared to city councils, regional councils have a much larger land mass to look after and fewer ratepayers. Regional councils also lack the ability to raise income as others do, like Melbourne council, which makes millions of dollars from parking meters alone. This year many councils have locked into an annual rate increase of around 2.25 per cent; however, the move to annual valuations will mean the real rate rise for many will be closer to 5 per cent. The Victorian Farmers Federation argues for sustainable funding of councils, where farmers do not bear the burden simply by the nature of their landholdings.

The recent inquiry into the sustainability and operational challenges of Victoria's rural and regional councils recognised that smaller councils need increasing — and sustainable — funding from state and federal governments. Without it rural councils have no choice but to question what they can afford to provide in services. The service and cost shifting to local councils demands financial backing. In part, the broad implementation of the municipal charge could help smaller councils, but change is not optional. The time is now for a new funding rating model for local government.

Vietnamese community

Ms TRUONG (Western Metropolitan) (09:53) — Every now and again there are moments where the sense of great privilege of serving in this Parliament overwhelms me. Two weeks ago I stood with my Vietnamese-Aussie sisters Claudia Nguyen, Cammy Lu, Celia Tran and Vy Nguyen, alongside the president of the Vietnamese Community in Australia Victoria Chapter, Vivienne Phuong Vy Nguyen, to receive the 2018 Nguyễn Ngọc Huy Foundation Award for Democracy. Together we had worked to have Yarra City Council fly the Co Vang, our yellow flag with three red stripes, at Richmond town hall, just as the cities of Maribyrnong and Greater Dandenong had already committed to.

I learned so much from the process. I got to know how much the flag means to me, to the generations of refugees and to our Australian Vietnam veterans. This flag strengthens our sense of community and democracy and our sense of being global citizens. We learned from the different ways that the politicians we had spoken to from different parties have responded and engaged us or have not. Ultimately Yarra City Council heard us and installed a community flagpole that now flies many different flags representing the many different cultures and faiths of the City of Yarra.

Nguyễn Ngọc Huy was a distinguished Vietnamese politician and academic. He inspired generations to have the courage and commitment for democracy in Vietnam. Our team donated the prize money to building Australia's first Vietnamese museum, and I am grateful for the movement that follows Nguyễn Ngọc Huy's example. I am grateful to inherit such heroes in our Vietnamese heritage, and I hope to follow their same example.

Sir John Monash

Mr MELHEM (Western Metropolitan) (09:54) — Today is the centenary of the day that the Battle of Amiens began. The Battle of Amiens, the opening phase of the 100-day offensive which ultimately led to the end of the First World War, began on this day in 1918, with the Australian Corps led by Lieutenant General John Monash, who became General Sir John Monash. The centenary of this decisive battle gave special significance to this year's General Sir John Monash commemorative service, coordinated by the Spirit of Australia Foundation and held at Parliament House, at which you, President, were present. I had the honour of representing the Premier of Victoria and addressing the gathering. It was a wonderful event, and you covered all the points in your statement yesterday.

It was a moving service, particularly seeing young schoolkids in the gallery basically learning this part of our history.

This particular battle saw the beginning of the end of the First World War, during which many Australian lives were lost. Sir John Monash played a crucial role in making sure victory was achieved. As a result of his genius approach on the battlefield, that war was brought to a conclusion and many lives were saved. With that, I will say: we will remember them. Lest we forget.

Small Business Festival

Mrs PEULICH (South Eastern Metropolitan) (09:56) — The month of August is small business month. In the Peulich household, small business is a business for every month. In fact, my own family has been involved in small businesses for the last 40 years, and my husband still runs a small business. It is not surprising that 50 per cent of all small businesses are owned by people from multicultural backgrounds and 75 per cent of small businesses that have been started in the last 12 months have been started by people from multicultural backgrounds. This is often a great opportunity to do exactly what migrants do: come here to start and build a new life, make many sacrifices and work long hours. It is not unusual for my own husband to work seven days a week.

Unfortunately they get very little assistance from this government. This is indicated by their track record. They tried to nationalise the bus companies' assets. They were committed, of course, to destroying family-owned school cleaning businesses, and the family-owned businesses of taxi and hire cars as well as their families have been destroyed. Victorian Labor do not like family-owned businesses, because they are difficult to unionise. I was surprised at how brazen they were when Luke Hilakari addressed the Ethnic Communities Council of Victoria recently on behalf of Trades Hall, outlining their campaign against small business.

I would like to draw the attention of small business to the program at festival.business.vic.gov.au. When the government cannot help you, maybe you can help yourself by taking advantage of —

The PRESIDENT — Thank you, Mrs Peulich.

Attorney-General appeal referral

Mr BOURMAN (Eastern Victoria) (09:58) — It seems that one of the scum that murdered Gary Silk and Rodney Miller just will not go away. He is now appealing for mercy, which was something a court

determined he did not show Gary Silk and Rodney Miller on that night in Moorabbin East on 16 August nearly 20 years ago. Now the Attorney-General has sent this appeal off to be considered. Just how many times does this guy think he deserves to appeal and beg after exhausting all the other avenues available to him? He went through a trial where a jury of his peers found him guilty beyond reasonable doubt. He has also had all other sorts of legal avenues of appeal explored and subsequently failed at them too. Let the family of those you murdered get some peace and let them get on with their lives.

Heyfield Primary School

Ms SHING (Eastern Victoria) (09:59) — I rise this morning to congratulate a number of students at Heyfield Primary School who have taken the most extraordinary initiative in combating obesity and getting kids at Heyfield Primary School more active. Congratulations indeed to Ryan Powney, a vice-captain from grade 6; Asher Eastham, a captain from grade 6; Jemma Birss, also a captain from grade 6; and Sydney Williamson, a vice-captain. These students have come together to conduct a student survey and a parent survey about how to improve the menu choices that are available to students at the school, as well as going through discussions and consultation with parents. They are to be absolutely commended on their efforts to provide a wide range of, in their words, yummy and healthy food for students at the school to eat. Congratulations also to the staff at Heyfield Primary School for making this happen.

Gippsland Homelessness Network

Ms SHING — I would like to commend the Gippsland Homelessness Network for the work they have done in continuing to advocate for increased funding in a federal model that attacks and challenges the causes and symptoms of homelessness. We know that this is a really significant issue that plays out across the region and that the causes of homelessness are often many and complex. In that regard I would urge them to continue their work.

Dental health funding

Ms SHING — I would really welcome the federal government taking the opportunity to step up and provide more dental health funding, particularly for vulnerable Gippslanders. I will continue to campaign for it whilst we provide additional funding to reduce waiting lists and improve oral health care for kids across the region.

Emily Tang

Ms FITZHERBERT (Southern Metropolitan) (10:00) — I rise to pay credit to the work of Emily Tang, who was my intern in the Victorian parliamentary internship program and who did an outstanding job. In fact she won the Presiding Officers' Prize for her report, which I knew was excellent when I read it. The title of it is *Creating Safer Rooming Houses*, and I think in Homelessness Week this is particularly appropriate. It is an exceptional piece of work.

In my electorate most rooming houses close to my electorate office work extremely well. They are part of the community and they provide a valuable service. There has been increasing work in the sector to modernise, and this has been extremely useful. However, there have been some recent very prominent examples of rooming houses that have failed. They have been dangerous for those who live in them and those who live nearby, and a litany of crimes have taken place in them, including murder, rape and extensive drug dealing.

But what has been missing in the debate on all of this and the campaigns that have been run by local communities to have a safer environment is how we reform the system so that dangerous failed rooming houses like this can be addressed. The continuing question in the story of the Gatwick in its later years and also the Regal, which I understand is still open, is: what legal alternatives are there to address the criminality that is going on and its impact on the people who live there? This report goes some way to addressing those issues. I am extremely grateful for the work that has been provided by Emily, and I congratulate her on the work she has completed.

Ambulance response times

Mr LEANE (Eastern Metropolitan) (10:02) — Ambulance response times are the best they have been in nine years, thanks to the record Andrews government investment in our ambulance service and thanks also to the fantastic work of the minister, Jill Hennessy, who I think will probably go down as one of the best, if not the best, health ministers Australia has ever seen. Obviously when she started she came from a low base, because I think the minister that she took over from was probably the worst health minister this state has ever seen. There is no doubt about that.

I would like to read some quotes from our great minister, Jill Hennessy, regarding this issue:

Our record investment and reforms mean more ambulances are arriving at critical patients more quickly and giving more Victorians the emergency care they need.

Victorian families can have the peace of mind that ambulances will arrive sooner when they have an emergency — and that our hospitals will treat the most critical patients first.

Under the Liberals, ambulance response times blew out to the worst on the Australian mainland and if ever given the chance they would once again cut health services and undermine our paramedics.

We all lived through that dark period in our health system, and I am sure all Victorians would hate to go back to that again.

Australian Summit Against Sexual Exploitation

Dr CARLING-JENKINS (Western Metropolitan) (10:04) — Recently I attended the annual Australian Summit Against Sexual Exploitation, held at RMIT University. It was a fantastic and informative summit in which we heard from survivors and experts in the fields of pornography, objectification in advertising, sex trafficking and prostitution, and child sexual exploitation. However, in the last hour of the conference pro-prostitution protesters stormed the venue. They began yelling obscenities and accusations aimed at the survivors of the sex industry and held up signs such as ‘A blow job is a real job’ and others which used unparliamentary language, which I cannot repeat in this place. They violently cleared brochures off desks, destroyed backdrop signs and ripped up promotional materials. They threw items at conference participants and aggressively argued with survivors and other participants. The protesters violently interrupted the presentation by Dr Caroline Taylor, AM, founder and director of Children of Phoenix, who is a survivor of child sexual abuse as well as a prominent researcher in her field. She was talking about child sex abuse, and they insisted that she stop her presentation.

Unfortunately the underlying intolerance and discrimination at the heart of this violent protest is all too real for those who choose to speak up and against sexual exploitation. This is certainly not the first time it has happened to conference participants and to speeches of this kind held here in Melbourne, and it will not be the last. I find this behaviour appalling and absolutely unacceptable. Direct attacks on survivors of sexual exploitation should never be tolerated.

Guide Dogs Victoria

Mr ONDARCHIE (Northern Metropolitan) (10:05) — Today marks the fourth anniversary of the Puppies and Pancakes event at the Parliament. As ambassador for Guide Dogs Victoria (GDV) it was my honour to welcome Guide Dogs Victoria president Charles Thompson and his board members; our sensational GDV CEO, Karen Hayes, and her executive team, including Charlie Spendlove, the general manager of marketing; and the fantastic GDV staff team. Of course it is always a delight to welcome our gorgeous, cuddly four-legged GDV friends as well. I thank all those MPs who attended and in particular you, President, for giving up time to attend the event today.

Guide Dogs Victoria supports blind and visually impaired people not just with the provision of guide dogs, which is only a small part of our business, but by supporting the use of white canes and technology as well as livability and education and by providing access awareness across all businesses and community groups. They provide blind and visually impaired Victorians with mobility assistance, independence and of course a chance to realise all the things they want to do in their life through improving their self-esteem.

As part of the Guide Dogs Victoria offering I note the opportunity to participate in an event called Dialogue in the Dark, which is running down at Docklands at the moment. It is quite an interesting experience, where one can go through a passage of iconic Melbourne sites — completely in the dark; you cannot see your hand in front of your face. I encourage all MPs to support Guide Dogs Victoria by experiencing Dialogue in the Dark. We are always looking for volunteers at Guide Dogs Victoria and for puppy raisers as well. I am honoured to be part of the Guide Dogs Victoria team and applaud their wonderful work.

Government achievements

Mr EIDEH (Western Metropolitan) (10:07) — I rise today to celebrate that for the first time Victoria has been crowned the number one economy in Australia in the CommSec *State of the States* report. This economic success is thanks to the Andrews Labor government’s commitment to investing in our future through major infrastructure projects, hospitals and schools. A recent report by Deloitte found that Victoria has over \$100 billion worth of investment in new roads, rail lines and other infrastructure that is being built now or is being planned to be built, representing a major increase on previous years. This is while total investment in major projects is falling nationwide.

We have already started construction on projects that will change the face of Melbourne. These include the Metro Tunnel project and the West Gate tunnel project. These projects are providing thousands of local jobs and stimulating local businesses, with much of it felt in the west. We also have several projects in the pipeline that have progressed through their initial stages, including the \$15.8 billion north-east link, as well as the long-awaited Melbourne Airport rail link, which now has a \$5 billion commitment from both parties in the Victorian and federal parliaments. This growth has also resulted in a strong Victorian labour market, with over 340 000 new jobs created since the Andrews Labor government was elected, the majority of these jobs being full-time. Victoria has come a long way since the Liberal-National government brought the economy to a standstill. The Andrews Labor government is dedicated to maintaining the state's strong economic position and continuing to invest in roads, rail, hospitals and schools to deliver for all Victorians.

MINISTERIAL CONDUCT

Mr O'DONOHUE (Eastern Victoria) (10:09) — I move:

That this house —

- (1) notes Victoria Police's fraud and extortion squad has announced a formal investigation into Labor's red shirt rorts affair; and
- (2) calls on the Premier to stand down the Leader of the Government and Special Minister of State, the Honourable Gavin Jennings, MLC; the Attorney-General and Minister for Racing, the Honourable Martin Pakula, MP; the Minister for Sport, Minister for Tourism and Major Events and Minister for Veterans, the Honourable John Eren, MP; the Minister for Families and Children, Minister for Youth Affairs and Minister for Early Childhood Education, the Honourable Jenny Mikakos, MLC; the Minister for Training and Skills and Minister for Corrections, the Honourable Gayle Tierney, MLC; and the Minister for Energy, Environment and Climate Change and Minister for Suburban Development, the Honourable Lily D'Ambrosio, MP, from their ministerial positions pending the outcome of this criminal investigation.

I am deeply conscious of the significance and seriousness of this motion, and I do not move the motion lightly. But the topic we are talking about is a very serious topic itself. We reach this point in this debate today after the issue of the Labor rorts — the Labor red shirts artifice, as the Ombudsman called it — has been a matter of public interest for several years. Despite it being a matter of public interest for several years, there are still many unanswered questions about the artifice.

Now, I make the point very clearly — as I did when I sought to report progress on a bill on the last sitting Friday in order to debate a similar motion — that in relation to those ministers I have just identified in my motion who should stand down, I make no judgement about their guilt or innocence. That is not for me. But what is clear is that there is an investigation by the fraud and extortion squad into the artifice in which they were willing participants. As I was saying, despite this issue having been on foot now for over three years we still have many unanswered questions. We have many unanswered questions because the Labor Party, the Labor government and Daniel Andrews have at every opportunity sought to shut down, divert, avoid, delay, frustrate and stop the truth coming out.

The Ombudsman, in her report tabled in March 2018, details this process. She refers to the referral from the Legislative Council on 25 November to investigate the red shirts issue. She then goes on, on page 7, to describe the challenges to her jurisdiction. On page 7, paragraph 4, she said:

My jurisdiction to investigate these allegations was questioned during the Legislative Council's debate ... On receiving the referral, I wrote to the government to express the opinion that I did have jurisdiction. The government responded by confirming its view that the Ombudsman did not have jurisdiction, providing advice from the solicitor-general ...

Then there was an application to the Supreme Court to determine her jurisdiction, which included yourself, President, joined as a party to the proceeding, and the Attorney-General. In August 2016 the Supreme Court resolved that the Ombudsman did have jurisdiction to investigate the referral. But rather than accepting the jurisdiction of the Supreme Court of Victoria, rather than determining 'Let's get on with it and let the Ombudsman do her job' once the Supreme Court of Victoria had held that she had jurisdiction, the Attorney-General then went on an expensive waste of taxpayer money mission by seeking leave to appeal to the High Court of Australia, raising, as the Ombudsman says on page 8, the issue of whether an Ombudsman's investigation would interfere with the doctrine of 'exclusive cognisance'.

The term 'exclusive cognisance' is a term that I think very few of us were familiar with before this litigation, but it is one with which we became very familiar in subsequent weeks and months. It is one of the fig leaves that this government has sought to rely upon to delay and frustrate the truth about this matter coming out.

On page 8, at paragraph 8, the Ombudsman said:

While the High Court appeal was pending, I decided that, considering the Court of Appeal decision and the need to avoid delay if jurisdiction were confirmed, the investigation should commence, without the exercise of coercive powers ...

She went on to say:

In April 2017, the High Court dismissed the Attorney-General's application for special leave.

The Ombudsman does say, though, in relation to the issue of exclusive cognisance for Legislative Assembly members:

I decided not to seek to test my view in the courts. I considered that enough public money had been spent on legal proceedings, and that it was possible to investigate the matter by focusing on members of the Legislative Council.

That is a very important point about what we know in relation to this affair — that is, the artifice that the Labor Party established and operated in 2014. The Ombudsman's report is really only a half-examination of what took place, given the refusal of members in the other place, including the first law officer of Victoria. I know many have made the observation, but I point out the arrogance and the irony of the first law officer of Victoria refusing to cooperate with the Ombudsman and offering the fig leaf of a defence of exclusive cognisance.

Another term that has come into the lexicon in recent months in addition to 'exclusive cognisance' is 'pub test'. Let me tell you the Attorney-General's claim of exclusive cognisance does not pass any pub tests, nor do the claims by members in the other place regarding their refusal to cooperate with the Ombudsman. It is interesting when you compare the Premier's answers in question time in the other place and these claims of exclusive cognisance from the first law officer of Victoria and the way those same members approached the Geoff Shaw issue. If that is not a case of two different standards and two different sets of approaches, I do not know what is.

I make that point for two reasons. The first is that the Ombudsman's report, whilst no doubt thoroughly researched and detailed and an excellent examination of this issue, is at the same time relying on a small number of members of Parliament from the Labor Party providing the Ombudsman with the information needed to understand the artifice that was constructed by Labor. That is the first point.

The second point that flows from that is that the sum of money that the Labor Party paid back — \$387 842 —

was the amount of money that the Ombudsman was able to identify from the examination, so the total quantum in question may be significantly more. And of course we have the waste of taxpayers money by the Attorney-General, who on the one hand was claiming exclusive cognisance, refusing to participate with the Ombudsman, and on the other hand was employing government lawyers, external lawyers, in seeking to shut down the Ombudsman by taking the matter to the High Court. Again, there has been a refusal of the government to come clean about the total quantum of resources that were deployed both internal to government and external to government in that litigation.

Let me just make this point: whilst there has been some discussion about external lawyer costs, if you have government lawyers beavering away on special leave applications to the High Court, that is not a cost-neutral exercise for the Victorian taxpayer. There is other legal work that could be done that is not being done, or extra government lawyers need to be employed or trained to do that important work. A recently graduated articled clerk, President, is not the one who drafts special leave applications to the High Court. We are talking about very experienced lawyers, and lawyers who are remunerated to reflect that experience, who do that type of work. The cost to the taxpayer from Labor's desire to shut down this process has been vast and significant, and we still do not know what the true cost has been.

I have named in my motion the six ministers in the Andrews government who were contributors to and participants in the artifice, as described by the Ombudsman. The Ombudsman in her report, on page 12, detailed a helpful table to identify who actually signed those time sheets and who actually allocated funds from their electorate office budget to this political campaigning. At the top of the list of course is a former Treasurer of Victoria, John Lenders.

Mr Morris — The architect.

Mr O'DONOHUE — Mr Morris says, 'The architect'. It would appear from all the public material available that he was heavily involved. Who else was perhaps intimately involved in the design and construction of the artifice is something that is as yet unknown. Listed are Minister Mikakos, a minister in this place, \$21 148, according to the Ombudsman; Minister Tierney, \$20 559; Gavin Jennings, the Leader of the Government in this place, \$20 539.

Mr Finn — The minister for integrity!

Mr O'DONOHUE — I pick up Mr Finn's interjection, 'The minister for integrity'. Mr Jennings is the minister for the integrity regime in Victoria. No matter how smooth he is with his words, no matter how he constructs his sentences ever so carefully in questions in this place, the Ombudsman's report on page 12 identifies \$20 539.

In preparation for this debate I was looking at some of the previous answers to questions in question time. We had a lot of questions. In fact the minister on duty in the chamber today, Minister Pulford, and indeed the minister in charge of the integrity regime, talked in 2015, as did the Premier, in answers in question time about pooling arrangements. They said, 'It's just part of the pooling arrangements, President. It's just part of the pooling arrangements'. I think that race has been run and lost, I would say. This was not part of the pooling arrangements, as I think was evidenced in the Privileges Committee recently. Also listed are Minister D'Ambrosio, \$5364; Minister Martin Pakula, the Attorney-General, \$5354; and Minister John Eren, \$2358.

The motion does not name Minister Neville because she was a recipient not a beneficiary. But it is worth noting Jake Finnigan's call to the 3AW morning show last Sunday. Jake Finnigan, the whistleblower who was interviewed by Victoria Police as a matter of public record last week, along with a number of other people involved in the artifice, told 3AW on Sunday morning, and this is transcribed from that interview:

... my former boss is Lisa Neville, the police minister. I worked as her field organiser out of her office five days a week whilst being paid by John Eren, the member for Lara, as an electorate officer.

No problem — according to those opposite, it is not a problem. It was part of the pooling arrangements is what Jake Finnigan said on radio on Sunday.

The Ombudsman in her table on page 12 has articulated very clearly those who have been part of this artifice and the money that they have used from their electorate office budget. I mentioned the pooling arrangements. In paragraph 52 of her report the Ombudsman said:

The other argument that surfaced regularly during our investigation was that this was simply an extension of an existing, approved pooling arrangement, and that 'they all do it'.

The Ombudsman said:

It was not, and other political parties did not have similar arrangements.

Let me just say that again, because what the government is trying to do down in the mud is to throw mud at everyone else to muddy the waters. We have seen that with the Deputy Premier, Minister Merlino, demeaning himself with his outrageous, erroneous attack on Emma Kealy in the Assembly yesterday. His other attempted attacks, shall I describe them, this week were absolutely baseless, outrageous and desperate. Let me just read that sentence again:

The other argument that surfaced regularly during our investigation was that this was simply an extension of an existing, approved pooling arrangement, and that 'they all do it'.

In her report at paragraph 52 the Ombudsman found:

It was not, and other political parties did not have similar arrangements.

That takes me to the other fig leaf used by the government about why these ministers should not stand down. In fact Minister Jennings referred to this yesterday again — how do we know that this investigation involves any of these people? It could be investigating Fred Smith down the street or it could be investigating Peter Smith from some other place.

Let us just go to that, shall we, and the evidence given by the Chief Commissioner of Police to the Privileges Committee on 18 July 2018. Chief Commissioner Graham Ashton was asked to give evidence and he appeared together with the assistant commissioner, Steve Fontana, before the committee and gave detailed answers and a detailed statement to them about the process that led us to where they were then, which I will obviously extrapolate to where we are now.

The chief commissioner gave the background to the initial police investigation following the release of the Ombudsman report and gave some detail about the refusal of most people they sought to speak with to participate, though there were some who gave some information about the issue. In response to questioning from Mr Rich-Phillips about the types of offences that could be involved, at page 23 of the transcript Mr Rich-Phillips asked Assistant Commissioner Fontana:

... which offences did you consider?

Assistant Commissioner Fontana said:

... a broad range of offences around misconduct in public office or offences around dishonesty basically — broad-type scenarios.

The question was then:

So that would include the Crimes Act offences?

Assistant Commissioner Fontana said:

Yes.

The interchange continued, and the Chief Commissioner of Police then said:

If it helps you, I might be able to just clarify those. Possible offences included make false document, use false document, false accounting, conspiracy to cheat and defraud, and misconduct in public office under common law.

They are the offences that Victoria Police considered following the release of the Ombudsman report. Let us just make the point again: the Ombudsman in her report identified that only Labor was involved in this artifice. The artifice is the issue in question.

Following the appearance of the chief commissioner at the Public Accounts and Estimates Committee on 13 June the opposition wrote to him seeking a review of the gaps in the evidence identified by the Ombudsman, a review of the evidence of false declarations and a review of other new evidence and asking for the original investigation to be reopened. Then, during the last sitting week, on Friday, 27 July, Victoria Police advised a media outlet that they would be conducting such an investigation. The Victoria Police fraud and investigation squad is now investigating the artifice.

The Ombudsman in her report has clearly identified who was involved in the artifice, noting the limitations on who would cooperate with her. There are six ministers in the Andrews government who, according to the Ombudsman, contributed as part of the artifice. That really leaves those ministers with but one course of action, and it is regrettable that that course of action — to stand down while this investigation takes place — has not been chosen by those ministers of their own free volition and has not been demanded by the Premier. This institution, our democracy and everything they stand for are much bigger than any of us. All of us in this place will be nothing more than a footnote in history. Some may say even premiers and senior ministers will be nothing more than a footnote in history. What we must respect is this place and the integrity of the Parliament and the executive, and if those ministers were to reflect on this current situation with the integrity of our system of government in mind, they would do the right thing and stand down.

There is not too much I agree on with Gough Whitlam. Gough Whitlam to me was a terrible Prime Minister who in such a short period of time caused Australia so much harm, but he did show a respect for the institution. His then Treasurer, the infamous Dr Jim Cairns — and we could talk for a long time about Dr Jim Cairns, but I will not do that — misled

Parliament in relation to overseas loans in the Khemlani affair, if my memory is correct, Mr Finn. Cairns denied signing a letter agreeing to pay someone a commission on overseas loans. He later claimed not to remember signing the letter and he refused to tender his resignation. Now, what did Gough Whitlam do? Did he do what Daniel Andrews is doing and say, 'Oh, well, we'll tough it out'? Daniel Andrews's answer would be, 'We'll tough it out. We'll just pretend there's nothing here. I'll put a hard hat on and go down to some construction site somewhere and pretend this doesn't exist, and I'll get my deputy to go and throw mud at the other guys'. Is that what the then Prime Minister did? No. Prime Minister Whitlam went and saw the Governor-General and advised him to withdraw Cairns's commission. He did the right thing.

Mr Finn — He sacked him.

Mr O'DONOHUE — Exactly, Mr Finn. He sacked him. When other ministers of the Crown in Australia have been the subject of investigation, they too have done the right thing, regardless of political parties. Ian Sinclair in 1979 stepped aside. Senator Graham Richardson, around allegations of impropriety, stepped aside. Going back to 1930, Edward Theodore, a Queensland Treasurer implicated by a royal commission, stood down. Ros Kelly, after the sports rorts affair, stood down. Remember that big whiteboard? You could write it all up there, and unfortunately it all just wiped off, but that is a separate story. Joel Fitzgibbon stood down. In more contemporary or recent times Mal Brough, a Special Minister of State and Minister for Defence Materiel and Science, stood aside pending the outcome of the police investigation following allegations to do with former Speaker Peter Slipper. They all did the right thing, and when Dr Jim Cairns did not do the right thing, the Prime Minister did the right thing and sacked him.

This behaviour of these ministers is unprecedented. Yes, we all recognise that this is close to the election and the Labor government is in chaos and turmoil already and in deep internal factional fighting. That is well understood.

Mr Finn — They're in crisis.

Mr O'DONOHUE — In crisis. But at the end of the day we are in this position because they have frustrated, delayed and refused to cooperate. They have refused to allow the truth to come out for over three years since this issue first broke back in 2015. We would not have to be here at this time if the Labor Party — if the first law officer of Victoria — had not sought to take the Ombudsman to the High Court,

sought to delay and sought to claim exclusive cognisance. We are here because of the direct actions of the government. Many people have criticised those actions. Many Labor people have criticised those actions. The front page of the *Herald Sun* of 22 March says:

Labor MPs have broken ranks to dispute Premier Daniel Andrews' claims that MPs did not raise concerns with him about the 'red shirts' election funding model.

One MP last night decided to speak up after seeing the Premier tell Victorians, when asked if colleagues had questioned the arrangement with him: 'I don't believe so'. The MP said: 'After watching him on the news and denying it, I can't stay silent even for the sake of the party.'

He (the Premier) knew about concerns about the funding model. I and several other MPs raised it with him. We told him it was a nonsense.

We were willing to back him, but he's just thrown people under the bus today. We raised the funding with him personally ... Daniel personally urged MPs to participate'.

A second MP said there was 'heaps of chatter' about how campaigners were being paid, adding: 'It was common knowledge that Daniel and John (former state Treasurer John Lenders) were putting people under huge pressure to participate in the scheme'.

I said at the start that Treasurer John Lenders has been identified and conveniently pointed to as the architect of this scheme, yet there is that comment that it was 'common knowledge that Daniel and John were putting people under huge pressure to participate in the scheme'. It is interesting that the comments of a member of caucus are so different to the public comments that the Premier himself has made about his knowledge of the artifice.

The article goes on to say — and let us just remember this is only a few months ago —

Last night MPs across factions were questioning Mr Andrews' judgement, particularly the decision to spend up to \$1 million on failed court challenges to stop Ms Glass from investigating and delaying the findings until an election year.

...

A number of caucus members say the Premier should have neutralised the crisis two years ago, rather than wasting more than \$1 million in public money on three failed legal challenges to thwart the inquiry.

'The failed strategy to cover up the scandal has simply resulted in more pain closer to the election', said one Labor figure.

Wendouree MP Sharon Knight — named in the report for benefiting from a field officer supplied by MP Joe Helper's electorate office budget — said she was told all staff were paid for by the Labor Party.

'It was my understanding they were a resource provided wholly by the party', she said.

As I said, there are many, many unanswered questions, but what is clear, what is abundantly clear, what is crystal clear, is that the artifice designed by the Labor Party and supported by scores of current and former Labor MPs includes six ministers of the Crown — six ministers who, with an investigation by the fraud and extortion squad of Victoria Police on foot, should stand down.

We can have all the political commentary we like about the consequences or otherwise around that issue, or this and that around that issue, but when you distil it to the simple facts, the fraud and extortion squad is examining the artifice, the Ombudsman has identified that six MPs were involved in that artifice and the only course of action available to those MPs should be for them to stand down. If they do not stand down, the Premier should follow the lead of, no doubt, one of his political heroes, Gough Whitlam, and sack them — or at least stand them down until police have done their job.

My final comment is: let the police do their job. The investigation is a matter for Victoria Police. The commentary and the attacks from those who are very close to Daniel Andrews on the investigatory measures used by Victoria Police is a new development in this issue. I do not think it is appropriate — it is wrong — for some of Daniel Andrews's closest supporters, indeed one of his former advisers, to be out there attacking the police. Let the police do their job, let the police conclude the investigation and let us have the six ministers do the right thing and stand down until that investigation is concluded. I commend the motion to the house.

Mr Rich-Phillips — On a point of order, Acting President, I seek your guidance before Mr Dalidakis starts his contribution. As the house is aware, matters relating to the Ombudsman's investigation are currently the subject of an investigation by the Privileges Committee, of which Mr Dalidakis is a member. The members from this side of the house who are on the Privileges Committee have formed the view that it is not appropriate for them to participate in this debate, because they are participating in the Privileges Committee inquiry. I seek your guidance as to whether it is appropriate for Mr Dalidakis, as a member of the Privileges Committee — and other members — to participate in this debate today.

Ms Symes — On the point of order, Acting President, just for the assurance of the house we have sought guidance from the President, who says it is appropriate for us to contribute to this debate.

The ACTING PRESIDENT (Mr Melhem) — In relation to the point of order taken by Mr Rich-Phillips, members of the Privileges Committee are within their rights to speak. Members from the other side who are on the Privileges Committee choose not to speak. I caution members of the Privileges Committee not to divulge any information in their contributions that they may be privy to from the hearings or deliberations of the committee, especially when these matters are not in the public domain. Any matters they are privy to as a result of that process should not be divulged, otherwise they are within their rights to participate in the debate. Mr Dalidakis.

Mr DALIDAKIS (Minister for Trade and Investment) (10:49) — Thank you, Acting President, and thank you for the call. I start with the contribution that Mr O'Donohue concluded on — let the police do their job. Well, to have a motion before this chamber from the opposition that seeks to interfere, to intervene and where they seek to put their own views ahead of Victoria Police's ability to undertake their work and to do their job is hypocrisy at its very best and stupidity at its very worst. Either way, the member has displayed his partisanship for all before him to see when he says Victoria Police should do their job, but then moves a motion in this place to somehow ensure that Victoria Police should somehow believe that their job is unable to be done despite their best efforts because the members of Parliament that Mr O'Donohue has named are somehow intervening in the Victoria Police investigation. I concur with Mr O'Donohue: let the police do their job. The investigation that they are undertaking is but an investigation.

Of course Mr O'Donohue was not interested in moving motions in relation to Mr McCurdy, the member for Ovens Valley in the other place. Mr McCurdy kept his position as a shadow minister despite there having been a formal investigation into his conduct. Since then charges have been laid, so that is all I will say about it. But that gives a very clear example of 'Do what I say, not what I do' for them. Let us be very clear —

Mr O'Donohue interjected.

Mr DALIDAKIS — Let us also be very clear, Acting President, that I did not interject once while the member was on his feet, but he has seen fit —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Melhem) — Order! You can sit down, Mr Dalidakis. Mr Dalidakis has made a very important point. I was sitting here for the duration. Mr O'Donohue was contributing to the

debate with no interjections. I know this is a very emotional issue, and I ask parties to refrain from overdoing it.

Mr DALIDAKIS — As I said, the shadow minister that moved this motion, Mr O'Donohue, was part of a shadow cabinet that was happy to have Mr McCurdy as a member of it while he was under investigation, not asking him to step down from his role until that investigation concluded. What occurred was that he stepped down once charges were laid.

Honourable members interjecting.

Mr DALIDAKIS — Again, Acting President, the interjections continue to come despite the fact that I allowed them to move through their contributions in silence. So the precedent that the opposition —

Honourable members interjecting.

Mr DALIDAKIS — The hypocrisy of those opposite — the precedent that they have set is the precedent that they do not want us to live by. So without a shadow of a doubt I will be opposing this motion of Mr O'Donohue, but I will finish on his own words: let the police do their job.

Dr RATNAM (Northern Metropolitan) (10:54) — The conduct of the Labor Party in the 2014 election and their misuse of parliamentary resources is a very serious matter. It is currently being investigated by the police and this chamber's Privileges Committee. The Ombudsman has already found that several Labor MPs breached the Members Guide. I note it was the Greens who first took the appropriate action of referring the matter to the Ombudsman and then to the Privileges Committee. These were the appropriate actions, using the existing mechanisms when it comes to potential breaches of the Members Guide and code of conduct for members of Parliament.

Now we find ourselves in the midst of a mudslinging match between Labor and the Liberals — police referrals being flung around as well. With all the referrals flying around and police investigations still underway there are too many unknowns. In this context the Greens have concerns about the timing of this motion. We do not take these matters lightly and have given it deep and very serious consideration. However, Labor ministers and the Premier do need to reflect on their own behaviour. It is disappointing Labor are not taking responsibility for their wrongdoing. It is paramount that they do. Instead they have attempted to stymie legitimate inquiries from the beginning.

And all of this comes after this term of Parliament has already been marred with entitlement scandals. It is no wonder that so many people are losing trust and confidence in our decision-makers when they see matters like this played out over and over. The whole episode has demonstrated that there are grey areas in the Members Guide and that parties have sought to take advantage of those. Labor sought to exploit those grey areas in 2014 and crossed a line. Now there are allegations the Liberals did as well. The findings of the Ombudsman spoke to the need for greater clarity on this point. Notwithstanding this, we find it hard to believe that senior, experienced members of Parliament were not aware of what they were doing. The Ombudsman found that:

There is undoubtedly a blurred line between permissible and impermissible uses of parliamentary funds ...

She went on to say that:

... reform is needed to give the public confidence that public funds could not be used in this manner in future.

The Ombudsman also noted that the Members Guide needs to be not only revised but more effectively embedded in members' consciousness. She said:

... stronger, independent investigation and enforcement powers are needed to respond to alleged breaches.

We have a responsibility to both respond to and prevent the decline of the standards of our Parliament. The Greens have been pushing for integrity reform and improvements, and now is the time for everyone in this place to support our proposal for a parliamentary standards commissioner. Someone should have oversight. Today I will be writing to the Premier and the Leader of the Opposition to ask for their support for legislative amendments to establish an independent parliamentary standards commissioner. Such a commissioner would have the ability to provide independent advice to members of Parliament on their conduct and would also have the power to enforce the rules and to investigate alleged breaches.

The advisory model put forward by Labor is not strong enough. We need proper oversight of expenditure, similar to the model put in place in the UK following expenditure scandals. This should be the last Parliament without such oversight. This is the way forward. Sometimes we are left with little option but to react after the fact, but this Parliament and everyone in it has the opportunity now to demonstrate that we are serious about reform to restore trust and integrity in this place. It is disingenuous to claim that you are concerned about the conduct of our elected representatives if you do not

then support the actual reform that can prevent this from occurring in the first place.

As matters unfold, and if there are further serious developments, ministers may have to reconsider their positions as ministers. We all have responsibilities as elected representatives to reflect this institution well. We would argue that ministers have an even greater responsibility in this regard. However, given our concerns about the timing of this motion, as cited earlier, concerns about the potential to inadvertently influence a police investigation and concerns about the number of allegations that are flying around — with just today new referrals to the Ombudsman being made about Liberal MPs — we will not be supporting this motion.

Just to reiterate, if I have not been clear enough, we believe that Labor MPs have made a grave mistake and have not taken the responsibility they need to take, but this motion misses the point. This Parliament should be absolutely preoccupied and focused now — and urgently — on genuine reform if it is serious about integrity.

Mrs PEULICH (South Eastern Metropolitan) (10:59) — First of all could I say I would like to thank Mr O'Donohue for bringing the motion to the house. There is no more important motion than this, and I am absolutely gobsmacked — flabbergasted; confused — about the Greens' position on this motion. This is not just about rorting of public accounts. This is not just about rorting of electorate office budgets. Under the Crimes Act 1958 indeed the preparation of false documents is a breach which in many instances can attract up to 10 years imprisonment.

What this Parliament is doing is executing its most important function, providing the very oversight that Dr Ratnam, perhaps due to her inexperience, fails to understand. This is the level of oversight that Victorians and that Western democracy bestow upon Parliament. This is our duty and our responsibility, and there is no greater responsibility than that of ministers to ensure that indeed the ministerial responsibility and conventions are upheld. There have been ministers that have stood down themselves because of a failure to pay a levy or a tax on an imported teddy bear or a TV set. These were men of honour who took that responsibility seriously, yet we have this Premier rejecting the proposition that ministers who have been investigated by the Ombudsman in an investigation, which one of the ministers involved — the chief law officer of the state — attempted to block using government resources, personnel and money by taking the matter to the High Court, should stand down.

In actual fact the three ministers responsible for the administration of justice and law and order in this state are under investigation by the police, and the Greens do not believe that this is a motion worthy of support. This is not just about rorting of money; this is about rorting of democracy. And if people like Ms Truong, who along with her parents came here from communism, where people are rorted of the opportunity of participating in democracy, support this, then it is a grave injustice and disservice to the Victorian people. This is not just rorting of money; this is rorting of democracy.

This government won a handful of seats by a handful of votes through this artifice. As a result of this chamber executing its rightful duty by making the referral, supported by the Greens, to the Ombudsman we were able to establish at least part of the truth. What is the concept, Mr O'Donohue, for the separation of the two chambers? I beg your pardon, what is the term?

Mr O'Donohue — Exclusive cognisance.

Mrs PEULICH — And due to exclusive cognisance the Ombudsman only had the power to look at the matters involving upper house MPs. But we know the government is formed in the lower house. We know, for example, that the Premier and the minister for integrity share an office and share an office manager. The minister for integrity, a member of this chamber involved and exposed for being involved in this case, would not have been preparing casual employment forms on his own. Staff members prepare these forms; members of Parliament have the responsibility of providing oversight and making sure that indeed the conditions of employment — in other words, that the person is under their supervision working in their electorate — are fulfilled. There is a vast difference between pooling arrangements and signing fraudulent, contrived documents to ensure the payment of staff who never came to your office and many who did not work in your electorate.

The Premier and the minister for integrity share an office and have a shared office manager. He needs to make sure that the three chief law officers of the state — including the Minister for Police, who was a recipient and in actual fact would therefore be a recipient of rorts and, in the world of crime, would have been caught in the possession of stolen goods — stand down, if for nothing else than for public perception and confidence in government. We know the power that ministers have. Having been a cabinet secretary, I know how eager departments are to kowtow to ministers. They need to stand down. The Premier needs to make sure that they stand down so the police can do their job.

The men of honour in the Labor ranks of the past have set a standard that this government and this Premier have dismally failed to uphold.

We also know there is lots of information that is yet to be unearthed. How much was rorted by lower house MPs? We do not know that. That needs to be fully investigated. We do know that Noah Carroll briefed the Labor caucus at a caucus retreat, I believe, in Creswick on this artifice — on these rorts — and I do believe that the Premier was in attendance when Noah Carroll addressed the caucus retreat.

Ms Symes — Were you there?

Mrs PEULICH — No, but I have very good sources — several of them. I have dates and I have times that I am yet to check, but I am not the person who —

Ms Symes interjected.

Mrs PEULICH — I am using my privilege as a member of Parliament to highlight a number of matters that should be of the greatest concern to the state of Victoria. You cannot deliver good policies and accountable government if you turn a blind eye to rorting and cheating, not just of money but of votes and elections. There is no more precious a commodity than the right to your vote.

Constitutional convention for governments using the Westminster system states that a cabinet minister bears the ultimate responsibility for the actions of their ministry or department. It is central to the parliamentary system because it ensures the accountability of the government to the legislature and thus ultimately to the population. And of course there is a collective responsibility of ministers. It signifies that the government remains in office only so long as it retains the confidence of the Parliament and that all ministers should stand or fall together with that government.

If we did not have fixed elections, I believe that we would have had many, many calls from the public for an early election and for this government to in actual fact be brought to its knees. Rorting of democracy should be absolutely at the forefront of every single Victorian's mind, and I am absolutely amazed and appalled that the Greens do not believe that this is absolutely the most prized principle of our Western way of life.

Collective responsibility of ministers implies that ministers are bound by the decisions of the cabinet, even when they have no part in their discussion or decisions. That is why those named must stand down.

All members of government typically speak in concert in Parliament unless the Premier relieves them of that duty. They must be relieved of that duty; either they must act themselves or the Premier must act on their behalf.

Ministers are also responsible to the Parliament; they are personally responsible to the Parliament. They have a personal responsibility for making sure that they check the veracity of any claims or forms that they sign. As the President of the upper house said in evidence to the Privileges Committee, the responsibility falls on each and every one of us. I am absolutely astonished that ministers like Jenny Mikakos, who herself has a law degree, a law background, did not do that. If she does not do that, how can you expect a person in her position with her responsibility to execute due diligence as a minister in making a whole host of decisions that impact on people's lives? You cannot.

Ministers are responsible to the Parliament, and this responsibility includes the minister's own conduct, but it also extends, obviously, to the agencies and departments under his or her control and oversight and all actions taken by their civil servants. It does not matter how much of an arm's length you place between what their departments are undertaking, the investigations that the police are undertaking and the actions of those three ministers, people are astonished that the three justice ministers — the Minister for Corrections and the Minister for Police, recipients of the rorting benefits, and the Attorney-General — still have not been stood aside, when Adem Somyurek, as minister for small business, was stood aside for a much lesser offence, and that investigation was being undertaken by the Department of Premier and Cabinet, not the police.

In the case of wrongdoing or mistake, the minister can be called on to take action to correct the situation, to apologise or even in some cases to resign from a cabinet position. This should be happening now. It should not require this motion. It should not be reliant on the small parties, who in many instances are in cahoots or horse trading on a whole range of policies, for their good grace, for their support for motions of this importance.

Mr Finn — Or in a coalition with Labor.

Mrs PEULICH — Or in a coalition. It is likely, there is a possibility, that the government will have a reduced majority if they are not defeated. They should be defeated, just on the grounds of this particular issue. The Greens will have the opportunity of being able to form government with them. It is no wonder that the

Greens have no intentions of holding this government to account, because they look forward to forming a coalition with them, where they can exercise their power and undue influence on the direction and policy of this state.

It is important to note that while this convention makes ministers politically responsible for their civil servants, it does not relieve the latter of their obligation to obey the law. You can have whatever laws are in place, whatever donation reforms have been made and whatever electoral reforms have been made, but the reality is that the laws were broken. It was not the guidelines; it was laws. We all know — and I have been in Parliament for 21 years — you do not sign forms for people who never front up to your office and who do not work in your electorate, because in actual fact you are committing a fraud. You are committing a fraud, creating false documents, and many of these offences under the Crimes Act are punishable by five to 10 years imprisonment, potentially.

While ministers must take responsibility for the errors of their subordinates, it does not follow that they must accept personal blame for these errors. In this instance, however, what they are allowing is those subordinates to be the fall guys, to be thrown under the bus. Mr Lenders has been thrown under the bus. We all know, for example, that Mr Lenders was a very influential person. I also know that Mr Lenders had failing eyesight. For much of his career he could not see and needed people to actually closely read documents. Now, who actually prepared the documents that he signed? He would not have done that. Who was in his office who prepared those documents? There should be no single fall guy. Those who are responsible for this artifice must be held to account and they must be exposed. Ms Glass, the Ombudsman, has done only part of the job.

Mr Finn — The part that she was allowed to do.

Mrs PEULICH — The part that she was allowed to do. She did claim that there were no personal benefits. I beg to differ with Ms Glass. I believe that there were extensive benefits, which are still currently being enjoyed by those who became ministers as a result of this artifice and by those who became parliamentary secretaries, committee chairmen and the Premier himself. There were most definitely personal benefits. In addition to that, there are those who were instrumental in the machinations and the establishment of this rort, of this regime, who are currently still in government posts, government appointments, who have not been held to account.

If the police are actually going to be able to undertake their job, they must be given every opportunity to have the full cooperation of both the lower house and the upper house, and those six ministers at the very least must step down to allow that to occur.

Twenty-one Victorian Labor MPs, including 11 who are still serving, breached the guidelines but more importantly were instrumental in signing fraudulent forms. The Ombudsman said it was a well-organised campaign by the ALP to recruit and deploy full-time field officers in the run-up to the 2014 Victorian state election. In actual fact the quote from Mr Finnigan, the whistleblower out of Ms Neville's office, was, 'We were told, "Shut your mouth about the way we're being paid". If that's not a clear sign that it's dodgy, then I don't know what is'.

The evidence is that MPs who participated in the arrangements and signed time sheets believed it was legitimate and that they were contributing to an approved pooling arrangement. I do not believe that any of those MPs have executed their responsibilities as members of Parliament, and certainly not as ministers.

The fraud and extortion squad must undertake a full criminal investigation into Labor's 2014 rorts scheme. It is not just about the money, it is about democracy — and the Greens should support this motion.

Dr CARLING-JENKINS (Western Metropolitan) (11:14) — I have given careful consideration to Mr O'Donohue's motion, which is before the house today. The first point that is outlined in the motion is obvious: that this house notes — and it should note — that Victoria Police's fraud and extortion squad has announced an active and formal investigation into Labor's red shirts rorts affair. To stand accused of fraud is a cloud over anyone. It is certainly a terrible cloud over this government, and it is one which they may not survive. That is something that is not for me to judge, but it is something that will be judged at the November election, which is less than four months away.

The second point of this motion is a little bit more difficult for me to support, and I am left with a number of questions, which I would like to list in no particular order. These are genuine questions which I have been grappling with. We have less than four months until the next state election, and I wonder what the point is of disabling the government this close to the election. This could be argued, for example, to be irresponsible to the Victorian community, with the caretaker mode already imminent. The people will decide whether they trust the current government or not on 24 November this year, and I am absolutely sure that the red shirts rort will

factor into the thinking of many when they cast their vote.

Another question I have asked myself as I have looked at this motion is that I am not sure why a no-confidence motion against the individual ministers was not brought to the house where individual ministers could be called to account. That is something that was open to this house; I did check on no-confidence motions. That would seem to me to be a more direct and effective motion to bring forward for debate rather than this motion, which is politically spun and asks the Premier to suspend his own ministers. This house has the right to bring up a no-confidence motion, and I wonder why that was not the path taken.

I also wonder why there seems to be one rule for government ministers and another for shadow ministers. This has not been directly addressed in the contributions yet, although it was addressed in some of the interruptions to Minister Dalidakis's contribution, so I would like it unpacked in future contributions. A shadow minister was under police investigation for alleged fraud in July 2017 but did not resign for eight months, until March 2018, after charges were laid. This seems to me to be a very appropriate course of action. I want to be very clear: I do not criticise the shadow minister or the opposition for the way this was handled. I just ask for an answer to this question that I am raising.

I also note that this house initiated a Privileges Committee reference to investigate the red shirts rort, which I have supported. This committee has the power to recommend, in my understanding, significant sanctions on members. I am not a member of this committee, so that is pure speculation. I only read what it is in the papers, and I will add a caveat here: that you cannot believe everything that is written in the papers obviously.

Mr Finn — Fair dinkum.

Dr CARLING-JENKINS — Yes, fair dinkum, Mr Finn. But I do note that there have been a lot of quotes from those hearings printed in the papers and that some grave concerns are being laid. I do look forward to the Privileges Committee's reporting to this house, and I perhaps wonder if this motion would have been better timed if it had been moved after the report so that we all had all of the facts. Speaking as an Independent member in this house, it is very difficult to get all the facts without the huge support staff that is behind the major parties, for example. This certainly would have helped in deciding about this motion.

My last question is around the Ombudsman's report. On reviewing the Ombudsman's report I note that the ministers identified in this motion were named in a range of ways, with the Ombudsman making no adverse findings against one of the ministers in relation to one key matter and making a comparatively minor finding against that minister in relation to the other key matter. So I wonder why they have all been named in the same way with the same gravity in this motion.

That is my very brief contribution to this motion. I will listen to this debate very closely, and I look forward to the answers to my questions. I do acknowledge the contribution of Mrs Peulich where she talked about the rotting of democracy. I have taken notes on her contribution, and I will work through the points that she presented. I also look forward to the rest of the coalition speakers and their explanations.

I will make one thing very clear. Neither the government nor the opposition have canvassed my views on this motion. There has been no horsetrading; there has been no canvassing at all. I have been subtly threatened, but I have not been consulted. So I reserve my right to declare my position on this motion when the debate is completed.

Ms SYMES (Northern Victoria) (11:19) — At the outset I would like to say that I will not be supporting Mr O'Donohue's motion. It is certainly my view that this motion is an inappropriate attempt by the opposition to prejudice or influence the outcome of a police investigation. I do not think it is the job of our house to interfere or shadow any investigation or inquiry that is being undertaken by the appropriate body. Of course in relation to this matter we have the police investigation and the Privileges Committee investigation. I am a member of the Privileges Committee, and I do take that role quite seriously. I will not reflect in detail on this matter. It is more the process that I am interested in in my contribution.

Picking up on what Dr Carling-Jenkins raised, the motion is quite curious to me in that, as the previous speaker pointed out, there are other ways to go about this. There is no power for this house to compel the Premier to do anything. It looks as though this motion probably will not succeed, but in the event that it did succeed it is ineffectual, so it is quite a waste of our time.

I have been sitting here and listening constantly to the opposition and their obsession with trying to convince themselves that they were booted out of office because of a couple of dozen young people knocking on doors and speaking to constituents. This obsession with

absolving yourself of any responsibility for your loss in 2014 is just so tiresome. You need to accept that voters do not get it wrong. I oppose the motion.

Mr FINN (Western Metropolitan) (11:21) — It is very sad indeed today that we have this motion before the house. I commend Mr O'Donohue for bringing this motion forward, but it is very sad that we have such a motion, because never before have we had the sort of police investigation that we currently have into a third of the cabinet. A third of the cabinet is under police investigation — by the fraud and extortion squad, if you do not mind. If anybody had told me that would happen in the Victorian Parliament, I would have had trouble believing it. It is very sad indeed that we have this motion today, because I would have thought it a perfectly legitimate and logical thing for these ministers to step aside whilst they are under investigation. As Mr O'Donohue has pointed out, there is ample precedent for that, and that should have been automatic, but it just goes to show the lack of standards in the Andrews government, and that has become, to most people in the state, a fact of life. As I say, it is sad that this motion is before the house.

It is almost as sad as Mr Dalidakis's defence of the government. He got up and spoke, all in all, for about two and a half minutes. A senior minister charged with the responsibility of defending his Premier, his cabinet colleagues and his government managed to get on his feet for two and a half minutes and give us one of the most pathetic attempts at a defence I have heard in my life. If he was ever a defence counsel, the bloke in the dock would be off to the gallows, based on what we have heard this morning.

Then of course we have the Greens — the great paragons of moral virtue, the people who can do nothing wrong. They are the light to us all. Well, I tell you what, if anybody wants to see what is going to happen in this state post 24 November — if Labor and the Greens are in government together — have a look at what is happening in this Parliament today, where the Greens have jumped into bed with the Labor Party to protect their mates. It is a disgrace. I have got to say to you that the Greens, in my eyes, have lost all credibility. They have lost all claim to any integrity.

Mr O'Donohue interjected.

Mr FINN — They lost it a long time ago, in many people's eyes, indeed, Mr O'Donohue. But the fact of the matter is the Greens like to get up here and tell us how good they are and how pure they are. Well, they can no longer do that, because they are voting today to protect people who are under police investigation by

the fraud and extortion squad. It is called accomplice after the fact, and that is what the Greens have involved themselves in today.

Honourable members interjecting.

Mr FINN — You should get up to Canberra, Mr Mulino — get away, before you are sullied by this very, very nasty artifice we are talking about.

Ms Symes's contribution was, I think, almost as pathetic as Mr Dalidakis's. She obviously drew the short straw. They had to have two speakers, and because she is the whip she got the job of defending the indefensible. She got up, and she did not do a very good job, I have to say. I do not wish to be harsh on her, but she did not do a very good job at all.

This motion is before the house today because this government is again displaying its ongoing contempt for the Parliament itself. It is showing its ongoing contempt for the process of law. What we have seen from this government since this matter broke and since the Ombudsman attempted to investigate this matter is one barrier after another being put up by the government to prevent the truth coming out, quite often at the expense of the Victorian taxpayer. We know that this government spent over \$1 million going to the High Court in Canberra to protect itself from the Ombudsman and to protect itself from the truth. As we know, the Andrews government and the truth have never been seen in the same room together and are unlikely to be in the foreseeable future.

We heard Dr Ratnam talking about why people have such a low regard for politicians. And she is right — people do have a low regard for politicians. Mr O'Donohue referred to the pub test. People are asking in pubs, in fish and chip shops, in lounge rooms and wherever they gather around this state, 'Is our government corrupt?'. They are asking, 'Is the Andrews government comprised of crooks?'. They are asking that, and they are entitled to an answer. I am very hopeful that by the time the police conclude their investigations we will have an answer, but in the meantime, all of those ministers who are named in this motion — the Special Minister of State; the Attorney-General and Minister for Racing; the Minister for Sport, Minister for Tourism and Major Events and Minister for Veterans; the Minister for Families and Children; the Minister for Training and Skills and Minister for Corrections; and the Minister for Energy, Environment and Climate Change — should be stood down. I just might add that the Minister for Police should stand down as well, because she was a beneficiary of this rorting. She was one of the ones who

benefited directly from this outrageous rort against the people of Victoria.

When the people of this state ask themselves or indeed each other, 'Is our government corrupt? Is the Andrews government corrupt?', they look at what is happening, and they can only come to one conclusion. And I have to say that the government only has itself to blame. We have an extraordinary situation here where a number of ministers who are under police investigation and who are indeed the subject of this particular motion are senior members of the Andrews government. We have, for example, Mr Jennings, the Leader of the Government in the upper house and the man charged with responsibility for parliamentary integrity — can you believe that? The man who is supposed to protect parliamentary integrity is under investigation by the fraud and extortion squad.

Honourable members interjecting.

Mr FINN — Apparently, according to Daniel Andrews, that is fine. Let us not forget that Mr Jennings is in the inner circle. There are very few in the inner circle, I have got to say, as most members of the opposition — that was a Freudian slip; that is coming — as most members of the government will agree. There are very few in the inner circle, but Mr Jennings is most certainly one of them.

Then of course we have Mr Pakula, the Attorney-General of Victoria — the man; the number one law officer in this state — being investigated by the police, and he is keeping his job. Every day he is overseeing the legal system in this state. He is appointing magistrates, he is appointing judges, he is doing all the things that an Attorney-General does. But he does a little bit extra, because he is waiting for the knock on the door from the police. Whether that comes at 6 o'clock in the morning or 6 o'clock at night, I do not know. Nor does he, and that may well be why he is a little bit nervous, more than a little bit nervous, at the moment.

Then of course as almost an afterthought we have the Deputy Premier, who has taken on the role of what Neil Mitchell described this morning as an attack dog, to which Mr Mitchell then added, 'more of a chihuahua actually'. I thought that was a pretty good line actually from Neil, and it is true. Here is Mr Merlino — 'Yap, yap, yap, yap, yap' — yapping away like one of those little dogs that gets snappy, and he is throwing rocks, he is throwing mud, and none of it has any justification. He has no proof for any of it. He is just throwing mud and throwing rocks in the hope that people will actually look somewhere else apart from what is going on in his

own government. You can understand why he would do that, given the state of the Andrews government at the minute.

Very shortly after the election of the Andrews government — it was not long after in fact Mr Andrews cancelled the east–west link at a cost of \$1.4 thousand million after telling us it would not cost us a red cent — the Premier stood aside one of his own ministers in what was clearly an internal battle —

Mr O’Donohue — A factional battle.

Mr FINN — Well, it was a factional hit, yes, but an internal battle within the ALP. Now, nobody was suggesting that Mr Somyurek had done anything illegal. Nobody was suggesting or had suggested that Mr Somyurek should be investigated or charged by the police. But he was stood down within a matter of minutes by a Premier who quite frankly hates his guts. That is what it comes down to. We have got to remember that the hatred within the Labor Party is something that has to be seen to be believed. They hate each other more than they will ever hate us. But yet interestingly enough they are all sticking together at the moment, and you have got to wonder why. Is this a case of mass butt-covering? I think we may be seeing that at the moment.

But Mr Somyurek was accused of being a little overexuberant in the office apparently and a little bit colourful. He was stood down within a matter of minutes and he of course was never seen again in the cabinet. Out the door he was.

Honourable members interjecting.

Mr FINN — Oh, there is no doubt Mr Somyurek is still very active in the ALP. There are no two ways about that.

Honourable members interjecting.

Mr FINN — They do call him ‘Sir’ — well, some do. I think Jill Hennessy has got another name for him. There you go. Mr Merlino has come into that once again.

Here was Mr Somyurek who was under no criminal investigation — there was no suggestion that he should be under criminal investigation — but he was sacked. He was thrown out by this Premier. But here we have all these ministers — a third of the state cabinet — under investigation by the fraud and extortion squad of Victoria Police. And what does Daniel Andrews do? ‘Nothing to see here; move on’.

The Minister for Corrections, the minister responsible for jails across Victoria, is under investigation, but she keeps her job. The Attorney-General, he keeps his job. The minister responsible for integrity in this Parliament, he keeps his job. Dear, dear me.

What about, I have to ask, Victorians though? What about Victorians? Here we have a government that is in total crisis. We saw that last Thursday when the first doorknocks came. When the first knocks on that door came from Victoria Police the government shut down. They all headed for the hills. They could not wait to get out of the place.

Honourable members interjecting.

Mr FINN — Indeed, if they did not get to the hills they went to the bunker. Indeed they did. And this is what we have come to expect from this government.

So instead of what I said before, this mass butt-covering, and instead of adopting an attitude of ‘To hell with the people, we’re here to protect ourselves’, how about Daniel Andrews actually doing the right thing and standing down these ministers until they can be properly investigated and we can actually get some justice on this matter?

Ms SHING (Eastern Victoria) (11:36) — We have had a succession of claims made by those opposite today at varying pitches and with varying degrees of exuberance, and what we are finding out rapidly in the course of the debate of this motion is that the level of not only self-congratulation but abject lack of awareness from those opposite as to the complete irony of the position that they are taking knows apparently no bounds.

We have seen those opposite talk extensively about how standards must be applied uniformly and across the board. When it comes to actually assessing their own track record in relation to everything from parliamentary procedure through to the way in which members of their own coalition ranks have been dealt with in the course of some pretty underhanded dealings, we see that it is very much a case, at least from their perspective, of doing as they say and not as they do. It is fitting, in fact, that we are in the process of debating this particular motion today on the one-year anniversary of the dinner which involved lobster and Grange — an unlikely pairing if ever we will have one. It is fitting, in fact, that on this one-year anniversary we have a series of claims being made by those opposite about individuals being the subject of police investigations when in fact that is not what the police have said.

Last Friday I got to my feet in relation to a motion moved by Mr O'Donohue to read out the statement that had been issued by the police media unit which in fact indicated not at any place within its three paragraphs that there were any particular individuals being investigated. Yet that has not stopped those opposite from going off on a frolic of their own — I suspect we will be here for some hours while they indulge in that process — to make claims which are in fact not backed up by anything other than their own extensive imaginations and a selective discussion of matters which the Ombudsman has investigated and made findings in relation to.

So it is going to be a curious day for the upper house here in the context of the ardent claims from those opposite and their wilful blindness as to their own conduct along with the ongoing position being espoused by Mr O'Donohue that the police should be allowed to do their job, which is precisely the position that we have echoed, whilst then claiming in some sort of bizarre attempt at doublespeak, which probably would not make the grade in any sort of Big Brother context but which is a valiant attempt nonetheless, to in fact do exactly the opposite to that. The motion which has been put is, I think, not just a cheap stunt but creates a significant degree of risk for those opposite, and as matters unfold I am sure that we will see the extent to which their own words may return to bite them.

Mr MORRIS (Western Victoria) (11:40) — After hearing that contribution from Ms Shing, the opening statement I might make is that denial ain't just a river in Egypt. Ms Shing is in complete denial about these very serious circumstances that we find ourselves in and this significant criminal investigation that her party and colleagues are subjected to.

I certainly commend Mr O'Donohue on moving this incredibly important motion, because it is crucial that the people of Victoria have confidence and certainty that the government that leads this state is one that can be trusted. Unfortunately we are in a situation right now where there is not trust and confidence in this government. There are significant questions that need to be answered, and indeed a significant criminal investigation is being undertaken presently by Victoria Police. It is absolutely crucial that that investigation is not interfered with. It is equally crucial that Victorians have confidence in this government. It is crucial that the current ministers who are named in and the subject of the findings in the Ombudsman's report that sparked this criminal investigation by Victoria Police stand down from their roles because we cannot certainly have confidence in these ministers going about their jobs.

It was of course not just ministers and not just MPs who were named in this report. I find it absolutely flabbergasting that there are not only ministers and MPs named in the Ombudsman's report but also a candidate that the Labor Party have chosen to preselect for the seat of Buninyong. Even more concerning is the fact that this candidate was seen and photographed leaving the Ballarat police station last week. One can only assume, as she was a red shirt — she was the lead red shirt in the lead-up to the last election — that Michaela Settle was one of those who was arrested for the purposes of questioning last week and that she was required to attend the police station as part of a criminal investigation of a rort from which she benefited in the order of over \$20 000. She allegedly was working for the former member for Ripon, Joe Helper, but rather than actually working, helping and assisting the former member for Ripon and the people of Ripon, Michaela Settle was campaigning and organising the campaign for the member for Wendouree in Ballarat.

Not only is Michaela Settle named in the Ombudsman's report, but being the lead red shirt she also addressed the launch of the Community Action Network on 3 October 2014, as detailed in the Ombudsman's report, which reads:

Field organiser Michaela Settle also spoke at the launch, outlining the nature, focus and duration of the Community Action Network's efforts in 2014 ...

She is quoted as saying:

I want to welcome the dedicated volunteers, volunteer leaders, phone-banking captains, doorknocking captains. These are the people on whom our movement relies. I welcome you, the members of our Community Action Network.

Tonight, we celebrate your hard work. Tonight, we say 'thank you' to the volunteers that over the last 241 days have built a real and reliable grass movement that gives voice to the values that we live and fight for.

Every political party has volunteers — genuine volunteers — that get out there and help, whether it be in the lead-up to election day or on election day handing out how-to-vote cards, doorknocking and the like. However, what is at issue here is not the volunteers; what is at issue here is the spending of our taxpayers money to pay for ALP field organisers who were not volunteers, who were not giving of their own free time to assist their party, but rather were being paid for by Victorian taxpayers to campaign for the ALP. The Ombudsman very clearly has described this program, this organisation, this scheme, as an artifice. It was something that was developed and it attempted to deceive the good people of Victoria about what the genuine role of this was.

Michaela Settle in her role as candidate for Buninyong has not made one public statement explaining her role in this shocking, disgraceful rort. It is an absolute disgrace that someone who wants to put themselves up for election refuses to answer any questions about her involvement in this scheme that is now being investigated by Victoria Police. I have said, and I will clearly say once again, that if Michaela Settle refuses to explain her role in this rort, then she should stand down as the candidate for Buninyong. The good people of Buninyong deserve better than to have a wannabe member who runs and hides when questions about her conduct are being asked and she refuses to answer. I know the media in Ballarat have made repeated contact with Michaela Settle, and she has refused at every turn to answer any questions about her involvement in this rort, which is now under criminal investigation. That is simply an unacceptable, untenable position that Michaela Settle is in. She must stand down as the candidate, because the people of Buninyong expect to have a member who is of good character and who is willing and able to answer questions about their conduct in a potentially criminal investigation that is occurring right now.

To come back to the substance particularly of this motion, these ministers must stand down because the criminal investigation that is ongoing certainly makes their positions untenable. I think potentially, if the Ombudsman had been able to conduct her inquiries more broadly, there may have been additional questions being asked of several other ministers. One of those ministers is a minister in this place, Minister Pulford. Minister Pulford has an electorate officer by the name of Tim Miller. Tim Miller actually appears in the Ombudsman's report, not by name but in a photograph. There is a photograph of all the field organisers when they were coming together for their training, and one, Tim Miller, is present in that photograph.

Mr O'Donohue was talking earlier about very careful and scripted comments. Ms Pulford has repeatedly been asked about Mr Miller in this place, and each time she gives a very, very careful and very scripted response to those questions in which she states that her electorate office staff were always employed and worked in her electorate. Western Victoria Region is a very, very large electorate. It contains the seat Buninyong, a seat that was very, very marginal at the last election. If one goes through the electoral pendulum at the last election and you select those seats that were very, very marginal, you notice that the vast majority of those have a field officer which is named in the Ombudsman's report attached to them. Remarkably Buninyong, which was a very, very marginal seat, is not listed there.

Mr O'Sullivan — Why is that?

Mr MORRIS — Well, that is a very good question, Mr O'Sullivan. One interesting point is that Ms Pulford actually shares an electorate office with a lower house member. That lower house member just happens to be the member for Buninyong.

Ms Fitzherbert — Surprise, surprise.

Mr MORRIS — Surprise, surprise. I wonder if there may be another upper house member who shares an office with a lower house member. Are there any others?

Mrs Peulich — The minister for integrity!

Mr MORRIS — Indeed, the minister responsible for integrity may indeed share an electorate office with none other than Daniel Andrews, the Premier of Victoria.

What we see here in the Ombudsman's report, whilst being very thorough, is that there were very obvious roadblocks as well put in place as to what the Ombudsman could investigate. As Mr O'Donohue said in his contribution, the \$388 000-odd that the ALP have paid back, as being nominated by the Ombudsman as the amount of money being rorted by the ALP, is really just a starting point. We know that is a starting point. We know there is much, much more that we are yet to discover about this rort. However, we do know that exclusive cognisance is not something that is going to stymie a police investigation.

I actually observed some question time in the other place earlier today, and it reminded me somewhat of a Monty Python sketch. You may recall the Monty Python sketch where the knight was standing guard at the bridge having his arms lopped off, describing this as flesh wounds. We saw the Attorney-General in the other place trying to defend remaining in his position. We saw the Minister for Police attempting to defend remaining in the completely and entirely untenable position that she is in right now. It would have been funny if it was not so sad that we have such a disgraceful government that will not stand down their ministers despite their positions being completely and entirely untenable.

There was also the Deputy Premier, who was trying to goad the opposition, saying, 'The Ombudsman's coming for you'. I might tell Mr Merlino that the Ombudsman has come for him, and we have got a report here. Where did this come from? It came from ALP whistleblowers. There were whistleblowers. Now, what is Mr Merlino doing? He is trying to use emails

that are highly refuted, that are being described by the author of that email themselves as being completely wrong. It is desperate.

Mr O'Donohue — The chihuahua!

Mr MORRIS — Indeed, the chihuahua is desperate. That is the state we are in, where we have got a desperate chihuahua who is attempting to name all and sundry. I would not be surprised if the minister himself has just gone to the parliamentary website, got a list of all Liberal and Nationals MPs —

Ms Fitzherbert — Select all!

Mr MORRIS — yes, select all! — and said, 'These are the ones that need to be investigated. Why? Because we were investigated and got caught out, so we'd better throw some mud over there'. Some evidence — yes, you would think there might be evidence there, wouldn't you, but no, there is none. Mr Leane laughs because he knows it — he knows there is no evidence. They have been caught out. The ALP think that just because they are dodgy, everybody else must be as well.

What we know and what the Ombudsman said was that this rort was undertaken by one party only and that was the ALP, but I must say I am shocked and dismayed that their coalition partners have declared that they are not going to support this motion. The Greens support rorting; they support ALP ministers who are under a police investigation not standing down from their positions, and why? Because they hope, and this is something that Mr Barber always hoped, to get into government in a coalition with the ALP. Now, those opposite will say, 'We won't do it', but we know that if they had the slightest chance of being able to do so, they would jump at it in a second. Dr Ratnam has already declared her hand. She has already said, 'We can't wait to be in a coalition government with the Labor Party'. We have seen that once federally, haven't we? How did that end up? It was a disgrace. It was an absolute disgrace.

Ms Crozier — Tasmania.

Mr MORRIS — Indeed, Tasmania. Victorians need to understand — it is important that all Victorians understand — that there will be two options come 24 November: there is the option for a strong, stable coalition between the Liberals and Nationals or we are going to have a leftist government between the ALP and the Greens. I note that Mr Leane has got a smile from ear to ear. He cannot wait to form a coalition with the Greens. He is very much looking forward to that, no doubt.

This motion is an incredibly important motion. It is a motion that deserves the support of the house. These ministers must stand down. It is completely untenable for these ministers who are in these senior portfolios — the first law officer and the Minister for Corrections — to stay in these positions that they hold because the Victorian people deserve to be able to have confidence in their government and at present they do not. They do not have any confidence in this government whatsoever because they rort, they steal and they cheat.

Mr MULINO (Eastern Victoria) (11:55) — We have been subjected to a succession of speakers who have based much of their commentary on assertion, wild rhetoric and hyperbole. I think it is time to return to some facts. I will quote from the Ombudsman's report because, rather than going to the wild assertions of those opposite about what may or may not be in the minds of those looking at this issue, we do have on the public record a number of statements that I believe we should return to, one of which is directly from the Ombudsman's report. After an exhaustive study, in which the Ombudsman and her expert staff looked at this issue for months, examined thousands of documents and interviewed many, many people, she came to the conclusion:

I accept the assertions of those who provided evidence that they believed the arrangement was a legitimate use of their budget entitlement.

So directly to the issue of their mental state and directly to the issue of whether they were acting in bad faith or not, the Ombudsman made a crystal clear finding based on her team's work. Moreover, the Ombudsman also found that based upon pre-existing pooling arrangements that were in place and that were used by a range of parties from the mid-90s onwards — again, directly quoting from the Ombudsman:

Members signing up to the ...
scheme —

not unreasonably thought they were on familiar ground.

Again, going to the mental state of those involved, they 'not unreasonably thought they were on familiar ground'.

Finally on this issue, in the context of rules, almost everybody who has provided public commentary on this has agreed that they are very, very hazy in many instances. The Ombudsman found:

I agree with ... observations ... that everything members of Parliament do, and therefore everything electorate officers do to support them, has a political aspect ...

Finally, the Ombudsman found that:

Electorate officer work is inherently political.

Her first recommendation is to clarify in the Members Guide the scope of electorate officer work.

What we have are members who reasonably made decisions based upon advice and who acted in good faith. That is on the public record. That is the work that we should be focused on at this stage and we should let other processes run their course. Those opposite, in not focusing on the words of the Ombudsman, I believe, are undertaking a very, very dangerous course.

Ms CROZIER (Southern Metropolitan) (11:58) — That was a very short contribution from Mr Mulino. I am very pleased to be able to rise and speak to Mr O’Donohue’s motion — his excellent motion — and I think it is telling that Mr Mulino did not have much to say about it. Nevertheless I have got plenty that I want to say because, as others on this side of the house have said, it is a complete disgrace that we have a government running the state that is in complete denial about these very serious investigations by Victorian Police and its extortion squad going on. It takes our Parliament and it takes our democratic process — in terms of governance and how a government runs — into a new realm that has never been seen before.

There are so many instances in which this government has demonstrated its unwillingness to accept the facts. The facts are that they have been caught out systematically rotting, and we have seen that not only through the red shirts affair — and the Ombudsman described in her report on a number of occasions what actually went on; I will come back to the report at a later time — but it is the history of this government.

If you just think about what has happened, we have had presiding officers — the former Speaker and former Deputy Speaker — abusing and rotting the second home allowance. Extraordinary. We have had a minister chauffeuring his dogs in cars. We have had other members of this chamber being investigated by IBAC and others because of concerns that have been raised. This is a lack of governance of the most extraordinary degree. Victorians have lost confidence.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Public sector employee information

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:00) — My question is to the Leader of the Government. In relation to the release of personal salary information relating to former Napthine government staffers the minister last sitting week informed the house that the head of the Victorian public service was, quote, ‘contemplating what the appropriate course of action will be’. Will the minister now inform the house what that course of action is?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Mr Rich-Phillips for his question. The Secretary of the Department of Premier and Cabinet did make a referral to the public service commissioner to undertake a review of these matters and a number of factors, as I understand it. I received a summary of the preliminary investigation of that matter yesterday, and that would indicate that there is some way in which there is some degree of authenticity in relation to the datasets that were associated with that information that was released and that had been able to be accessed previously in the last period of government through the department of education, through the Department of Premier and Cabinet and indeed through the Premier of the day’s office — they would have been privy to the information that seemed to have been the subject of some release. There was an investigation about the templates and the system that could have been used to generate that information, and further forensic examination was going to be undertaken about who had access to that material, when it might have been accessed and then the range of people who may have had the ability to either hold that information or share it subsequently.

The additional factor that I understand is that, as I indicated in my initial answer, there were some matters that had been subject to FOI in relation to the quantum of staffing arrangements that did not include personal details and that had been released under FOI, so there are two cohorts of information that may have ended up in that media report — the macro description of the number of employees was covered by FOI and the personal detail matters relate to the forensic examination that is ongoing. I can assure the house that there are very few people within government who have the knowledge about the update of that investigation as I have volunteered to the house.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:03) — I thank the minister for his response. I note that that work by the public service commissioner is ongoing. In the last sitting week I also asked the minister about referring the matter to the information commissioner for his consideration in the context of the Privacy and Data Protection Act 2014. The minister said he would take advice on making a referral to the information commissioner. Can the minister now inform the house what determination was made about making a referral to the commissioner under the Privacy and Data Protection Act?

Mr JENNINGS (Special Minister of State) (12:04) — I know that I did volunteer that. I did also volunteer at the time that I would rely on the independence of officers on the departmental level or the information commissioner themselves making that determination. The report that has come back to me, as I have shared virtually completely with the chamber today — I cannot remember any detail that I have not shared with you — did not include an explanation about whether any reference had been made to the information commissioner or if the information commissioner had actually made a determination themselves. I have not received any advice to that effect.

TAFE funding

Mrs PEULICH (South Eastern Metropolitan) (12:05) — My question is to the Minister for Training and Skills. Last sitting week you stated in relation to free TAFE:

When you talk to ACPET —

standing for the Australian Council of Private Education and Training —

when you talk to ACEVic, when you talk to Learn Locals and when you talk to private providers, they get it. They all support the policy.

Minister, on Tuesday of last week ACPET sent a letter to their members categorically refuting your claims that they support free TAFE. ACPET chief executive officer Rod Camm stated, and I quote:

For the avoidance of doubt, I can clarify that ACPET has not taken part in any consultations in relation to this policy, do not support the policy and have not stated anything to the contrary.

Minister, why have you deliberately and knowingly misrepresented the position of ACPET?

Ms TIERNEY (Minister for Training and Skills) (12:05) — I thank Mrs Peulich for her question. I am aware of the comments made by ACPET. Firstly, can I say ACPET are doing what any peak body does, and that is representing the views of their members, so their comments are not surprising. Can I take this opportunity to actually congratulate ACPET and the role that they have played in terms of the quality drive that has been driven in the private training sector. They have played an important leadership role in making sure that providers know that they cannot get away with some of the things that they were doing in the past, and as a result of that, combined with the efforts that we have undertaken through the blitz and our ongoing work in the department, we now have a private provider sector that is much better than what it was under the previous government.

Secondly, can I remind the house that in this year's budget we are committed to a strong and stable TAFE and training system in this state. ACPET recognise that we do need a robust training system here in Victoria as per their email to members, and that is exactly what we are funding. That is why we are also providing an additional \$304 million for an additional over 30 000 training places. They understand that in terms of having a proper vocational education and training (VET) sector in this state you need to have a strong and robust TAFE sector. As a result of that we have had policy change and transformations that have come through from Skills First but also in terms of our recent budget initiatives.

In terms of ACPET, they understand that we are actually getting VET and the sector up and running and that everyone does get a share of the collective pie. We are definitely in a better position collectively than what we have been in for many, many years, but particularly better than when we had a government that had no real interest in the provision of training and education in this state.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) (12:08) — In his letter Mr Camm stated:

We have been clear in our communications that we believe that this policy has been poorly developed; was developed with little or no industry consultation; and will have a detrimental impact on the 41 per cent of students who have opted to study with an independent training provider ...

Minister, given that you failed to answer the question, will you now apologise to ACPET members for lying about their support for your so-called free TAFE policy?

Ms TIERNEY (Minister for Training and Skills) (12:09) — The answer is no.

Mrs Peulich — On a point of order, President, I believe that this was an opportunity for the minister to correct the record for giving inaccurate information to the house, and given that she has done that could I urge that you counsel her on the need to make a personal explanation during the course of the day?

The PRESIDENT — It is not a point of order, and I do not intend to counsel the minister, but I will be seeking a written explanation, because I do believe that there is some contradiction in what the minister has previously advised the house and what the organisation has indicated.

TAFE funding

Ms LOVELL (Northern Victoria) (12:10) — My question is for the Minister for Training and Skills. Since the start of 2015 more than 20 adult and community education providers have been forced to cancel their registration as training organisations. These include community and neighbourhood houses in Ararat, Corryong, Euroa, Ballarat, Kyneton, Kyabram, Mansfield, Moreland, Preston and Mill Park.

Learn Locals and community education providers are clearly struggling, and many have warned that your free TAFE policy will cause more damage. Minister, in light of your claim last sitting week that ACEVic and Learn Locals ‘get it’ and are ‘on board’, what evidence do you have of their support for this policy?

Honourable members interjecting.

The PRESIDENT — Ms Tierney, without assistance.

Honourable members interjecting.

The PRESIDENT — Thank you! Minister, without assistance.

Ms TIERNEY (Minister for Training and Skills) (12:11) — I thank Ms Lovell for her question and for the opportunity to talk about the Learn Local community in this state and the important role that they play at a very grassroots level to provide training — accredited training as well as preaccredited training — and the important role that they play in delivering foundation training in literacy and numeracy. They also of course play a very important role in terms of pathways to jobs, particularly through training.

Ms Lovell interjected.

Ms TIERNEY — In terms of the actual question that Ms Lovell raises, yes, there are issues in terms of some Learn Locals, but it is not due to what she is saying.

Ms Lovell interjected.

Ms TIERNEY — There are a number of Learn Locals that have had issues for some time, and we saw that in terms of Warrnambool, with the SIL organisation that Mr Purcell can confirm. There are a number of Learn Locals which for a whole range of reasons have had financial vulnerabilities over a long, long period of time, way before Skills First came about and way before any other policy change.

Ms Lovell interjected.

Ms TIERNEY — What happens of course is that the department is contacted by Learn Locals that might be facing some financial vulnerabilities and they work through the issues. They try and work out exactly what are the fundamental financial concerns and what are the structural problems that might be there, because it is important —

Ms Lovell — On a point of order, President, we are now more than halfway through the minister’s answer. We have heard what Learn Locals do, but we have not had a response to the question, which was: what evidence did she have of their support for the policy?

Ms Shing — Throughout the answer that the minister has been giving Ms Lovell has been constantly, constantly interjecting. I would be surprised if she had actually heard what the minister had to say during that time.

Ms Lovell — I haven’t been.

The PRESIDENT — Indeed I think you have, and I do expect the minister to be heard without assistance or without interjection from people so that we all do appreciate whether or not the answer being provided is apposite to the question. The minister still has time to address the specific matter that was raised in the question, and I invite her to continue, as she will.

Ms TIERNEY — Thank you, President. So the department engages with any Learn Local that is facing difficulties, and we work with them to try and assist and work out whether there are a whole range of actions that can be taken to alleviate the situation. But at the end of the day there needs to be a decision taken by the actual board of the Learn Local, and it is also in the hands of the Adult, Community and Further Education

Board in terms of the ongoing long-term sustainability of a particular organisation.

Now, in terms of the actual organisations that you have raised, when we have talked with them about our free TAFE initiative they have understood that the government has made a decision to put a peg in the ground. It is about making sure that the peg is in TAFE and the TAFE sector is the engine of the education and training sector. They understand that and they support the need for there to be a strong and effective TAFE sector, unlike those who I would classify as a nomadic tribe that only know one thing, and that is to slash and burn wherever they go. They did it in the TAFE sector, and if they seize government again we have got no doubt the nomadic tribe will return to smash —

The PRESIDENT — Thank you, Minister.

Supplementary question

Ms LOVELL (Northern Victoria) (12:16) — That was a bizarre answer, and obviously you have no evidence. Minister, Karen Hagan, the general manager of the Campaspe College of Adult Education, has described your free TAFE policy as the death knell for many Learn Locals that are registered training organisations, saying they cannot sit back and be steamrolled by political vote-grabbing tactics. Minister, with people like Karen actively voicing their concern about what free TAFE will mean for the adult and community education sector, why have you misled Parliament and Victorians by telling us that Learn Locals like the one Karen runs are on board with your policy?

Mr Dalidakis interjected.

The PRESIDENT (12:16) — Order! Mr Dalidakis, 15 minutes, thank you.

Mr Dalidakis withdrew from chamber.

Ms TIERNEY (Minister for Training and Skills) (12:17) — In a previous question I have talked about the importance of Learn Locals. I would also like to raise the importance generally of adult community education and the work that is being done by the department to improve adult community education in Victoria. I take this opportunity to encourage people to make comments, give inputs and participate in the consultation that is being undertaken this month to feed into that.

Ms Lovell interjected.

Ms TIERNEY — Leaving that to one side — if you shush for one moment, Ms Lovell — in terms of Campaspe, which is on the front page of the *Riverine Herald*, the local newspaper, the fact is that it has experienced financial vulnerabilities for a number of years, Ms Lovell, and has approached the department for assistance since before 2016 —

The PRESIDENT — Thank you, Minister.

TAFE funding

Ms FITZHERBERT (Southern Metropolitan) (12:18) — My question is to the Minister for Training and Skills. Navitas, a global and highly reputable dual-sector training provider, has announced it will divest itself of or close Health Skills Australia, including its Melbourne campus, where 500 students are enrolled in nursing. The Navitas deputy CEO, Joseph Anthonysz, said Navitas has exhausted all options to retain and grow its nursing education college in Melbourne, describing your decision to make courses free at TAFE as the final blow. Minister, when Mr Anthonysz informed your department and your office that your free TAFE policy would force Navitas to walk away from investing in Melbourne, what steps did you take to keep this quality provider in Victoria?

Ms TIERNEY (Minister for Training and Skills) (12:18) — I thank Ms Fitzherbert for her question. I am really interested in all the levels and angles that come into question time when it comes to TAFE, because again it reinforces our view that there is nothing that is going to stop those opposite from smashing TAFE and the vocational training sector in this state if they are successful in November.

Everyone in this community is on board in terms of free TAFE. People are on board in terms of wanting a viable vocational education and training sector in this state. People are absolutely on board with the fact that there is hope and there is vision being provided and laid out before the Victorian community, where people now know where they can go to have a free training and skills course. They know that there is strong support for the apprenticeship system. They know that there is a system that is public as well as private. We know that we have got a strong commitment in terms of capital works, particularly in our regional areas.

None of that occurred under the previous government, and it will not occur if they are elected in November, because we know that there will not just be no free TAFE under the Liberals, there will be no TAFE. I cannot believe that those opposite do not understand that when a private provider goes belly up or is having

difficulty the department reaches out and sees what assistance can be given, and indeed we make arrangements for students so that there are alternatives so they can finish their courses.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:21) — Minister, in 2017 your government refused to grant Health Skills Australia a Skills First contract. Your decision to exclude them from funding in 2017 and the instability of training contracts in Victoria have been a big factor in their decision to exit from nursing training in Victoria. Minister, why are you disadvantaging Victorian students by actively driving quality training providers like Navitas out of the state?

Ms TIERNEY (Minister for Training and Skills) (12:21) — Again, no-one is being driven out of this state. The fact of the matter is that we have put in a very, very strong framework where people actually need to pass some tests and reach some benchmarks that enable them to qualify and be eligible for Skills First contracts. If they do not reach those benchmarks, they simply do not get the contracts.

Cross-border commissioner

Mr O’SULLIVAN (Northern Victoria) (12:22) — My question is for the Minister for Regional Development. Minister, you have allocated \$760 000 over two years to establish a Victorian cross-border commissioner. Last week the position was advertised with a salary of between \$210 000 and \$337 000. This only leaves between \$42 000 and \$169 000 per annum to pay for staff costs, office costs, travel costs and other costs. How will the commissioner be able to do their job properly with this grossly inadequate funding package?

Ms PULFORD (Minister for Regional Development) (12:22) — I thank Mr O’Sullivan for his interest in Labor’s commitment to establishing a cross-border commissioner. This is an idea that came to us through the regional partnerships model of community advocacy and was presented by the Mallee regional partnership to me and a number of my colleagues some time ago. In that intervening period, having been immediately attracted to and interested in this idea, we have undertaken a feasibility study and I have had the opportunity to meet with the New South Wales cross-border commissioner, James McTavish, on a couple of occasions. That has all been about informing us of what a Victorian cross-border commissioner would look like, with a view to informing a future government decision about whether

or not to establish one. As Mr O’Sullivan rightly points out and as members will have seen, that was confirmed in the budget.

Sitting behind that budget announcement of \$760 000 to establish the office of the cross-border commissioner is quite deep consideration of the function of the office, the role of the commissioner and the kinds of resources that the commissioner will need. I am absolutely confident that the commissioner is going to be properly resourced. The position has been advertised in newspapers in cross-border communities and in all the other usual places that you would advertise positions online — employment services and the like. It is an EO2 salary band, which is in the order of \$220 000 to \$330 000. We are casting the net as widely as we can in the hope that we have many excellent applicants apply and look forward to a really competitive recruitment process.

I have asked Win Scott, the chair of the Mallee regional partnership, if she would be a member of the interview panel. I have also asked James McTavish, the New South Wales cross-border commissioner, if he would be too, as the person that I have met who knows the most about what this would be like, being the only other person in the country with this job. They both have agreed to assist us in that endeavour, which is fantastic.

We hope to have this position up and running in the next couple of months, with the usual recruitment processes — interviews, selection of candidate and notice period, perhaps, with the current employment of the successful candidate — but I can certainly assure Mr O’Sullivan that resources are available to support the operation of the cross-border commissioner. They are based on very close consideration of how that works and works well in New South Wales, and I look forward to Mr O’Sullivan’s continued support of this initiative that our government has taken at the suggestion of the local community.

For people in our cross-border communities — and I am not one, having grown up in Castlemaine and living in Ballarat and a couple of locations that could easily lay claim to being the geographical centre of Victoria — I am always struck when I am meeting with and talking to people in our cross-border communities about the intense frustration that exists with cross-border issues. Sometimes these can be small issues — say, a plumber operating in a tri-state area who needs three registration stickers, three licences, on their vehicle and in their vehicle. The more troubling example that I have heard and that I have cited on occasion is of a young student from Victoria who needs

to access a special needs school to meet her particular education needs. The nearest school is in New South Wales, so that is all fine. Those arrangements all work pretty seamlessly, but catching the bus is a whole other level of complexity and the bus services just were not aligning.

Those are the kinds of things that would drive you completely mad if it was your own family and your own situation, but then of course there are much bigger questions as well around how services are delivered for these communities.

Supplementary question

Mr O’SULLIVAN (Northern Victoria) (12:26) — I thank the minister for her answer in relation to that question. My supplementary question is: will the commissioner have staff, and whereabouts will they be located?

Ms PULFORD (Minister for Regional Development) (12:27) — The model that we have chosen, which is again greatly informed by our observations of the New South Wales model, is that the cross-border commissioner would be supported by one staff member. I cannot recall exactly the salary range that we planned to advertise that position at, but we will wait until the cross-border commissioner is in place before recruiting the other position in the office.

Honourable members interjecting.

Ms PULFORD — It is perhaps a level 5, but do not hold me to that. It is a model that is also very similar to the work of the Victorian skills commissioner as well, the idea being that the job of the cross-border commissioner is to ensure that all the rest of the agencies and other bits of government are doing what they need to be doing to make life easier for our cross-border communities. The model that New South Wales has adopted that we are very attracted to is small and is agile.

As for location, we are going to wait until we have recruited the best person before determining the location, but we have Victorian government offices in so many communities in regional Victoria that I expect that these are positions that will be largely undertaken from the car or in a variety of locations. One location in particular is probably less likely to be the —

The PRESIDENT — Thank you, Minister.

VicForests

Ms DUNN (Eastern Metropolitan) (12:28) — My question is for the Minister for Agriculture. Minister, last year VicForests commenced the process of again seeking Forest Stewardship Council (FSC) certification of its products. This was reportedly at the behest of its largest timber retailer, the hardware chain Bunnings. Bunnings has told VicForests that it needs to secure the necessary social licence to operate into the future, warning it was unable to source from suppliers which cannot demonstrate progress towards responsible timber procurement. FSC auditors advised VicForests in December 2017 that its bid to obtain controlled wood certification, the lowest level of certification on offer, had failed. Minister, when will VicForests release the FSC audit report?

Ms PULFORD (Minister for Agriculture) (12:29) — I thank Ms Dunn for her question. What I can indicate to Ms Dunn is that since she last raised this matter, in the last sitting week, VicForests have provided me with some further detail of the results of that audit process. There was nothing in there that I think was of any particular surprise in the way of feedback to VicForests about FSC. One of the things that the FSC certification people look for is a high level of community support and stakeholder support for forest management practices, and there are certainly a number of people in the community — and Ms Dunn would probably be proud to proclaim to be one of them — that just do not believe that we should be having a native timber industry at all. So that is certainly one area that remains challenging in Victoria while there is such a contest of the role of a native timber industry in the state. That is but one example.

I am uncertain as to whether or not VicForests intends to publicly release that information. It is not something that, as I said, has been of any surprise. VicForests have been on a journey towards FSC certification for some time, and they remain on that journey, and this assessment I do not think is a particularly significant milestone in that journey given that they continue to seek to meet the standards required for FSC, but there are some that remain challenging for VicForests.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:31) — Thank you, Minister. Minister, is it the case that the audit report has been withheld from the public because it catalogues embarrassing instances of illegal logging by VicForests and an inability to close off non-conformances due to logging practices carried out under your watch?

Ms PULFORD (Minister for Agriculture) (12:31) — I would suggest that the report and evaluation would probably be far less emotive in its language in its description of VicForests's practices, and I would just suggest that Ms Dunn's assertions are their usual wildly exaggerated selves in this question, so I am not sure that I feel like I can offer the chamber much more assistance in the way of an answer to a question that is so comprehensively loaded as that one.

Greater glider protection

Ms DUNN (Eastern Metropolitan) (12:32) — My question is for the Minister for Agriculture. Minister, there have been recent reports that VicForests have been setting up experiments to determine the kill rate of greater gliders during and after the logging of coupes. I refer the minister to the ABC News online report from which I quote:

And when asked if gliders that survived the initial logging would die when VicForests burnt the leftover wood, the company's manager of biodiversity conservation, Tim McBride, said, 'Yep, that's a very likely outcome'.

By VicForests's own admission in a public statement on 1 August, VicForests is applying different techniques to the logging and burning of coupes to find out just how dead the greater gliders are once they have finished. Could the minister explain why the Victorian government is knowingly and deliberately killing greater gliders, even though the scientific advisory committee has recommended that the greater glider be protected by an interim conservation order and that there should be a suspension of logging in critical greater glider habitat?

Ms PULFORD (Minister for Agriculture) (12:33) — See, President, this is what I was just trying to explain a minute ago. The government is not seeking to kill greater gliders; let me just make that completely clear. Again Ms Dunn comes in here and refers to media reports of an email that is a year old and suggests that it is relevant to current logging practice, and it is just not. I think Ms Dunn is going to have to work on the credibility factor in her line of questioning in these issues. There have been excitable and inaccurate claims, as there often are — in fact more often in this room than in any other room in this state, I think. The email that Ms Dunn is referring to the ABC reports of is a year old. It has nothing to do with current activity, and again for the record, I guess — I have said this a lot of times — VicForests are absolutely committed to sustainable logging practices, to fulfilling their responsibilities and indeed to exceeding their responsibilities in terms of our forest management activities.

The staff at VicForests are expert ecologists and foresters. They recently indeed developed a scientific trial, the East Gippsland greater glider project, which is being carried out in existing approved timber harvest sites to build knowledge of the habitat requirements of greater gliders. There are no new forest areas or coupes being used to conduct this research. Additional surveys and measurements are being carried out in existing approved timber harvest sites. So VicForests is actually going above and beyond what is legally required by developing and implementing its greater glider interim protection strategy.

I would again just make the point that Ms Dunn comes in here and wants to suggest that we are a bunch of glider killers with this language about, you know, 'How dead are they?', like it is that Monty Python scene with the parrot, but we are not glider killers and we reject the suggestion because we take our environmental responsibilities incredibly seriously. We do believe that the industry and our responsibilities to the environment and to the gliders and to the possums and to lots of other little creatures that live in the forest can coexist and can be managed in a way where they coexist.

I will just also add that several projects in East Gippsland are using low-intensity harvesting, in some cases between 40 and 80 per cent of the forest, and retaining habitat trees important to greater gliders. There are surveys undertaken and evaluations undertaken of the greater gliders' usage of and return to different areas and recording and comparison of local population numbers and densities. So I completely reject the assertion in this question, and I kind of look forward to the supplementary.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:36) — Thank you, Minister. In VicForests's public statement of 1 August about the experiment, VicForests said they consulted with the Arthur Rylah Institute on the design of the experiment. However, the institute's head of wildlife ecology, Lindy Lumsden, has told ABC that they were 'not involved in designing it'. She said they 'attended one meeting to discuss it and provide feedback' and that they saw problems with the approach of the experiment. Specifically these were 'their sampling design, underlying assumptions and ability to be able to draw valid conclusions'. Minister, considering this experimentation is both sham science and lethal to a vulnerable species, will you direct VicForests to stop the experiments and cease logging greater glider habitat?

Ms PULFORD (Minister for Agriculture) (12:37) — Again Ms Dunn comes in here with a 12-month-old email that relates to something else and makes a whole bunch of wild assertions about an industry that she would like to see finished off —

Honourable members interjecting.

Ms PULFORD — And in fact in the committee stage on legislation around local procurement Ms Dunn came in with her amendment almost suggesting that she cares about the fate of the small timber mills in Victoria. I absolutely respect Ms Dunn's right to seek the policy and the political outcomes that she wishes to achieve, as I do for every member in this place. On this we disagree. With the continued stream of loaded questions that are based on very loose so-called facts, again I have not got much more to add on this one.

The PRESIDENT — Thank you, Minister.

Written responses

The PRESIDENT (12:38) — Order! I am going to ask the Deputy President to just take the chair because I have got a commitment that I need to keep, which members would be aware of. In the questions thus far, can I indicate that I seek written responses to Mr Rich-Phillips's question to Mr Jennings, the supplementary question, one day; Mrs Peulich's question to Ms Tierney, the substantive and supplementary questions, one day; and Ms Fitzherbert's question to Ms Tierney, the substantive question, one day.

If there are matters that relate to questions that have not been answered, in the opinion of a member, satisfactorily, I will take those at another time today when I am in the chair.

Ms Tierney — On a point of order, President, I do understand that you have another appointment that you need to be at, but I do request that I have some indication as to what action will be taken in relation to comments that were made by Ms Bath in a previous question time in a previous sitting in relation to incorrect comments that were made with respect to Mary Faraone, the CEO of Holmesglen, and I understand Mary Faraone has also written to you about this matter.

The PRESIDENT — Yes, I do have some correspondence to that effect, and I will deal with that later given that that has been raised.

Nurse-to-patient ratios

Mr PURCELL (Western Victoria) (12:40) — My question is to Minister Mikakos representing the Minister for Health. Nurses at the Warrnambool Base Hospital, referred to as South West Healthcare, are under enormous pressure as their patient ratios have not kept pace with the increase in demand for their services. The demands on our hospital services are growing, with the 12th consecutive year of record patient throughput increasing by greater than 20 per cent, over 26 000 emergency department presentations per annum and more recently the federal government announcing South West Healthcare Warrnambool as the western Victorian hub of medical student training. Still the hospital is at a level 3 classification, meaning that it has lower nurse-to-patient ratios than level 2 metropolitan hospitals providing the same community support. So I ask the minister: will you reclassify South West Healthcare to a level 2 to improve nurse-to-patient ratios?

Ms MIKAKOS (Minister for Families and Children) (12:41) — Can I begin by firstly thanking Mr Purcell for his question. I think he has shown on a number of occasions now that he is a very passionate advocate for the strength of ratios in protecting patient safety, particularly for his local hospital, Warrnambool Base Hospital. In his question he has particularly highlighted his strong support for nurse and midwife-to-patient ratios. That stands in stark contrast actually to the local Assembly member there, Roma Britnell, who has been incredibly silent on these matters. The reason is —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!

Ms MIKAKOS — We have a very proud track record on these issues. In 2015 in fact the Andrews Labor government became the first state in Australia to legislate to protect nurse-to-patient and midwife-to-patient ratios in law. We did this because we know that patient safety matters and should be protected in our laws. We had a situation when David Davis was in fact the minister where they tried to trade off nurse-to-patient ratios in industrial negotiations. We had a situation where they were trying to trade away and use ratios as a bargaining chip in industrial negotiations — a disgraceful situation where we had nurses needing to strike to protect their wages and conditions, including the ratios.

Ms Crozier interjected.

Ms MIKAKOS — Ms Crozier, you of all people should understand that nurses took collective action to collectively bargain to protect their conditions — something that you never did —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!

Ms Lovell — On a point of order, Deputy President, Ms Mikakos is pointing aggressively at Ms Crozier, and I ask you to ask her to desist from that behaviour.

Ms Shing — On the point of order, Deputy President, Ms Lovell does not have the benefit of the line of sight that we do over here, and I can assure you that there has been provocation from the other side of the chamber, and on that basis if Ms Crozier wants to sit quietly we can continue.

The DEPUTY PRESIDENT — Minister, I ask you to come back to the question, and you do not have to reflect much on the opposition.

Ms MIKAKOS — Thank you, Deputy President. I am getting interjections from the other side. The point I was making is that nurses had to take strike action, take collective bargaining action, in order to protect their wages and conditions. While we had a relative of a former Liberal Premier give nurses the bird — literally give nurses the bird — during that industrial action, what we did was we actually took steps to Toryproof nurse-to-patient ratios in this state to make sure that David Davis or Mary Wooldridge or any other Liberal in the future could not do the same thing again. We have legislated to codify these ratios, which are set out in an enterprise agreement in line with our election commitment.

But the work of protecting and indeed enhancing patient safety continues. Over the last three years the Minister for Health has had an extensive process of consultation to identify priority areas for improvement. In fact the Premier and Minister Hennessy, who is a fantastic Minister for Health, have already announced that the government has a commitment to introduce a bill to strengthen the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015. This includes changes to the rounding rule; improvement of ratios in palliative care, birthing suites and special care nurseries and relating to peak periods in emergency department cubicles; and new ratios in acute stroke units, haematology wards and acute inpatient oncology. These changes will see the employment of an additional 600 nurses and midwives across the state, supported by the work that Minister Tierney is doing in providing free TAFE for the diploma in nursing, making sure that

more young people in our state can take up those opportunities in nursing.

This will mean additional nurses and midwives for South West Healthcare in Warrnambool in areas such as aged care, birthing suites, the special care nursery and subacute settings. I understand that the issue of the classification of the Warrnambool hospital has been raised in consultations. As I have indicated already, legislation is going to come to the Parliament shortly. I will not pre-empt that legislation, but I do want to assure the member that the ratio issue is one that is very dear to our government's heart.

Public land use

Mr BOURMAN (Eastern Victoria) (12:47) — My question today is to the Leader of the Government, Minister Jennings, representing the Minister for Energy, Environment and Climate Change in the other place. My constituents are easily the largest users of public land for many pursuits. We are the ones that are out there, the ones that actually use and enjoy the outdoors on a regular basis and the ones that enjoy the amenity that being out in the bush brings. We are not the inner-city dwellers that like the idea of being out in the bush but rarely, if ever, go there. The Victorian Environmental Assessment Council (VEAC) is conducting an inquiry into the use of public land which has raised the concerns of many public land users. Indeed there will be a rally out the front of Parliament soon regarding this issue specifically. This, along with the spectre of the great forest national park, causes us great concern. My substantive question is: will the minister commit that there will be no further restrictions on the use of public land regardless of the VEAC report?

Mr JENNINGS (Special Minister of State) (12:47) — I thank Mr Bourman for his question. There are a number of things that I just want to comment on in relation to Mr Bourman's question. Obviously the answer that he is seeking will come from my colleague in terms of the formal response to the heart of his question, but on the way through I am just actually interested in commenting on your constituents, as distinct from necessarily any other member's constituents.

I think what all of us should be pleased about is that there are any number of our constituents, regardless of our electorates or the political parties that support us, who in fact do have a deep appreciation of Victoria's natural environment and its virtues, its diversity, its accessibility and the joy that comes to people's lives from accessing it. I think whether they are your

constituents, as you define them, or mine or any other member's, all of us have an appreciation of the rich natural environment of Victoria and all of us have an interest in protecting it in terms of its sustainability into the future and the way in which the community can access it in a way which actually protects that sustainability. We all have a collective interest. Even though we might have different priorities in this chamber about who should access it and for what purpose, all of us should be united in the ultimate protection of our natural environment and its accessibility and popular use by our citizens.

Within that brief that I have actually responded to you on the framing of your question, can I say that VEAC do have a formal responsibility under statute to have a look at the way in which land tenure and conservation values need to be protected and the rights and opportunities for our citizens to engage in recreational pursuits or economic activity. VEAC are absolutely obliged to acquit that responsibility when they make any recommendations about land tenure or the types of activity that can take place across Victorian land in relation to that matter.

Ultimately, at the end of the day, if it was me answering your question I would say that the minister should not pre-empt what VEAC's considerations may be. I think the brief should be consistent with the frame that you have put and I have put in relation to protecting values. We are protecting access and opportunities for our citizens to enjoy the natural environment. I would see what VEAC comes up with before I made any presumption about the recommendations that they may make to acquit their statutory responsibilities.

Supplementary question

Mr BOURMAN (Eastern Victoria) (12:50) — I thank the minister for his answer, and I thank those to my right for their humorous interjections earlier. One of the big and yet unresolved —

Mr Jennings — I didn't hear any of those.

Mr BOURMAN — One of the big and as yet unresolved issues facing public land users is the great forest national park. Despite working groups and despite nearly four years of deliberations, we have had no word from the government about this park. My supplementary question is: will the government commit to supporting rural economies, the timber industry and recreational users and their supporting industries and state that there will be no great forest national park?

Mr JENNINGS (Special Minister of State) (12:51) — Mr Bourman, again I think my interest is in uniting the responsibilities of the state of Victoria and uniting Victorians in the way in which they appreciate those issues. I am not interested in dividing them. The Victorian government have demonstrated time and time again that we recognise the importance of supporting regional communities. We respect jobs that are viable now and into the future. We will provide support for rural communities to be able to acquit that. We have actually demonstrated that time and time again. We would not have conflict about duck season unless our government, for better or for worse, regardless of your vantage point in this chamber, continued to comply with the statute and provide those recreational shooting opportunities.

So in fact it is not all one-way traffic. Our government does recognise that it has obligations to a broad constituency in Victoria to protect environmental values but also to protect the quality of life of our citizens.

Ordered that answer be considered next day on motion of Mr DAVIS (Southern Metropolitan).

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:53) — I inform the house that there are 17 written responses to the following questions on notice: 10 920, 10 923, 11 483, 11 506, 11 528, 11 550, 11 572, 12 544–5, 12 637, 12 648, 12 662, 12 782, 12 784, 12 788–9 and 12 790.

QUESTIONS WITHOUT NOTICE

Written responses

The DEPUTY PRESIDENT (12:53) — I direct a written response to Mr Bourman's first question in two days.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:54) — My question is for the Minister for Roads and Road Safety. For over 12 months the Strathmerton community has pleaded with the minister to make the Murray Valley Highway in the town safer for motorists and local residents by reducing the speed limit from the present 80 kilometres per hour to 60 kilometres per hour. The

entire local community, led by the Strathmerton Community Steering Committee, have steadfastly maintained that the current 80 kilometres speed limit on the Murray Valley Highway is too fast considering the amount of pedestrians that cross the highway, particularly during school bus pick-up and drop-off times.

Together with the shadow minister for roads and infrastructure, David Hodgett, and the Liberal candidate for the Assembly seat of Shepparton, Cheryl Hammer, I visited Strathmerton last week to announce that a Matthew Guy-led Liberal government would prioritise the safety of the Strathmerton community and reduce the speed limit on the Murray Valley Highway through the town. The announcement acknowledged the tireless work of many Strathmerton community representatives to make their town safe. Will the minister finally cease ignoring the concerns of the Strathmerton community, follow the Liberals' lead and lower the speed limit on the Murray Valley Highway to 60 kilometres through Strathmerton?

Northern Victoria Region

Mr GEPP (Northern Victoria) (12:55) — My question is to the Minister for Education. The information I seek is whether Rochester Secondary College in my electorate and the Assembly electorate of Murray Plains will be receiving new apprenticeships and traineeships under the Head Start program. Rochester Secondary College has 340 pupils and it is approximately 180 kilometres north of Melbourne. It provides for the educational needs of a mixture of rural and semirural communities, which includes the township of Rochester and surrounding districts. The school encourages community support and has a close relationship with the community.

In years 11 and 12 students already have a comprehensive range of studies to select from, and the Head Start program would enable students to stay at school an extra year to finish their Victorian certificate of applied learning, Victorian certificate of education and apprenticeships while spending more time doing important, paid and on-the-job training. Head Start will provide apprenticeships targeted at priority industries and traditional trades like construction, defence and health, with enterprise apprenticeships and traineeships to be developed to target high-technology areas needed for the jobs of tomorrow. This program would greatly assist the students of Rochester Secondary College, and I ask the minister to consider these important facts.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:56) — My constituency question is for the Minister for Public Transport. Residents in my electorate who live near Rosanna station have endured the disruptions of the necessary upgrade of the station and the level crossing removal. There were commitments made by the Level Crossing Removal Authority that public open space adjacent to the station would have a shared user path, and this was discussed during public consultations on landscaping both at the start of 2017 and during a drop-in session this month. However, a signalling box has now popped up where the shared user path was meant to be.

Minister, has the Level Crossing Removal Authority failed to properly coordinate with Active Transport Victoria in properly integrating the shared user path into the overall design, and if so, how will this situation be addressed?

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:57) — My constituency question is to the Minister for Public Transport, Jacinta Allan, and is on behalf of a number of constituents in the Geelong and Highton region that have raised concerns about the Transport Accident Commission (TAC) allocating \$4.7 million for dedicated bike lanes on Moorabool Street and High Street, Belmont. In fact many of the retailers, particularly on High Street, are particularly concerned about the potential loss of car parking spaces in front of their retail precinct. There is also a concern from the elderly in particular, who under this proposal would have to cross the dedicated bike lanes to reach the retail precinct, which would come with some danger, as we have seen with dedicated bike tracks around this precinct, particularly on Albert Street.

The question I ask is: given the council are considering four options, could the minister in fact review the proposal by the TAC and the local government, given there is such strong resistance from the retailers, particularly those on High Street, Belmont?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) (12:58) — My question is directed to the Minister for Roads and Road Safety, Luke Donnellan. I just want to acknowledge the \$4 million in the budget to build the close to 1 kilometre of shared-use pathway that will link the EastLink shared-use path and the Dandenong Creek shared-use trails in Knox. I have had a lot of dialogue

with local bike rider groups in that area, and they are keen to know about the progress of this particular project — when it is starting and how the tender is progressing.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:59) — My constituency question is for the Minister for Energy, Environment and Climate Change in the other place and relates to concerns that were raised at the 15th annual general meeting of SEMMA, the South East Melbourne Manufacturers Alliance, that I attended on 31 July 2018 with a number of other colleagues and candidates. SEMMA is comprised of six councils, 12 board members and 216 member organisations. The executive officer in his report to members outlined a concern about energy. He said:

As many of you know, energy, both the price of and the guarantee of supply, have been high on our agenda this year.

He cites a 250 per cent increase in the energy price when compared with 1 July 2014 prices, and he expects similar to be seen in gas prices. The question he asks is: what short and long-term actions are being taken by the government to provide a long-term solution to the cost and availability of energy for manufacturers in particular?

Western Victoria Region

Mr MORRIS (Western Victoria) (13:00) — My constituency question is directed to the Minister for Regional Development and relates to the Ballarat railway station precinct, which I am sure will shock many! The railway station precinct is a development that has caused significant angst in the community. The recent angst has been caused by a very ambiguous plan for a bus interchange, which is to be constructed in the railway station precinct. The question I ask the minister is: will she provide clear and unambiguous advice to residents of the surrounding areas of Ballarat railway station about how and where both V/Line and urban buses will enter and exit the railway station precinct so that residents can have certainty about the impact it will have on their lives?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (13:01) — My constituency question is to the Minister for Planning. The Bulla bypass is a project that is long overdue. I remember when I first ran for the then electorate of Tullamarine back in the early 1990s there was a huge demand for it. In recent years, with the huge increase in traffic volume, the need for the Bulla bypass has

become even more obvious. I have raised this matter on a number of previous occasions with the Minister for Roads and Road Safety, Luke Donnellan, and he has informed me that the Minister for Planning currently has the matter under consideration. That being the case, I ask: when will the minister conclude his considerations and announce a decision on the future of the Bulla bypass?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (13:02) — My matter is for the Minister for Planning and concerns the Woorayl Street reserve and the recent correspondence dated 24 July I received from him. In it he seeks to muddy the waters with respect to that reserve, which the government has earmarked for intense, high-rise development and the removal of much of the vegetation. The minister seeks to outline that something will be protected, so what I seek from him is an answer to the following: will he confirm that in fact most of the Woorayl Street reserve will be lost and the vegetation destroyed?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (13:02) — My question is to the Minister for Roads and Road Safety in the other place and concerns the truck ban trials that have been conducted along the coastal roads between Port Melbourne and Black Rock and a recent announcement of a further trial. My question is about the enforcement that is used for these truck bans. I ask the minister: what, if any, enforcement is currently used in relation to the truck ban and what are the future plans for enforcement?

Sitting suspended 1.03 p.m. until 2.08 p.m.

MINISTERIAL CONDUCT

Debate resumed.

Ms CROZIER (Southern Metropolitan) (14:08) — As I was saying before the break, the Victorian public has certainly lost confidence in this government — this rotting government that has got a long history over three and a half years of the problematic rotting that I described before the break. Mr O'Donohue's motion asks the Premier to stand down six ministers who have been implicated in the Ombudsman's report. Let us not forget what the Ombudsman's report said, as much as the government members might try and deflect and hide — and they have tried to hide from this issue. They have tried to not allow this issue to be in the public domain, because of the court process that they

went through to try and not let this report come to the light of day. They took it to the Supreme Court, they took it to the Court of Appeal and they took it to the High Court — and lost all three. Thank goodness we have the Ombudsman's report that actually demonstrates what went on with some of the MPs in this place and some of the MPs in the lower house.

Can I remind members that when the Minister for Sport, Mr Eren, was asked a question in 2015 — in fact he was asked about his involvement and whether he signed casual employment forms for staff who did not work in his Lara electorate office and were instead deployed to Minister for Police Lisa Neville's Bellarine electorate — at the time Mr Eren said, and I quote:

I reject the premise of the question. It is totally inaccurate.

Well, the Ombudsman found him to be lying about that. In fact the Ombudsman found that he did in fact sign off. We have a number of ministers: Ms Mikakos signed off 70 time sheets. She is the leader in this house of rorting — \$21 000. She is the queen of rorts. She is implicated in this —

Ms Mikakos — On a point of order, Acting President, I make the point to the member in using that language that there is not one reference to the word 'rort' in the Ombudsman's report. So I do take offence at the member using that language, and I ask her to withdraw that.

The ACTING PRESIDENT (Mr Morris) — There is no point of order.

Ms CROZIER — As I was saying, the Ombudsman found Mr Eren to have lied. He lied to the house. He said that the premise of the question was totally inaccurate. He lied. You have been lying to the Victorian public for three and a half years. In fact the Ombudsman said the only party implicated was the government members, and that is exactly what the Ombudsman said on page 17 about a 'pooling arrangement, and that "they all do it"'. Well, that was totally inaccurate too. Oh, come on, Ms Mikakos.

Ms Mikakos — On a point of order, Acting President, the member is misleading the house because the Liberal Party actually voted to exclude itself from scrutiny by the Ombudsman. Stick to the facts.

The ACTING PRESIDENT (Mr Morris) — Ms Mikakos, you know that is not a point of order. That is a point of debate.

Ms CROZIER — Thank you, Acting President, and I will stick to the facts. I will read from the Ombudsman's report:

It was not, and other political parties did not have similar arrangements.

You are the one misleading the house, Ms Mikakos, by trying to divert and lie as you have been doing. You need to stand down. You have failed. This house has had a no-confidence motion in you for your management of youth justice. You have signed 70 days worth of time sheets; it is in the Ombudsman's report. You have \$21 000-odd that you rorted from the Victorian taxpayer. Six ministers!

Mr Gepp — On a point of order, Acting President, the standing orders clearly state that the member should be making a contribution through the Chair rather than pointing, I would say aggressively, at Minister Mikakos across the chamber, so I would invite you to invite her to address her comments through you rather than directly to the minister.

The ACTING PRESIDENT (Mr Morris) — Order! I ask the member to make her contributions through the Chair, but I also remind members on my right that interjections can spur on this type of behaviour.

Ms CROZIER — I am only highlighting the Ombudsman's report to those government members. Clearly they are trying to not understand what the Ombudsman found. They have tried to hide from the truth. They took this issue to the Supreme Court, they took it to the Court of Appeal and they took it to the High Court, and they failed on all three occasions. Why did they want to block what is in this report? Because it is damning, and because they have rorted the taxpayer. It says 'an artifice', and that is why Mr O'Donohue's motion is incredibly important. It goes to the integrity of the government, and it goes to the integrity of the governance of this state.

You are now under police investigation, Ms Mikakos. You, along with Mr Jennings; Mr Eren, the Minister for Sport; Mr Pakula, the Minister for Racing; Ms Neville, the Minister for Police; Ms Tierney —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! I was listening intently to Ms Crozier but cannot hear her over the continual interjections.

Ms CROZIER — I was talking about those six ministers who should stand aside, including Ms Mikakos and Mr Jennings, who are in the chamber at the moment. They are defying exactly the integrity of what good government is about. But we have seen that through the entire almost four years of this government when there has been systematic rotting: the former Deputy President, the former Speaker and the former Deputy Speaker all rotted —

Ms Mikakos interjected.

Ms CROZIER — Ms Mikakos, you are the chief rotter in this with the \$21 000 that you have rotted. You, along with five of your colleagues, should stand aside to bring back integrity to the government and to give integrity back to the Victorian public. Victorians deserve better than all of you. You have been an absolute disgrace in the way you have conducted yourself throughout this process and throughout what you are explaining to the Victorian public. Everybody knows — everybody can see — that your obfuscation in this issue is so —

Ms Mikakos interjected.

Ms CROZIER — Ms Mikakos, you have had a no-confidence motion moved against you in this house, and it is no wonder, because you have displayed totally disgraceful behaviour at every level.

The ACTING PRESIDENT (Mr Morris) — Order! Ms Crozier, through the Chair.

Ms CROZIER — I say again that this motion should be supported by the crossbench and the Greens. I find it absolutely galling that the party that says they want good transparency and good governance are not supporting this. There are six ministers who are still sitting in their seats, being paid by the Victorian taxpayer. This minister in particular, the disregard and the contempt that she has shown for this house and for others —

Ms Mikakos interjected.

Ms CROZIER — I know you do not like me, but that does not worry me. Sticks and stones will break my bones, but you know those names you call? You are unbelievable —

Ms Mikakos interjected.

Ms CROZIER — You can call names. You can do the little fancy tweets that you do that deflect everything that you stand for. You have got no

integrity. You are a woman with no integrity. You are a minister of no integrity.

Ms Mikakos — On a point of order, Acting President, I take offence at that. I ask the member to withdraw that.

Honourable members interjecting.

Ms Mikakos — Where do I start? The point that I am a person with no integrity, I take offence at that. I ask that that be withdrawn.

Ms CROZIER — You have no integrity. You should resign.

Ms Mikakos — You voted to exclude yourself from scrutiny, Ms Crozier. Where is your integrity?

Mr Ondarchie — On the point of order, Acting President, I seek your guidance on this. If Ms Crozier is asked to withdraw a comment that the minister has no integrity, she will then be misleading the house.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! Mr Ondarchie and Ms Mikakos! I am conscious that there is a little bit of heat in the debate; however, I did not hear anything that I deem to be unparliamentary.

Ms CROZIER — I will say again that the minister is the minister for reports, reviews and riots, and she has no integrity. She should stand aside while she is under investigation by the police. It is a disgrace that she sits on the front bench and that she holds the position that she does while she is under investigation.

She along with those five ministers need to stand aside. The Premier himself, if he had any integrity, would ask them to stand aside. Mr Somyurek stood aside for alleged bullying. He has not been in charge of the small business portfolio for some time. You should all stand aside. You are all a disgrace.

Debate adjourned on motion of Mr LEANE (Eastern Metropolitan).

Debate adjourned until later this day.

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

Second reading

**Debate resumed from 25 July; motion of
Ms SPRINGLE (South Eastern Metropolitan).**

Mr Rich-Phillips — I have a point of order, Acting President, for the consideration of the President relating to the eligibility of this bill to be introduced in the Council. Section 62(1) of the Constitution Act 1978 provides:

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.

Examination of the bill shows that clause 5 of the bill seeks to insert section 31F into the principal act which inserts a definition of ‘supplier’ as a person who carries on a business for the supply of beverages. The same clause in the bill then goes on to seek to insert section 31J(1)(a), which provides that a container deposit scheme agreement must require suppliers to pay contributions towards the cost of the management, administration and operation of the scheme. The effect of that is that the implementation of a scheme under the bill will require beverage suppliers to pay contributions towards the cost of the management, administration and operation of the scheme. I would put to the house that a mechanism that requires that is actually imposing an impost which conceivably offends against section 62 of the Constitution Act. Obviously the debate is proceeding, but I would ask that the President take that matter into consideration and provide a view to the house possibly later in the course of this debate.

The ACTING PRESIDENT (Mr Morris) — Mr Rich-Phillips, thank for your point of order. I will take that point of order on notice. I am assuming that we are going to have a significant second-reading debate, which will proceed, and I am sure the President will make his views known on that point of order at the right juncture in time.

Mr DAVIS (Southern Metropolitan) (14:21) — I am pleased to rise and make a contribution to the Environment Protection Amendment (Container Deposit Scheme) Bill 2018. This is a private members bill. It makes a series of amendments to the Environment Protection Act 1970 to introduce a container deposit scheme on glass, aluminium and treated cardboard drink containers. It is relatively closely modelled on the New South Wales scheme and the Waste Avoidance and Resource Recovery

Amendment (Container Deposit Scheme) Act 2016, which introduced the Return and Earn container deposit scheme in New South Wales.

The bill puts a deposit levy on eligible beverage containers, which would be determined through regulation and applied at point of sale and refunded when the container is returned for recycling. There would be an administration fee involved. A network operator and a scheme coordinator would be selected through a competitive tender process to run the scheme. They would have specific responsibilities for establishing and maintaining infrastructure, paying refunds and reporting on data and the effectiveness of the scheme. The Environment Protection Authority Victoria (EPA) would be required under this proposal to prepare annual reports on beverage sales and recovery rates and to review the container deposit scheme to determine what impact it is having on the amount of plastic in the environment.

New section 31J(3)(d) includes:

that any unclaimed refund amounts are paid into the Environment Protection Fund ...

The bill also, I should say, mandates a minimum quantity — 50 per cent of recycled polyethylene terephthalate — in all eligible plastic containers supplied or sold in Victoria from 1 January 2022. Penalties would obviously apply for non-compliance.

There are a couple of points to make here. I think the industry consultation has been very scant, and that is the feedback that we have had from industry. I understand that this has been brought to the chamber in good faith by the Greens political party, but certainly all of the feedback we have had is that this has not had extensive consultation nor does it have broad support in the industry. It also appears that we do not have economic modelling on the impact of this particular container deposit scheme bill. The policy would seek to preserve unclaimed refunds for Treasury to spend on climate change. In effect this will become a tax, not a refund scheme, and I am concerned about that aspect of it in particular. There is no provision, as I understand it, in the bill to allow councils to negotiate with waste collectors and recyclers to benefit from refunds as part of their kerbside collection contracts. The 1970 act, which this bill seeks to amend quite appropriately, could be repealed of course as soon as even by this week’s end if the government’s Environment Protection Amendment Bill 2018 is in fact successful in this chamber.

There are some differences to the New South Wales bill. This bill does not include the specific provision for

local government to negotiate a share of container deposit refunds as part of their kerbside collection. The inclusion of such a clause, I think, would give greater comfort to local government, enabling councils to generate an income through the scheme. Obviously the whole recycling area is in significant flux, given the changes that have occurred with the arrangements that have been in place for some time with China taking a very significant share of our waste stream in Victoria and indeed nationally — China has obviously had a significant rethink on that, and that is a confounding factor, I think, at this point as well.

The scheme would commence in November 2019. I know my colleague Nick Wakeling in the Assembly, who is our shadow minister for the environment, has been consulting very widely on this, and that stands in stark contrast to the approach of the Greens. I know he has talked to the Victorian Transport Association, the Minerals Council of Australia, the Master Grocers Association of Victoria, the Australian Hotels Association, the Victorian Chamber of Commerce and Industry, the Australian Industry Group, Lion, Carlton and United Breweries, the Australian Council of Recycling, the Boomerang Alliance, Clean Up Australia, Environment Victoria, Wine Victoria, Coca-Cola Amatil and more. As I say, the overwhelming response that has come back from industry on this process of consultation is quite negative about this particular scheme. People have their own views on container deposits, and I will say something broader about that in a moment, but it is a matter where we have to deal with the bill that is in front of us, not necessarily just the broad principle.

We have already indicated that we think a national approach to this aspect of recycling is preferable. I do note the good work that has been done by the Boomerang Alliance, and I am very familiar with that organisation and its ongoing support of container deposit legislation (CDL). I am interested to know its views on this. It seems to me that it has not been fulsome in its support of this particular bill. I think if there were one group in the country that are experts in this area, it would be the Boomerang Alliance, and as I said, I have had significant dealings with them before and I rate significantly their capacities.

I should indicate that the coalition understands that there is, at one level, broad community support for container deposit legislation. We understand that the concept in itself has significant merit. Indeed when I was shadow environment minister in 2006 we went to the election with a policy of container deposit legislation, and we also went to the election with a policy of product stewardship, a broader concept that

we saw as a matrix for container deposit legislation. That was very well received publicly. Notwithstanding that, there are issues, as I say, with this specific bill, and those issues have not in my view been satisfactorily addressed. I think that whatever the broader view, we have to deal with the legislation that is actually in front of us.

I know in a previous Parliament, again not so far away, in 2012, the Environment and Planning Legislation Committee, chaired by Mrs Peulich at the time, looked at a previous and similar bill. It pointed to —

Mrs Peulich interjected.

Mr DAVIS — No, I am looking at the report, which was tabled in 2012, and indeed that is correct. It is actually a —

Ms Pennicuik interjected.

Mr DAVIS — Sue, you wrote a minority report.

Ms Pennicuik interjected.

Mr DAVIS — You did. I have got your minority report in front of me. I have also got the extract of proceedings — for example, the deliberative meeting on Wednesday, 15 February 2012, where all of the Labor and coalition members voted that the scheme was not up to scratch. I note that the series of amendments there fell with Labor and the coalition on one side and the Greens on the other. That is often not the way now, of course; often it is Labor and the Greens in lock step. I know the Greens are chafing at the opportunity to be in government — chafing and just running to get there. They are really pushing forward to be in a close arrangement with the government, where I think Ellen Sandell in the Assembly is likely to be the one who would be the Deputy Premier under these arrangements. That is what would probably happen in the deal that is struck.

I think it is worth putting on record the findings and the conclusions of that inquiry. Finding 1 is:

A national container deposit scheme has several advantages over state and territory schemes. Operating multiple schemes across Australia may fail to fully realise economies of scale and may increase the administrative burden and cost when compared to a national scheme.

Finding 2 is:

The scheme proposed by the bill is predicated on using reverse vending machines used in some European countries. However, there are concerns that this technology may not be able to cope with the anticipated volume ...

I think there are genuine issues on that, having looked closely at the issues around the reverse vending machines in the past. Finding 3 is:

There is scope for Victoria to improve its performance in away from home recovery of litter and recycling ...

A number of points are made there. Finding 4 is:

There are concerns about the financial impact of the scheme on existing kerbside recycling and waste recycling businesses.

In South Australia when the model came in obviously those did not exist in the same way as they do now here. Finding 5 is:

Submissions received from local government generally supported the objectives of the proposed scheme. However, many also considered there was insufficient evidence to determine the likely financial impact on their operations.

Finding 6 is:

The scheme proposed by the bill targets only one element of the overall litter problem.

That is true. That is not an absolute argument against it, of course; it is a reasonable point.

Ms Springle — It's a piece of the puzzle, David.

Mr DAVIS — I am conceding that. I am actually conceding that to you and indicating that I understand how you reach some of the conclusions on this, and I agree with some of those steps. It does not necessarily mean I agree with every aspect of this bill. Finding 7 is:

If the scheme proposed by the bill were implemented, public infrastructure, such as bins, may need to be provided and/or altered to encourage separation ...

Finding 8 is:

If the proposed scheme were implemented, there may also be a need for a public campaign warning of the potential health dangers of scavenging for containers (especially in bins).

Finding 9 is:

The number of beverage containers produced and sold each year is increasing. A container deposit scheme would conserve virgin materials through the re-use of this resource.

That is one of the great benefits of CDL or a container deposit scheme arrangement. Finding 10 is:

There is conflicting evidence about the likely impact of the scheme proposed by the bill on beverage prices in Victoria and the cost of living.

When you look at this current bill closely it is clear that the cost of living is likely to increase, and that makes us nervous. Community members are feeling these

cost-of-living impacts very significantly. Those cost-of-living impacts are something that the community is very nervous and very, very mindful of. People do not have the money left over at the end of the week that they would like. They do not have the opportunities that they would like, and every additional impost put on them, including the retention in this scheme of some resources for particular schemes, would be beyond the purview of I think what this should be sensibly focussing on.

Finding 12 is:

The scheme is likely to require existing recycling businesses to capitalise new equipment and/or adapt existing infrastructure. The financial impact on existing recycling businesses could not be established.

This was the point made to the inquiry in February 2012. I am not sure that a lot has changed on this, but the feedback from industry does indicate that this is an issue. Finding 13 is:

Notwithstanding the benefits of the proposed scheme identified in other parts of this report, any deficit incurred by the scheme would ultimately be underwritten by the Victorian government through its responsibility for Environment Protection Authority (Victoria), which would, under the bill, manage the scheme.

That is true of the proposed bill now too. Finding 14 is:

The committee received differing opinions as to the existence of legal or constitutional impediments to the bill and whether the bill can be introduced into the Legislative Council.

At the time we had significant rulings, and the conclusion was that the scheme could be introduced at the time. I understand that there may be further examination by the clerks on this particular bill, and I will obviously wait and welcome their examination of those points.

I put on record some broad parameters on these matters of the constitution and the powers of this chamber to initiate legislation. Legislation that has genuine closed loops for this kind of scheme, it seems to me, is more likely not to fall foul of those provisions. Legislation that has the ability for the retention of resources and funds over a longer haul by government authorities is likely to have much more of the appearance of a tax or levy that is designed to raise revenue, and I think in that context we have got to be very cautious indeed. It is the fact that the community is very sensitive to the increased taxes and charges that this current Labor government has levied, and there are more than a dozen of them. In some counts there are up to 16, depending whether you count the double hits of land tax and stamp duty that have occurred as multiple taxes or whether

you count them as two increases to the one tax and thereby one tranche of increases. But it is very clear that there are more than 12 new taxes despite the promises of the now Premier prior to the last election.

There were numerous promises, whether it was the promise he made on the steps of Parliament House to the television cameras on the night before the election, where he promised there would not be one new tax or impost or charge in his term of government, or the comments he made at the Sky News public forum in Frankston prior to the election where he made that strong commitment that there would not be new taxes and charges on Victorians. The fact is that they have jacked taxes and charges and levies up and it is hurting the community. The now Premier gave a solemn commitment:

I make that promise ... to every single Victorian.

That is what he said to the television —

Mr Finn — And he broke that commitment.

Mr DAVIS — And he broke that commitment, and the truth of the matter is that these —

Mr Mulino — He's paired people every term.

Mr DAVIS — These tax —

Mr Mulino — Every time he's promised to pair, he's done it.

Mr DAVIS — You know that in fact these taxes are a significant increase and you know they are a very significant impost on the community. That is one reason we are very cautious about this bill imposing new taxes and new levies, whether intended or otherwise, on the community. We say that on this occasion we will oppose this particular bill. I do put on record that there is potentially a place for container deposit arrangements that are properly framed. There is potentially a place for container deposit arrangements that fit better within the structure of our waste disposal system.

I know the EPA is sitting on a huge nest egg. In the order of half a billion dollars has been collected through rates and levies that are applied on council rates across the state. Those increases have been very significant under this government despite, again, their promise to cap council rate increases at CPI. They have not done that. They have allowed rate increases to go far beyond CPI, and part of those increases has been this significant take of the waste levy. That has gone into the EPA pool, the funds that are held by the EPA, and it

is true that Daniel Andrews sits on those funds like a dragon sitting on gold. He will not release them. That money is collected for the purposes of supporting recycling and making sure that recycling industries can get off the ground, but in fact the EPA have not been releasing most of that money. In fact they have released it for a few bizarre schemes; solar trams I think was one of them. They used waste levy money to fund solar trams. Of course trams that run on solar are potentially fairly limited in the hours that they can run, or at least I should say true solar trams rather than ones with which you might seek to offset the energy used. The truth of the matter is that a true solar tram would struggle at night. They were funded out of the EPA waste levy.

I would say that the Labor government would be equally concerned about the impact of cost of living on individual families and on small businesses, and the cost of living impact, whether it is energy or water or rates, has been very significant on families and businesses under this government. There have been land tax increases and increases in all of those charges, and I am cautious about this simply being another one of those charges.

Mr MULINO (Eastern Victoria) (14:41) — Can I just say from the outset that the government is sympathetic in many ways to the goals of this bill, but I should also flag that we will not be supporting it. In part that is a result of a number of details, a number of logistical issues, that I will flag later in my contribution.

Can I start by way of setting up the context and explain that the government is very committed in broad terms to waste management, to improved waste management practices, to recycling and to resource recovery. Obviously this fits in with a number of different initiatives in that broader space. In that context I think it is worth noting that the Andrews government has invested over \$100 million over the last four years in this broad area of improved waste management and resource recovery, the largest ever investment by a Victorian government in this broad policy area. Indeed I am sure that we would be in alignment with many in this house — certainly, I suspect, with the proponent of this bill — in many of the areas of investment in that space.

I will not go through in a huge amount of detail, but I did want to flag a couple of areas that the government has supported just to reiterate that we are very supportive of initiatives more generally in recycling and resource recovery and in the improved use of assets generally. One is the recycling plan that Minister D'Ambrosio has developed, in particular the recycling industry strategic plan which was funded to

the tune of \$37 million and which includes the government leading by example and driving greater demand for products containing recycled material through procurement. I note as a side note that procurement has been used effectively by the government for a whole range of initiatives — for example, employing people with a disadvantage and all sorts of other measures. This is one example where procurement has been used as a policy lever successfully.

Another element of that plan is boosting investment in recycling infrastructure through an \$8.3 million expansion of the Resource Recovery Infrastructure Fund. There was a \$2 million top-up to the market development program, bringing it to a total of \$4.5 million, and there was \$3.3 million for an education program that has the potential to reduce the amount of contaminated recycling going into landfill by an estimated 40 000 tonnes a year. There was also the ban on lightweight single-use plastic bags. This was something that Minister D'Ambrosio recently announced, with the ban to come into effect by the end of 2019.

There have also been a number of initiatives in relation to packaging. Federal, state and territory environment ministers recently endorsed a target of 100 per cent of Australian packaging being recyclable, compostable or re-usable by 2025 or earlier. The ministers also endorsed the development of targets for the use of recycled content in packaging. There are also a number of initiatives in relation to litter, and compared with other states and territories Victoria starts from a position of having relatively low levels of litter. Results from the *2017 Keep Australia Beautiful National Litter Index Report* show that litter levels have fallen in Victoria now for seven years in a row, which is a good thing for the state. I think all in this house would embrace developments that continue that trend, and there was an 8 per cent decrease in the last year alone. We are working hard on a range of fronts to continue that trend.

There is also the Sustainability Fund expenditure; the Andrews government has substantially increased expenditure from the Sustainability Fund each year since forming government. Over \$600 million is now committed over the forward estimates, including \$100 million in the waste and resource recovery area. That is to set up the context that the government is committed to a wide range of initiatives in this broader space. I think Mr Davis referred to a matrix of promises that he had taken to an election. I suppose one could describe this as a matrix of actual achievements over the past four years.

Now I will make some comments more specifically in relation to this bill. I think it is worth noting that a number of jurisdictions have recently implemented schemes that overlap the scheme being proposed in this bill. I will start with New South Wales, which has a scheme that commenced on 1 December 2017. It is worth noting that the environment minister in New South Wales delayed the start date due to significant issues with the rollout of the scheme and also a number of issues in relation to associated infrastructure, and I will make some more specific comments on that in a moment.

I have a number of quotes from stakeholders coming from a range of positions, all of which I think are quite critical to varying degrees of the nature of the rollout of this scheme and also some of the associated infrastructure. For example, the CEO of the Australasian Association of Convenience Stores said of the New South Wales scheme:

... the NSW scheme has missed the mark. The NSW example should serve as a clear signal that pushing ahead with inappropriate time lines is not only reckless, but counterproductive and costly.

There are further quotes that I could reference about the nature of the scheme being not properly worked through.

The National Waste and Recycling Industry Council called for the scheme to be delayed. The CEO of that organisation said:

The industry feels that the scheme is under done and a bit rushed ...

It is also important to note that environment groups also expressed concern with the time lines in New South Wales, with Geoff Angel of the Boomerang Alliance saying it had:

... concerns over whether there would be enough collection points and depots to ensure it was convenient for people to take part in the scheme.

So we are talking about people coming from a wide range of perspectives on this policy initiative, and all of them expressed concerns in relation to the planning, in relation to how realistic the time lines were and in relation to whether the supportive infrastructure was in place or indeed could be put in place in time. The scheme even caused division within the government itself in New South Wales, with a number of senior government members commenting on and critiquing the timing of the introduction of the scheme. The Premier herself conceded that there were problems with the implementation of the scheme, with the timing of the transition to the scheme and so forth.

One aspect of the implementation of the scheme that I think is worth noting is the supportive infrastructure. Due to the time frame in which the scheme in New South Wales was introduced, infrastructure was not rolled out in time in some areas of the state, and this did have an impact in regional New South Wales. For example, in November 2017 New South Wales had only provided 43 venues to collect containers in all of the New South Wales regional areas, and some figures have labelled this aspect of it as a fiasco. In the electorate of Orange it is worth noting that at one point in time there was only one collection point. So there are a range of issues there that I think we should take note of and learn from, frankly. There are a number of aspects of the scheme in New South Wales that clearly did not work well.

Queensland is another jurisdiction that I think it is important to learn from. The Queensland scheme will commence on 1 November 2018 after being delayed six months from 1 July this year — that was a six-month delay.

Ms Pennicuik interjected.

Mr MULINO — Again, it calls into question some of the time lines that are being put forward by those to my right. Queensland saw the failures of the New South Wales scheme and thought that it was appropriate to push back its commencement date to ensure that it was done right. The Queensland environment minister, Leeanne Enoch, said that the non-profit company set up to administer the scheme was required to ensure an adequate number of container refund points were in place when the scheme started so that its benefits could be available right across Queensland. Western Australia is developing a scheme that is expected to commence in the not-too-distant future.

We clearly have a number of jurisdictions that we need to look at very carefully. There have been serious problems, and other jurisdictions have found that they underestimated the complexity of implementing these schemes. I would very much hope that we would not fall into that trap. I am sure others in this place would share with me the hope that we would not fall into that trap.

If we look at this specific bill, many elements of this bill are taken from the New South Wales scheme, and while that might make sense given that we are in many ways trying to emulate some of the policy aspirations of that jurisdiction, it is also worth noting that given that many elements of the New South Wales scheme have been brought into this bill, holus-bolus in some instances, it does call into question whether we have

fully thought through the logistical, timing and transitional issues.

Another issue is the lead time with the scheme to commence on 1 November 2019. That is a critically important issue that I think more thought needs to go into before we move down the path of a scheme like this.

Finally, I think there are a number of other elements of the bill that, while I do not want to stand here and oppose them per se, warrant a bit more consideration. For example, there is a requirement in clause 6 of the bill which proposes to ban Victorian businesses from selling plastic beverage containers with less than 50 per cent recycled content by 2022. That requirement and a number of other elements of the bill are examples of where there is a risk of unintended consequences for industry. Again, it warrants a bit more consideration.

Honourable members interjecting.

Mr MULINO — It may be that some of the interjections that I am bearing the brunt of at the moment contain some of the answers to that, but I think that the material contained in those interjections should be thought through very carefully, well before the government could support a scheme of this nature.

In summary, what I would say is that there are elements of the motivation for this scheme which the government is not opposed to. But we would say that if you look at what has occurred in other jurisdictions, it should give members of this place pause for thought. There are real issues around the timing, around the transition arrangements, around the logistics and around the supporting infrastructure, and I think there are many unanswered questions, frankly. As I indicated in the first 4 to 5 minutes of my speech, this government is very committed to the areas of improved waste management, of recycling and of resource recovery. That commitment continues. We do not oppose this bill because of any lack of support for those broader policy aspirations, but more because we think there are a number of questions that need more thought.

Ms SPRINGLE (South Eastern Metropolitan) (14:54) — I rise today to sum up this debate with profound disappointment in my colleagues in this place, because this is not a new concept. We have considered this concept in this place twice before on bills introduced into the Council by my colleague Colleen Hartland. So it is with profound disappointment that I hear that the vast majority of MPs in this place still do not support a proven, tested means of dealing with our plastic pollution crisis in Victoria.

The need for a comprehensive and ambitious solution to our plastic pollution crisis has been very clear for some time, but it is growing clearer and more urgent by the day. We have a global crisis on our hands, and it has been recognised as such by the UN, the EU and a number of researchers, environmental groups and governments worldwide. The Victorian public recognise this, and polling just last month showed overwhelming support for a container deposit scheme (CDS) for Victoria, with 84 per cent of respondents supporting such a scheme. I pointed out in my second-reading speech, and I will reiterate today, that there is something fundamentally wrong with our democracy when neither major party will listen to the vast majority of Victorians, who back a container deposit scheme and who are seriously committed to reducing plastic pollution and increasing recycling.

It is no surprise to hear that the Liberal Party opposes the bill because it will impact on business, and Mr Davis talked a lot about a lack of consultation with industry and the proposed costs. Yes, introducing legal requirements for recycled content is ambitious and will require the industry to adjust. Opposition from some beverage manufacturers is inevitable. We know that because we have experienced it in the past in relation to container deposit schemes.

There has historically been huge resistance to these schemes from the beverage industry and retailers who fought tooth and nail, including in the courts, against container deposit schemes. Many of them have come around, driven largely by public pressure but also by government actions in other jurisdictions, but sadly not Victoria. Coca-Cola now supports container deposit schemes here and elsewhere in the world. Retail associations we have spoken with accept container deposit schemes as a reality, and what they want to see is consistency across the country. They want a scheme in Victoria.

Just as we have seen in the past, resistance from industry to legal requirements for recycling is absolutely inevitable. But we cannot let that determine the future health of our environment and the livability of our planet for future generations. The major parties are happy to let industry drive decisions on environmental outcomes and to support industry-led mechanisms to address our waste crisis. I can tell you now that that is not going to happen. The primary responsibility for those industries is to their shareholders and to maximise profits. The Greens are the only party proposing genuine solutions to our waste crisis, and neither major party has the vision nor courage to tackle this mess.

To be fair, the beverage industry has come a long way on these issues. I mentioned in my second-reading speech that a number of major manufacturers are already including recycled PET in soft drink bottles, so that somewhat contradicts Mr Mulino's concern about the mandated recycled content in manufacturing bottles. It is interesting to contrast a shift towards more responsible policies from industry with the position of the opposition, which frankly has taken a step backwards. Nearly 10 years ago David Davis spoke in support of the Greens bill to introduce a container deposit scheme for Victoria. Speaking on the Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009 Mr Davis said:

Would container deposit legislation wreck kerbside waste management, as has been put forward by a number of proponents? In my view the answer is quite strongly no. It would strengthen kerbside waste management, because a greater revenue stream becomes available with the bottles and other containers collected.

...

The possibility of creating some industry from a deposit scheme is there, and a smart state government would intervene through other activities to ensure that if we have such a scheme, we capture some of the benefits, perhaps for our manufacturing industry so as to create additional jobs. These are new industries — industries of the future.

...

... the argument in favour of container deposit legislation is a strong one, and we support it.

That is a very different view from the one we have heard here today.

The other argument put forward by Mr Davis is that they support a national scheme. I would also point to the fact that at this point in time Victoria is the only mainland state without a scheme or not about to implement a scheme. Essentially we are the ones holding out.

Mr Davis — They're not the same schemes, though.

Ms SPRINGLE — That is because no national government will put in the scheme.

Mr Davis interjected.

Ms SPRINGLE — Yes, but at this point in time we are the only mainland state without a scheme or a proposed scheme.

The government's position on this bill is also not surprising. The Andrews government has resisted any genuine discussion on a container deposit scheme for

years. I would say in rebuttal to Mr Mulino's talk about the commitment to recycling in Victoria that we have just gone through one of the most profound shifts in the recycling industry because of the China ban, which was actually foreseeable some time ago, and nothing was done. I would call into question the legitimacy of their commitment to the recycling industry and addressing this problem head-on.

Faced with the mounting twin crises caused by China's waste import restrictions and a growing plastic pollution crisis, the government is still failing to act. But, as I said, it is hardly surprising. This is a government that last year announced it would ban single-use plastic bags, and there was a very reasonable public expectation of a ban in this term of government. It then embarked on a lengthy consultation on plastic pollution, and of course that is an important part of the process, but at the end of that came a stunning delay tactic, turning a promised ban into an election promise. The final report on the consultation by Engage Victoria, published earlier this year, stated:

In the coming months, we will develop the ban using the information gathered through this consultation process. In 2019, we will introduce the legislation that will propose the ban comes into effect by the end of that year.

This is a government that desperately wants to display environmental credentials, but when you scratch the surface there is nothing there. They will forge ahead with plans to incinerate waste, they will continue to lay waste to our native forests, doing untold and irreparable damage to wildlife, they will continue to prioritise building roads over public transport and bicycle infrastructure and they will continue to ignore and disappoint the groundswell of public support for real action to protect our environment for future generations and for the vast numbers of marine animals that are already dying as a result of plastic pollution. This is the third container deposit bill put forward by the Greens, as I have said, over the course of 10 years. Both major parties have outlined their concerns with the bill, but the reality is the bill is sound.

I will now address in detail some of the concerns we have just heard. There is no doubt that the recent introduction of a scheme has faced some real challenges in New South Wales. These have included a lack of adequate infrastructure, littering problems as a result and public frustration at requirements for containers to be in good condition to be able to return them. Retailers on the Victorian-New South Wales border have experienced significant drops in revenue, and for small businesses this has impacted negatively on people's livelihoods. The network operator, comprising a number of major beverage companies, has

reportedly retained millions of dollars worth of unredeemed deposits. In theory these savings may be passed on as savings to consumers, but there is no mechanism for the government to hold them to account on this or to ensure that this revenue is put to good use.

Concerns raised today regarding the challenges faced in New South Wales and similarities between this bill and the New South Wales legislation are valid, but they are not correct. This bill sets out a framework but leaves much to regulation. Problems experienced in New South Wales are largely due to inadequate lead time, rushed implementation and some of the decisions taken as a result of that. Our bill provides for a longer lead time — nearly 18 months. Victoria would have the experience of New South Wales, Queensland and the ACT to draw on throughout the establishment period and in developing the regulations that would determine much of how this scheme would work on the ground. While this government is happy to sit back and trot out the line, 'We're waiting to see what happens in other states', our plastic pollution crisis is mounting by the day. Meanwhile, the reality is that the evidence base developed over three decades right around the world shows that container deposit schemes work.

I would like to now talk a little bit about the impact on local councils. The impact on councils and kerbside recycling has been the subject of much discussion and quite a bit of misinformation. The reality is — and this is not just the Greens' view of this — that the container deposit scheme can operate effectively with kerbside collection. The second point to note is that there is extensive evidence showing that councils benefit from increased savings and revenue delivery as a result of container deposit schemes, and that somewhat goes to Mr Davis's concerns.

It is likely that the eligible containers will still appear in kerbside recycling, though at significantly reduced volumes. Regulation and protocols developed during establishment would address these issues in detail. They would make provisions for revenue sharing between material recovery facilities (MRFs) and councils.

Councils would also make savings from reductions in general waste and the landfill levy charged on its disposal. A significant proportion of the containers that are currently appearing in general waste would be removed from that waste stream. Research by the Greens in 2009, reviewed and endorsed by the Boomerang Alliance, who as Mr Davis has already pointed out do phenomenal work in this space, estimated a 10 to 12 per cent reduction in packaged waste sent to landfill through the introduction of a CDS.

Finally, councils are also expected to make savings through reduced litter clean-up costs. Clearly councils and MRFs are working through some massive challenges at this point in dealing with lower commodity prices and waste import restrictions imposed by China. What is clear is that better sorting of recyclate is going to be crucial in addressing these challenges, and a CDS provides a means of doing that. One final point on that issue is that numerous Victorian councils have publicly advocated in favour of container deposit schemes for Victoria for many years. The Municipal Association of Victoria has also backed the scheme for Victoria.

Going to Mr Mulino's point about recyclate content, questions have also been raised on the viability of mandating 50 per cent recycled PET in drink bottles from the start of 2022. Is it practically possible? Yes, and it is where major beverage manufacturers are already heading. Coca-Cola European Partners has committed to doubling the recycled plastic content of its bottles by 50 per cent by 2020. PepsiCo Beverages Canada recently launched its first soft drink bottle made from 100 per cent recycled PET. Visy's recycled plastic plant in Sydney is the first of its kind in Australia, providing customers with the option of up to 100 per cent recycled PET in bottles. Visy is already supplying recycled PET bottles to Schweppes Australia and Coles, and Coles's own brand water is bottled in 100 per cent recycled PET.

As I have stated, some companies will say it cannot be done. What they really mean is that they do not want to and no-one is forcing them to. Ensuring products can be recycled and developing better collection and sorting mechanisms are important components of the action needed to address our broken recycling system, but as countless organisations and individuals have noted, this will achieve very little unless we are actually re-using and recycling more. Mandating recycled PET content would result in massive water and energy savings and huge reductions in greenhouse gas emissions. This mechanism has been effectively implemented in a number of states in the USA, and clearly industry is coping there. There is no reason it cannot work here and every reason to make those requirements law.

I just quickly want to address Mr Rich-Phillips's concern around the eligibility of this bill to be introduced through this house. We were given substantial advice from the clerks, and we did work on this bill for quite a number of months to make it comply with the rules. I understand his argument. I think it is debatable, and I am sure that we will come back to that as an issue at some point, but we believe that this bill in and of itself is eligible to be introduced into this house.

This bill would have not only delivered a scheme supported by the vast majority of Victorians but also kickstarted a vital process of addressing our waste and recycling crisis. Evidence from more than 40 jurisdictions around the world has proven these schemes work. A container deposit scheme would save councils and ratepayers millions of dollars per year through reduced landfill and litter clean-up costs. It would have established Victoria as a leader through the creation of legal requirements of recycled PET in single-use plastic bottles. Increasing our reliance on recycled plastic and reducing the use of virgin PET would result in massive greenhouse gas emissions reductions —

The ACTING PRESIDENT (Ms Patten) — Ms Springle, thank you. The question is:

That the bill be now read a second time.

Bells rung.

The PRESIDENT — We are dealing with Ms Springle's bill on container deposit legislation, which will be put to a division, with ayes to the right, noes to the left. I note that Mr Rich-Phillips raised a point of order earlier in respect of the constitutionality of this bill, and further to a statement that I made this morning in respect of the bill I am giving some further deliberation to that matter. I am obviously aware at this point of the state of the house at any rate, which means that this bill is likely not to succeed on the second reading, and therefore in relation to the matter that Mr Rich-Phillips raised I have a further opportunity to reflect. I will come back to the house in due course on that.

I will just hold proceedings for a moment. I note that a member of the gallery was using a mobile phone, and I have been assured that the phone has not been used to take photos, which is not permitted.

House divided on motion:

Ayes, 8

Carling-Jenkins, Dr (<i>Teller</i>)	Purcell, Mr
Dunn, Ms	Ratnam, Dr
Patten, Ms	Springle, Ms
Pennicuik, Ms	Truong, Ms (<i>Teller</i>)

Noes, 32

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms

Elasmar, Mr	Ramsay, Mr (<i>Teller</i>)
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms (<i>Teller</i>)
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr

Motion negatived.

The PRESIDENT — Before members resume their seats, can I just have an indication from members if there are any matters that are outstanding from before lunch that they wish to raise with me in terms of decisions?

Mr Ondarchie — On a point of order, President, I draw your attention to a written response that you ordered be reinstated by the Minister for Small Business to me regarding the use of an EFTPOS device and its transportation in his ministerial vehicle. His response to me on Tuesday of this week was deemed by you as unsatisfactory and required a further response. The response that has been furnished today — and I know you do not have the capacity to reinstate it once again — was as stupid as the one he originally put in, and he stood by his original response. Now, you could say that it is being unparliamentary quoting it as ‘stupid’, but that was the word that he used in his response to me. This is the second week in a row, President, that you have asked that minister to respond again by reinstatement, and for the second week in a row he has essentially stood outside the parliamentary convention and just not answered the question. I just draw that to your attention.

The PRESIDENT — Thank you, Mr Ondarchie. I do consider it a discourtesy to the house when a minister does not give further consideration to a response where I have requested a further written response. Clearly I do that on the basis that I am of the view, as the Chair, that the first response was inadequate or was not apposite to the question. Mr Ondarchie has given me the courtesy of showing me that question and response on the second occasion. He is quite right; I do not have a power to reinstate that question a second time.

Apart from anything else, the response that has been received by Mr Ondarchie on this occasion is to suggest that his question is stupid. Now, that sort of dismissive answer I just do not think is acceptable for us as members of Parliament. The minister or any minister may not be happy with a question or may consider that a question is not relevant to their duties or responsibilities or is a question that might well be considered inappropriate, vexatious, provocative or

suchlike. But I dare say that I am the filter on that process, and so when a question is put I am deciding, as part of my deliberations, whether or not I think that it is a question that deserves an answer. So then when I request a written response clearly I am doing so on the expectation that the minister will reflect on their initial answer and provide some better or further particulars.

In this case I understand that the minister might have considered that the question — it involved travelling with an EFTPOS machine in the car — was not worthy of an answer, but I do not think that he was entitled to dismiss it as a stupid question. I think that reflects on members, where that sort of commentary is included in an answer, and I have spoken on that before in respect of other ministers who might have provided similar responses to dismiss a matter.

Given that I think Mr Ondarchie is right and that this is the second occasion where essentially my request for a written response seeking further and better particulars has been ignored, if you like, by the minister, I would hope that there might be a reflection on that and that the practice certainly does not continue and we have more apposite responses, as I said.

I do not take it personally. It is possible to actually consider that that is a reflection on the Chair. I do not take it in that context. I do point out that, as I said, I give fair deliberation to those, and I think most if not all members in this place would have due regard to the process that I use and the judgement that I try to exercise. I am fallible and I make mistakes, but I try my best. Certainly in the context of this one and similar responses, I regard it not as a discourtesy to me or a reflection on the Chair so much as a discourtesy to the house.

MINISTERIAL CONDUCT

Debate resumed from earlier this day; motion of Mr O'DONOHUE (Eastern Victoria):

That this house —

- (1) notes Victoria Police's fraud and extortion squad has announced a formal investigation into Labor's red shirt rorts affair; and
- (2) calls on the Premier to stand down the Leader of the Government and Special Minister of State, the Honourable Gavin Jennings, MLC; the Attorney-General and Minister for Racing, the Honourable Martin Pakula, MP; the Minister for Sport, Minister for Tourism and Major Events and Minister for Veterans, the Honourable John Eren, MP; the Minister for Families and Children, Minister for Youth Affairs and Minister for Early Childhood Education, the Honourable Jenny Mikakos, MLC; the Minister for

Training and Skills and Minister for Corrections, the Honourable Gayle Tierney, MLC; and the Minister for Energy, Environment and Climate Change and Minister for Suburban Development, the Honourable Lily D'Ambrosio, MP, from their ministerial positions pending the outcome of this criminal investigation.

Ms MIKAKOS (Minister for Families and Children) (15:23) — In speaking against this motion, I am going to be relatively brief in my contribution. The substance of the motion relates to matters that are inappropriate to go into extensively, given the matters relate to a police matter. It is very clear in the contributions made by those opposite so far that they actually have not read the Ombudsman's report. They need to go back and read the report, rather than cherry-pick things from it selectively, because the Ombudsman concluded — having examined all the evidence, including information provided to her by Victoria Police members — that Labor members acted in good faith, that people made a genuine mistake and that they did not set out to deceive.

I think it is also important that those opposite, particularly those members who themselves have been named in some very recent allegations, are reminded that when the government sought to amend the referral motion to refer this whole issue of members entitlements and issues to do with the 2014 election to the Ombudsman to include non-government MPs, every single member of the Liberal Party and the National Party actually voted against that. So what we have seen is stupendous hypocrisy here — monumental hypocrisy here — by those opposite, who actually made a very deliberate decision to exclude themselves from any scrutiny.

What we have seen in recent days is why. We have seen the reasons why they have decided to exclude themselves from any scrutiny. We have seen documentary evidence, including photographs, having been handed over to Victoria Police that shows that electorate officers of coalition parties, of the Liberal Party — blue shirts — campaigning during the 2014 election. That information has now been handed over because we know that that occurred during the 2014 election campaign, during office hours when these electorate officers should have been working, according to the standard claimed by those opposite, in their MPs' offices. What we have seen is Mr Dalla-Riva, Mrs Peulich and the Judas twins, Mr Finn and Mr Ondarchie, all named, just as members in this house, as part of these allegations that have now been referred to Victoria Police.

Other things that we have seen come to light recently are accusations made that the hundreds of political

advisers that were recruited to Denis Napthine's office — the then Premier's office — during the time of the 2014 election did not take leave, as has been the past practice, during the caretaker period in 2014 but worked for the re-election of the Napthine government on the taxpayers purse, costing taxpayers around \$2 million. They had fewer people take leave during the 2014 election than were actually running the porn lending library in Denis Napthine's office during 2014.

We have had a lot of issues that have come to light that need to be examined, and the Liberals have tried to avoid subjecting themselves to any scrutiny. But the most serious matter to date really relates to something that occurred exactly 12 months ago. Today represents the one-year anniversary of when issues to do with Matthew Guy's lobster and Grange dinner with the alleged head of the Victorian Mafia came to light. We have had extraordinary accusations come to light. I just want to quote from an ABC story on 9 August 2017 that says the following, and it quotes extensively from a secret recording of Liberal Party bagman Barrie Macmillan who was recorded as saying:

'You can't associate Matthew with money and I would have to be the intermediary. But I'm talking about a swag of money that they're prepared to give for them [Mr Guy's campaign].

'We're probably talking hundreds [of thousands of dollars in donations] ... they can't stand the bloody Labor Party'.

I wear as a badge of honour that the Mafia can't stand the bloody Labor Party.

Mr Ondarchie — On a point of order, Acting President, I want to quell some of the excitement building across the chamber. During Ms Crozier's contribution Ms Mikakos rose on at least two occasions to try and draw her attention back to the motion before the chamber. I ask you to do the same thing to Ms Mikakos.

Ms MIKAKOS — Are you a bit sensitive?

Mr Ondarchie — No, it is just that you asked for it.

Ms Mikakos interjected.

Mr Ondarchie — You asked for it.

The ACTING PRESIDENT (Ms Patten) — Thank you, Minister. Thank you, Mr Ondarchie. Please, back to the motion and continue, Minister.

Ms MIKAKOS — Thank you, Acting President. We know those opposite are very sensitive about this matter because they do not want to be reminded of the secretly recorded phone call from the Liberal Party

bagman contradicting Matthew Guy's claims about this secret dinner with the alleged head of the Mafia. We have Matthew Guy claiming he had no idea that he was meeting with the alleged head of the Victorian Mafia, but we have Barrie Macmillan actually saying, as quoted in this ABC story:

'I had to forward the names to [Mr Guy's private secretary]. I had to do it all through [her]. It was all kept fairly hush-hush', said Mr Macmillan, who also attended the dinner.

Then he went on to say:

Matthew knew exactly who was coming to that thing —

the dinner.

So we have got a complete contradiction in relation to the Liberal Party fundraiser. The bagman is calling out Matthew Guy and saying that he actually did know that he was going to a dinner to solicit donations from the alleged head of the Victorian Mafia.

Mr Ondarchie interjected.

Ms MIKAKOS — The point that I am making, Mr Ondarchie, is that you and others have got things you need to answer for. You have made a conscious decision to exclude yourselves from any scrutiny, so you are a pack of hypocrites. You are a pack of hypocrites because there are so many things that you need to answer for. It is not just the Lobster Cave dinner. We have had Ventnor and we have had Victorian taxpayers pay hush money to make this matter go away — when Matthew Guy sat at a kitchen table with Liberal Party donors and agreed to rezone their land for them.

Mr Ondarchie — On a point of order, Acting President, I say to the minister: you can run but you cannot hide. Chair, you have already ruled on this to bring her back to the motion. She has flouted your ruling by deliberately going off at a tangent again. I ask you to remind her of the things that she wanted, which was for people to come back to this motion.

Ms MIKAKOS — Actually, I did not make that point, if you would like to know.

The ACTING PRESIDENT (Ms Patten) — Minister, please, on the motion.

Ms MIKAKOS — Acting President, on the motion, the point that I am making is that we have got stupendous hypocrisy from those opposite who moved this motion. It is stupendous hypocrisy when they have got so many things they need to answer for to the Victorian people, to Victorian taxpayers about hush

money around Ventnor, around secret meetings in penthouse apartments and around planning decisions being made where \$10 000 donations were made to the Deputy Leader of the Liberal Party to get exclusive access to Matthew Guy as the planning minister. We know that the Liberal Party lives for brown paper bags. What the Liberal Party wants to see is those days come back under Matthew Guy. He has got a track record; Matthew Guy has a track record when it comes to secret rezoning meetings. Whether it is in penthouses, whether it is around a kitchen table on Phillip Island or whether it is a secret dinner with the alleged head of the Victorian Mafia, you are all a pack of hypocrites.

You voted against having your behaviour subjected to any scrutiny. You have wanted to have your behaviour excluded from scrutiny by the Ombudsman, but you cannot hide from that scrutiny anymore. This material has been handed over to Victoria Police. You cannot hide, Mr Ondarchie, nor can your colleagues, and it is about time Matthew Guy was actually honest with the Victorian people about his behaviour. He has got no credibility whatsoever. In terms of being the alternative Premier in this state, he is an absolute disgrace.

Mr Ondarchie interjected.

Ms MIKAKOS — This man has got no credibility if you look at his track record as planning minister, and there is more to come, Mr Ondarchie. The Victorian people will know before this election what Matthew Guy is all about — his behaviour and his complete lack of credibility. So you are a total pack of hypocrites in bringing this motion to this house, and that is why this motion should be opposed.

Mr ONDARCHIE (Northern Metropolitan) (15:33) — I support Mr O'Donohue's motion today. It is interesting that I get to follow one of the ministers named in this motion, who according to the Ombudsman's report — not her own opinion on how the world goes, but the Ombudsman's report — spent more money than anybody else signing time sheets for the red shirts rort. One of the things she has not answered is: did she ever meet these people? Did they ever actually set foot in her office? Did she know them at all? I pick up the interjection that she herself used during Ms Crozier's contribution. When Ms Crozier was at the height of her contribution I noticed the minister was getting most upset. At one point she interjected and said, 'The Liberals rorted too' — too! Is that an admission of guilt?

Ms Mikakos interjected.

Mr ONDARCHIE — Yes, you did. You cannot change the pink.

Ms Mikakos — I didn't say that.

Mr ONDARCHIE — Is that an admission of guilt? We can check *Hansard*. We can have the Hansard reporter read it back.

Ms Mikakos — On a point of order, Acting President, the member has got form. He has gone and told stakeholders he is a lawyer, he has lied about his CV and now he is coming in here and verballing me. You are actually verballing me, Mr Ondarchie. The point that I made in my own contribution was that you have things you need to answer for. You personally have things that you need to answer for. I know you are getting very sensitive about this matter, Mr Ondarchie, but this is really the height of hypocrisy, and you should really not try and verbal members.

The ACTING PRESIDENT (Ms Patten) — Thank you, Minister. That is not a point of order. Mr Ondarchie to continue.

Mr ONDARCHIE — Thank you very much. For those who get angry, we know that guilt deferred is anger. We can see that directly. I have to say that when the minister was first questioned about this by the Ombudsman she chose not to undertake a full interview.

Ms Mikakos interjected.

Mr ONDARCHIE — You will note now the interjections by way of defence. Anger is deferred guilt; there is no doubt about it. If you want to look at the data and if you want to look at what the Ombudsman said, the chief rorter is sitting right here.

Ms Mikakos — On a point of order, Acting President, Mr Ondarchie is the reason why we no longer have pairing in this house. You lied about your faith, Mr Ondarchie.

The ACTING PRESIDENT (Ms Patten) — Order! Minister, that is not a point of order. Continue, Mr Ondarchie.

Mr ONDARCHIE — The reason we have parliamentary standards is that people sign time sheets for people they have never, ever met, and that is the challenge.

Ms Mikakos interjected.

Mr ONDARCHIE — As bland as it was, you had your chance to make a contribution, and now you can hear what has to be said: you spent more money than

any other minister signing time sheets for people you never met and for people who never set foot in your office. When the Ombudsman wanted to ask you about that you thought you would satisfy it by way of a statutory declaration. You do not even front up for the interview. Do you know why? Because you are guilty, and all of your contribution today has been —

Ms Mikakos — On a point of order, Acting President, the member is asserting that a member is guilty when the Ombudsman actually found that all Labor members acted in good faith. Mr Ondarchie, you are actually not interested in the facts. You do not care about what is in this report. This whole charade of a debate today is because you actually do not like the facts of what is in the Ombudsman's report. You can make any assertion you like, Mr Ondarchie, but it is actually not in the report.

The ACTING PRESIDENT (Ms Patten) — Minister, that was not a point of order, but I do urge caution from Mr Ondarchie. There is a police investigation ongoing, and making claims as you have should be avoided.

Ms Symes — On a point of order, Acting President, I would maintain that Mr Ondarchie is in breach of standing orders. He is misleading the house. He is making up fake facts in relation to what is in the Ombudsman's report. He either has not read it or is making it up — or he is being mischievous.

The ACTING PRESIDENT (Ms Patten) — There is no point of order there, thank you. Mr Ondarchie, please use some caution in your contribution. Mr Ondarchie to continue.

Mr ONDARCHIE — Let me read then from the Ombudsman's report, page 12, for those who are getting all excited and whose heart rates are going up over there, because they are very much a part of this whole thing. Page 12 of the Ombudsman's report estimates the dollar value of hours certified as electorate officer work for field organisers between 3 March and 29 November 2014. If I go to the list of current members of Parliament and I go to the very top of the list, it says Minister Jenny Mikakos, '\$21 148'.

Mr O'Sullivan — How much?

Mr ONDARCHIE — Sorry, you could not hear, Mr O'Sullivan. There was \$21 148 spent on field organisers being paid as electorate officers and signed off by Ms Mikakos that in the context of the Ombudsman's report puts her at the top of the list. That is a fact. Now, if a minister wants to say to us, 'You should read the Ombudsman's report', I am reading

directly from it. In total \$21 148 of taxpayers money that should have been allocated via her electorate office to support her constituents was spent on these field organisers for Labor Party campaigning.

Honourable members interjecting.

Mr ONDARCHIE — I tell you what, you can interject as much as you like, but the facts remain: you are the highest spender of any member of Parliament. Mr O'Donohue's motion today says that the Premier should stand you down because the police are undertaking an investigation. Victoria Police do a very, very good job. They are working hard to try and deal with the rising crime rate in our streets, particularly in the northern suburbs that I represent. They work very hard and they do an outstanding job, as they do in any investigation that they undertake. But the fact remains that the Victoria Police fraud and extortion squad are undertaking a formal investigation right now into Labor's red shirts rorts affair. One of those people that is named in the Ombudsman's report sitting here before us today is the Minister for Families and Children, Minister for Youth Affairs and Minister for Early Childhood Education, Jenny Mikakos.

The question remains: for all their puffery during the last Parliament about why Geoff Shaw, the then member for Frankston, should stand down when he was under investigation, why aren't you standing down? That is the real question. You want to talk about hypocrisy in this place? Let us talk about hypocrisy in this place. You stood in the last Parliament — I know — and talked about the member for Frankston standing aside while he was under police investigation, so I ask you the same question: why aren't you standing aside? This is hypocrisy 101 from the minister who spent more money than any current member of Parliament, according to the Ombudsman's report on page 12. If the minister has got any doubts, she should go to page 12 of the Ombudsman's report where it says:

Estimated dollar value of hours certified as electorate officer work for field organisers (3 March–29 November 2014) ...

Go down the ladder until you reach the first MP who is a current MP who spent the most money, and it says this:

Mikakos, Jenny — \$21 148.

The real question is: why aren't you standing down, Minister?

Ms PULFORD (Minister for Agriculture) (15:41) — I would just like to make a short contribution to this debate. Firstly, I would just really like to reflect on the many other things we could be

talking about today. All upper house members represent very, very large constituencies with 11 lower house regions, with a breadth of issues and with a range of concerns that are the real-life issues that matter to people in our community. I would personally prefer it if the Parliament could spend more time on the things that are of the utmost importance to the people that we are here to represent.

I am not in any way dismissing the importance of high standards in relation to integrity and proper processes to investigate matters such as those referred to in Mr O'Donohue's motion, but the fact is that the police are undertaking an investigation, that the Ombudsman has undertaken an investigation and that there is a select committee also looking into this matter. So this motion today adds nothing. It adds no new information. It is just a hot air blowing exercise for members of the opposition, and they could use their Wednesday for anything. Wednesday of the last sitting week was all about, 'We congratulate ourselves because we wrote a policy'. Good on you, fellas!

I am sad that this is the best that the opposition has got. Fair enough that this is a matter of interest to the Parliament and members of the Parliament — fair enough indeed — but when the police have an investigation underway that indeed Mr Guy in question time and Mr O'Sullivan by interjections earlier today seem to suggest that they know more about than I think they could actually possibly know, police have obviously many, many other things that they need to be dedicating their resources to.

I just really wonder what the additional benefit is to the Victorian community of the upper house of the Victorian Parliament today spending almost all of the day on going over a whole lot of stuff that is already in the Ombudsman's report and making a whole bunch of assertions that are the subject of other investigations that are appropriately being considered through other processes. It just makes me really sad and is not what I was thinking we would be spending time on when I stood for election to this place, and I think we probably could all do a bit better, frankly.

Ms FITZHERBERT (Southern Metropolitan) (15:44) — I would like to start my remarks by responding to the comments that Ms Pulford has just made. I see a parallel here. Just going back a step, there have been comments made earlier in this debate about how the police are investigating, how we should not be attempting to influence that debate et cetera. 'Let's let them get on with their job' are the terms that have been used. I very much agree with that, and I hope that those

opposite are far more helpful and forthcoming with the police than they were with the Ombudsman.

When I look at the process — and, yes, I have read the report — it seems to me that there was a big obstructive exercise that went on. There were of course the repeat returns to the court. They went to the Supreme Court, they went to the Court of Appeal and they actually tried to have a High Court appeal to avoid scrutiny and managed to shield some lower house members in the process. Yes, we do have a Privileges Committee and, yes, we do have the police, but we also have the Parliament. To me the parallel is very much with when there is a workplace issue which is potentially criminal but also has issues to do with employment status. There is a real parallel with what we are doing today.

As many people in this room know, I used to work with employers when they had often very serious criminal allegations about employees, and there would be a parallel process. There would be an employment process where it was relevant, and there would be a potential criminal process where the police may be called in to investigate. I am talking about circumstances where the potentially criminal issue was usually an allegation of some form of assault — sometimes it was a sexual assault or rape — that had taken place in a workplace, and there were often two parallel processes going on at the same time. There was some overlap between the two in certain ways, but it was appropriate for those two parallel investigations to take their own course. They had different burdens of proof, and they had potentially different outcomes and very, very different time lines often. So that is about recognising that the employer has different obligations in terms of potentially criminal activities and workplace activities and needs to manage both. I see a parallel with what the Parliament is doing today.

There is a lot that is new that has come out in recent times that informs both investigations and both assessments. I think it is very, very reasonable for the Parliament to be looking at serious allegations of lack of integrity — and that is putting it politely — in relation to senior cabinet ministers and the, I believe, unprecedented revelation that they are under police investigation.

Mr O'Donohue referred earlier to the fig leaf that was used by the government to sort of somehow make out that ministers are not under investigation. Given that involvement has been spelt out by the Ombudsman in detail, part of which was read out by Mr Ondarchie a short time ago, it is frankly too clever by half to stand here and be coy about whether or not ministers and indeed other MPs are under investigation by the police. I think it is very obvious that they are. Perhaps if they

wish to clarify, they could make a statement and either deny it or confirm it.

Ms Symes — Go through the police?

Ms FITZHERBERT — No, I am talking about the members, Ms Symes. I am not suggesting the police should make comment; I am suggesting that if the members concerned want to clear the air on this particular issue, they could easily do so. They just choose not to. They hide behind a fig leaf, as Mr O'Donohue has said.

The issues that we are talking about today came to light back in 2015, and it was back in that year that there were two sets of allegations, both of which came from within the ALP, about serious allegations of misbehaviour. They have had very, very different trajectories in terms of how they have been treated. I am of course referencing the experience that was had by Mr Somyurek when he was Minister for Small Business, Innovation and Trade.

Back in May 2015 he was stood down in relation to allegations of inappropriate behaviour pending an investigation. I note that he denied the allegations at the time, and I believe he still does. It was a very, very quick process. I am struck by the contrast between these two different sets of complaints. In one case we have an individual making serious allegations about a person who in this case was her boss. The Premier called a press conference in fact to announce that he was standing down the minister. He did this on 23 May 2015, and these are his words. He said the allegations were of a 'serious nature' and 'might' be a police matter. He announced:

The minister has been stood down and there will be a full inquiry, run by the Secretary of the Department of Premier and Cabinet.

He put this out there. This was done within days of the allegations being made and a formal complaint being submitted. This time frame was later explained fully. It was very, very quick. I do not criticise that. I just describe it; that is what happened. Mr Somyurek said that he was standing aside from official duties until the completion of the review, and Mr Andrews even said that he had wasted no time in dealing with the issue.

That cannot be said if we compare and contrast it with this sorry affair, where there has definitely been a lot of time wasting, there has definitely not been a quick process and there has definitely not been transparency from the Premier. Instead what we saw back in 2015 in relation to Mr Somyurek is a claim being made on a Thursday, an official complaint on a Friday, and by early

the next week the Premier had called a press conference and had stood down the minister. I think we could speculate as to reasons why this process was a lot faster than what we are seeing today. There have been suggestions made about factional reasons. I suggest that the Premier probably relied on the premise that it was unseemly for one of his ministers to be under investigation for such a serious set of allegations and that it was appropriate for that minister to stand aside. I assume that when he had the one-on-one with the minister, which he referred to in his press conference, that was probably the message he gave him very, very clearly.

Earlier in this debate Dr Ratnam referred to efforts that the ALP had made to stymie and delay scrutiny. I agree with this. I think there has been an extensive process of delay. It is worth remembering that these allegations came from people who participated in this system — in this scam — and were concerned about it. There is evidence that these concerns had been raised previously, and it is on the basis of the evidence that was presented that this was referred off to the Ombudsman, and then, as I said earlier, every effort was made to delay that. Even once it got to the Ombudsman there was still a successful effort made to prevent scrutiny of lower house members.

Now, after we have had the Ombudsman come out and describe in forensic detail what is, I think, an unprecedented, deliberate, systematic, widespread rort of public money, what we see from the ALP in response is the claim, 'Oh, well, no-one acted in bad faith. It's okay'. We have seen Mr Lenders take a jump off the cliff for others and be seen to take the blame for everything. We also see a huge amount of smear and dirt-throwing against others.

I said earlier that people were worried, apparently, about what was going on. Lots of people have been prepared to speak to newspaper reporters and explain off the record how concerned they were. The *Herald Sun* broke this story and was rubbished by government members, but lo and behold it has all turned out to be true. I quote an article from 1 September 2015:

The question asked, quietly by some MPs and more audibly by others, was: is this above board?

Concerns centred on whether taxpayer-funded electorate officers could be sent to work on the broader election campaign through the 'Community Action Network'.

...

'People did wonder, but we were told it was all OK', one MP said.

...

... questions or concerns fell on deaf ears or were brushed aside, and the practice continued ...

One MP is quoted as saying:

We don't know who we've employed, or what they've been doing ... People did wonder but we were told it was all okay ... There was no reason to doubt the advice coming from the leader's office ... Everyone contributed — I reckon the vast majority did.

Another MP said:

Daniel was obsessed with the field campaign. I was very nervous about it, as it didn't seem right, but we did it on Daniel's orders. I never met the staffer I employed.

Mr O'Donohue — Daniel was obsessed with the campaign.

Ms FITZHERBERT — He was obsessed with the campaign; that is right. I note that the Premier has maintained, even though Mr Somyurek has presented a slightly different view, that no-one queried this with him. I wonder if anyone has asked the question about queries made of his office, which would be a completely normal process in terms of the running of an office of that kind.

A senior Labor figure said:

They got greedy. We had enough —
meaning paid field workers —
we didn't need more.

We see this all coming apart. It seems that the concerns that were held by members, as expressed through newspapers and, they say, to the Premier and the Premier's office, were right on the money and that this is something they had every reason to be concerned about.

What Daniel Andrews said at the time about this movement of his, which he has tried to now distance himself from, was:

... no political party in this country has ever tried, let alone achieved —

what was done with the Community Action Network. I think that is right. I do not mean in terms of electoral outcome — that is not the issue here. The issue is about inappropriately and systematically using public money in a way that is clearly inappropriate and which was not done by other parties and to use that for your own advantage. It is about then using all the advantages of office you have to prevent scrutiny of that, using taxpayers money on putting it through multiple futile, useless journeys to courts in an attempt to stop it until,

finally, it comes back to roost in an election year, which I do recall is something that a number of Labor members were saying in this place a couple of years ago. They said that if this gets kicked along and kicked along and kicked along, it could end up being done at the bitter end, right before an election — and here we are. The response of the ALP to the circumstances they find themselves in now, when there is a police investigation and visible signs of that — which I will not dwell upon, but we know what they are — is to criticise the police for doing their job, and that is an appalling thing.

I listened with interest to comments Ms Mikakos made earlier, and I think it is a polite way to describe it as a bit of spray to the other side. When you are cornered, when you are under pressure and when you have been caught out signing blank time sheets en masse, the response is to retaliate and to accuse the other side. Ms Mikakos made some claims about evidence that the ALP says it has that it has given to the police and the Ombudsman but which it does not have the common decency or sense of procedural fairness to actually make available to the people who are the subject of those complaints. It is unreasonable to respond in a way that I think has been largely called out, certainly by the press gallery, and I hope by the community as well, as a tit-for-tat smear attempt when a government finds itself absolutely mired in problems of its own making and the subject of an unprecedented police investigation.

I think frankly the very vague claims that have been made about behaviour by opposition members should be clarified. 'Put up or shut up' is, I think, the phrase that was used the other week, and I think it is completely appropriate. I think it is a pathetic attempt to smear. I think it is an unseemly action by a senior government minister, the deputy leader, Mr Merlino. I think frankly it is another attempt at artifice, and it should be judged that harshly.

I want to note that we have subjected ourselves to scrutiny. There has been a lot of back and forth in this place about Damien Mantach. My party was horrified by what happened there, but the difference between how we have responded to that and how you have responded to your own current spot of bother is that when we suspected that a crime had been committed by one of our people, it was appropriately reported to the police. It was reported to the police and we made that public. We cooperated with the investigation that the police undertook, and Mr Mantach, as we are often reminded in this place, has gone to jail. Subjecting ourselves to that sort of scrutiny is the opposite of what has happened with the Community Action Network and the attempts to delay. Going to court, not to give

evidence and explain what happened but to seek to avoid that sort of scrutiny, is pathetic.

I am going to conclude my remarks there, but I will note just in closing comments from the 2014 Victorian state election review, which was done by Mr Lindell. He referred to the very innovative field campaign approach. He notes this as part of his review; he highlights it. It is in fact one of the terms of reference. Mr Lindell may want to come forward and provide some more insight on that front.

The ACTING PRESIDENT (Ms Patten) —

Thank you, Ms Fitzherbert.

Mr MELHEM (Western Metropolitan) (15:59) — I also rise to speak on this motion put by the Liberal Party. I thought the Liberal Party at one stage stood for something — liberty, justice, fairness, procedural fairness for people — but obviously that does not work these days with the Liberal Party. I recall when they first referred the matter to the Ombudsman that they thought the Ombudsman should handle this matter. The Ombudsman has handled the matter. The Ombudsman had a very extensive investigation and she handed down a report which had some findings, and in her report she made no suggestion or recommendation or any adverse finding that individuals had broken any laws. That is a fact. But that is not enough. Those opposite were not happy with that, so they thought they would have another go somewhere else and referred the matter to the Privileges Committee. As a matter of fact, my understanding is that the Privileges Committee have concluded all of their hearings and will be deliberating tonight and over the next few days and they will hand down whatever decision or verdict. But that is not good enough. Again, those opposite are pestering Victoria Police to take further time to look at it, and now the police are investigating.

Instead of doing the honourable thing, instead of doing what the Liberal Party supposedly stand for — letting the police do their job — no, they want to shoot and investigate later. They want to execute people and go and investigate later. The new motto of the Liberal Party is 'You are guilty until you are proven innocent'. The last regime in the world that actually adopted that philosophy was the Soviet Union — communists. What is common between the Liberal Party and the communist party? It is: if you are accused of something, you are guilty until you proved innocent. That is a really sad position to be in. I mean, fair dinkum, we know there is an election coming up. Ms Fitzherbert talked about that and the timing before the election and so on. I will not talk about the \$200 000 that the Liberal Party used in electorate

allowances to pay for its campaign and so forth. It does not mean that all the frontbenchers and other members should stand down. No, we will let the process take its course. It is, as we all say, a serious matter. Well, let the police do their job. No-one has been charged. None of the ministers or MPs have been charged. Let the police do the job. You cannot be the judge, the jury and the executioner.

The Liberal Party basically think that justice should apply to them because they think they are entitled to it, but it is never applied to their opponents. They want to judge everyone. Well, go and get yourself a mirror and look at yourself in the mirror. I will be voting against the motion. I urge members of this house to let the process take its course, let Victoria Police do the job and leave it at that. It is not a matter for members of the Liberal and National parties to judge other members.

Ms LOVELL (Northern Victoria) (16:02) — I rise to speak on the motion that has been brought to this house today by Mr O’Donohue, and I congratulate him on bringing the motion to the house. I agree with Ms Pulford that it is sad that we need to debate this issue. It is not something when I came into this place that I thought we would be debating — the roting of public funds — but Labor has let us all down. Those opposite have let us all down because people tar us all with the same brush. People look at this issue and they think that that is what politicians do. It is not what politicians on this side of the house do, particularly not what I do. I have always taken very seriously the handling of other people’s money. Even before I came into Parliament, as treasurer of an organisation, if it was somebody else’s money I was even more extremely careful with it than I was with my own money. Certainly as a minister I was very aware that it was public money we were handling. As a member of Parliament in my own office, I know that it is public money that we are spending in our offices and we have to be accountable for every cent of the money that is spent. Ministers should be people of the highest integrity. People might have much more faith in politicians if they were. Unfortunately in this government they are not. They are dodgy red shirt rorters who have let us all down.

The motion today calls on the Premier to stand down the six ministers who are implicated in this particular scandal. All six of these ministers are very experienced MPs. They are MPs who knew the rules. They are people who have been in Parliament for a significant period of time. At the time when they did the roting — not now of course when we are four years down the track — when they were signing false time sheets, Mr Jennings had been in Parliament for 15 years,

Ms Mikakos for 15 years, Ms D’Ambrosio for 12 years, Mr Pakula for eight years, Mr Eren for 12 years and Ms Tierney for four years. They were experienced members of Parliament.

Of course it is not just the six ministers who are caught up in this. There are 23 members of Parliament, including six current ministers and two current parliamentary secretaries, who should also be stood down along with the ministers. There are six former ministers. Mr Lenders, the architect of the scheme, is a former Treasurer of this state. He knew the rules. He knew it was the wrong thing to do and the wrong way to spend public funds. There were also four former parliamentary secretaries and of course amongst them also is a former Deputy President of this place, Matt Viney. Again, these people knew the rules. They knew what they were doing was wrong. They were not new members of Parliament that could be easily convinced by a senior member of Parliament to do something that was wrong. These people all knew it was wrong. That is why they did question it, but the Labor Party told them to just participate, just be quiet and go along with it. The 23 members involved in the roting scandal had 256 years of parliamentary experience between them. Mr Pandazopoulos had been here for 22 years. There were nine of them that had been here for 15 years, four for 12 years, three for eight years, four for four years and only two who had been here less than two years.

Equally guilty as those who signed the time sheets are those who were the recipients of the falsified time sheets for people paid by the Victorian Parliament, paid by the people of Victoria, to work on Labor Party campaigns. Amongst those we have 10 sitting members — six ministers, two parliamentary secretaries and two other members who were sitting members of Parliament at that time. Amongst the ministers, there are Jacinta Allan, the Deputy Leader of the Labor Party; Richard Wynne, a very experienced minister; Lisa Neville, the Minister for Police; James Merlino, the Deputy Premier; Luke Donnellan, the Minister for Roads and Road Safety; Martin Foley, also a minister; and parliamentary secretaries Danielle Green, who thought she should be a minister but obviously does not have the character to be a minister, and Anthony Carbines. There are six new members who were recipients, so six seats were actually won out of this scandal, and four other campaigns were supported where the members did not win those seats.

The Ombudsman decided this was an artifice, and the definition of an artifice is ‘A clever or cunning device or expedience, especially as used to trick or deceive others’. But what I decided to do — because I know the government have gone to great lengths to say, ‘Oh,

artifice. It's only an artifice' — is look up some synonyms for artifice. Some of the synonyms that the Ombudsman could have used instead of artifice are trickery, deviousness, deceit, deception, dishonesty, cheating, duplicity and fraud. That is exactly what it is. It is cheating, it is dishonesty and it is fraud, and that is why it is being investigated by Victoria Police.

Daniel Andrews should stand down the six ministers and the two parliamentary secretaries involved in this scandal that has engulfed his government. It is untenable for the Attorney-General, the police minister and the Minister for Corrections to go on in their current roles while there is a criminal investigation into a matter that they are involved in. Any members of the crossbench or the Greens who do not support this motion are actually supporting the roting of entitlements, the misuse of public funds and the cheating of the Victorian people. I urge the Greens and the crossbench to vote with the Liberals and The Nationals to support this motion calling on Daniel Andrews to stand down his six ministers.

Mr GEPP (Northern Victoria) (16:10) — From the outset, can I inform the house that I will not be supporting the motion before the house. I have taken that position for a number of reasons, considered reasons. First and foremost, this matter has been the subject of an investigation by the Ombudsman, and two statements that ring particularly loudly from the Ombudsman's report for me, that I find particularly compelling, are that:

I do not suggest that any participating member of Parliament set out to deceive, or that no work was performed for any of them that could legitimately be claimed to be electorate officer work.

That is directly from the Ombudsman. And:

There is undoubtedly a blurred line between permissible and impermissible uses of parliamentary funds, and what is or is not political or party activity prohibited by the Members Guide ...

There we have the Ombudsman in her own words.

Secondly, the matter is the subject of a Privileges Committee process, which is currently ongoing, and that should be allowed to run its course. It should be allowed to run its course, as should the investigation being conducted by Victoria Police. For those opposite to suggest that we pre-empt those investigations would be completely wrong.

Thirdly, and as Dr Carling-Jenkins pointed out in her contribution earlier today, we heard diddly squat from those opposite — not one thing — when one of their

own, the member for Ovens Valley, late last year and earlier this year was under investigation by the police himself, and he was a shadow minister. It was not until charges were laid that he then decided to step down. Yet what did we hear from those opposite about process? We heard nothing. We heard crickets. There was nothing on offer.

I have one final point, and I will finish on this note. When you come into this place and you cop a lecture from the likes of Mr Finn and Mr Ondarchie, a little bit of sick just comes into your mouth, doesn't it? A little bit of sick just comes into your mouth, and you think, 'Gee, if all we can hear is a lecture from those two grubs about honour and integrity, well, gee, I reckon we're doing okay'. I oppose this resolution.

Mr DAVIS (Southern Metropolitan) (16:13) — I want to strongly support this motion brought by Mr O'Donohue to this chamber today, noting that Victoria Police's fraud and extortion squad has announced a formal investigation into Labor's red shirts rorts affair and calling on the Premier to stand down six ministers. That includes three in this chamber: the Leader of the Government and Special Minister of State, Mr Jennings; the Attorney-General and Minister for Racing, Martin Pakula; the Minister for Sport; the Minister for Families and Children in this place, Ms Mikakos; the Minister for Training and Skills in this place, Ms Tierney; and the Minister for Energy, Environment and Climate Change, Ms D'Ambrosio.

It is very clear that there was a systemic attempt to defraud the Victorian taxpayer of money that ought rightfully not have been used in the way it was. Nobody now denies that — even the government admits that the money was inappropriately used. It claims it has paid the money back, but we know that further people were involved in the lower house, and they have not cooperated. They have not cooperated with this extraordinary process, and their failure to cooperate is a very good window on to their guilt.

I make the point that the six ministers involved here very likely will be closely questioned, I would have thought. Who would know how police processes work, but I would have thought, given the references to them in the Ombudsman's report, there is a high probability that they will be directly investigated. In that circumstance it is completely and utterly untenable for them to remain in their positions. We saw today the Attorney-General in the lower house try to weasel and manoeuvre and try to explain his way forward. We saw the police minister in the same way. These people have high offices and high responsibilities. They cannot exercise those properly while under a cloud in this kind

of way. They ought to step aside. No-one is denying that if they are cleared and there is no involvement and the report comes back from the police in such a way that they are not charged they would then return to their positions, but if they are charged, they will certainly have to take further steps. I would have thought that in any good governance arrangement it would be impossible to have a minister in that position.

The fig leaf that the government has used to cover its lack of cooperation with the Ombudsman is the idea of exclusive cognisance and each chamber having its own powers, but this is a total fig leaf in what we have seen here. It is worth reading the debates from 1973 when the Ombudsman Act 1973 first went through Parliament. The Ombudsman Act for the first time brought the Ombudsman into the role that is held now, with modifications made later, and laid out the functions of the Ombudsman:

The principal function of the Ombudsman shall be to investigate any administrative action taken in any Government Department or Public Statutory Body to which this Act applies.

It goes on:

Nothing in this Act shall authorize the Ombudsman to investigate any administrative action taken—

- (a) by a court of law or by a Judge or a magistrate;
- (b) by a person acting as legal adviser to the Crown ...
- (c) by a person in his capacity as trustee under the *Trustee Act ...*
- (d) by the Auditor-General.

There were explicit exclusions, and that debate dealt with those matters and the parameters of the Ombudsman's role. The decision was made by the Parliament — by both chambers — to insert a clause, clause 16, into the Ombudsman Act, which sought to say:

At any time—

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

may refer to the Ombudsman for investigation and report any matter, other than a matter concerning a judicial proceeding, which that House or committee considers should be investigated by him.

The key point here is that the house dealt with these points —

Ms Shing — That bell just tolled over there.

Mr DAVIS — That could be for you, Ms Shing. You could be coming down to take one of these positions in very short order, because when you look at the ranks here, if three of them go, you may well be in a significant role there, and I do not think you are under a cloud on this as far as I can tell. It is not you personally, it is Labor more generally.

An honourable member — A beneficiary.

Mr DAVIS — She is a beneficiary, is she?

Ms Shing — Please don't point at me, Mr Davis.

Mr DAVIS — But my point is you may well be coming down to one of these seats here to take on a larger role if others have to step aside.

Mr O'Donohue — Until Jane comes, anyway.

Mr DAVIS — Yes, that is another point too.

The point is that in the Ombudsman Act at the time there was a deliberate set of decisions made by both houses of Parliament when the act was passed to give the power to either house to refer matters to the Ombudsman. I would have thought that the matter of exclusive cognisance was well dealt with at the time. Sir George Reid, the Attorney-General, in his second-reading speech said:

The British legislation provides that all complaints requiring investigation by the Parliamentary Commissioner must be made through the medium of a member of the House of Commons. Although there are some sound reasons in favour of this procedure and although during my recent visit abroad I have been impressed by influential opinions in favour of this course, nevertheless it is considered preferable for the complainant to approach the Ombudsman direct and the government has therefore decided to follow the pattern of New Zealand in this respect.

So much for exclusive cognisance. The role of some parliamentary separation was actually considered in the second-reading speech here and was rejected by the government at the time and thereby the Parliament at the time. It goes further: the administrative actions are defined, and clearly the actions of the various participants in the artifice or scheme that the Ombudsman investigated fall within those parameters and the later changes made to the act. He said:

The Ombudsman is therefore entitled to investigate the administrative action of any government authority except those mentioned ...

including the office of the Governor, but his jurisdiction is limited by other provisions. It is clear, though, from reading this that the Parliament — both chambers — at the time looked closely at where the parameters of power for the Ombudsman should be, and nothing in the ensuing period has changed those decisions with respect to the Parliament. Indeed, if you look at this here, it says:

He is not authorised to investigate administrative actions taken (a) by a court of law, or by a judge or a magistrate; (b) by a person acting as legal adviser to or counsel for the Crown; (c) by a person acting in his capacity as trustee; and (d) by the Auditor-General.

Again the point is being made that the decisions around exclusive cognisance were actually thought through. The decision to refer matters to the Ombudsman were thought through clearly. There is a new clause inserted there that actually gave those powers to the chambers of Parliament, and indeed it was this house that first used those powers for following parliamentary committee decisions.

But I should return to what I think is a central document here. On table 2 on page 76 of the Ombudsman report we have Mr Jennings providing field officer support to Sonya Kilkenny in Carrum; we have Ms Mikakos providing field officer support to Jennifer Kanis, then a sitting member in the seat of Melbourne; and we have Martin Pakula, Adem Somyurek and Gayle Tierney in this chamber from Western Victoria Region providing support to South Barwon's Andy Richards, a non-sitting candidate.

Mrs Peulich — And there are some that are not in the Ombudsman's report.

Mr DAVIS — And there are some that are not in there because they blocked the Ombudsman's access to it, but these are the ones that we know about. These are the ones that are proven to have misbehaved in this way. To actually have a minister of the Crown misusing money in this way is an absolute disgrace. The truth of the matter is Labor people knew it was an artifice. They knew it was a shonk, they knew it was crooked, they knew it was corrupt to its core, and that is why some people expressed concern. That is why some people were worried. That is why some people knew it was wrong. They knew it was corrupt to the core. It was taking public money — it was stealing public money for party-political purposes in a way that is completely and utterly inappropriate. Now the police are investigating it, and I say that is the right thing. If the police look at the evidence and they decide there is sufficient evidence, they should go forward and investigate these matters.

The responsibility of people where there is a police investigation is to cooperate with the police in full, unlike Labor's behaviour with the Ombudsman where they tried to use this fig leaf of exclusive cognisance to say, 'Oh, we won't have anyone in the lower house cooperate'. What a load of absolute bunk. It was just an attempt to cover up. It was an attempt to block the investigation by the Ombudsman. And now we see Kosmos Samaras, whatever his position is — I think he is deputy director of the ALP state office — putting out posts which are designed to frustrate police activity, designed to put some blockage in the way of police activity and designed to frustrate the investigation. I say the job of the ALP and the job of the ministers is to cooperate fully with the police, and that stands in stark contrast to what they did with the Ombudsman.

Let me go further and say that the central point of this motion is that whether individual ministers are guilty or not guilty, will be charged or will not be charged, we know that some of them have misbehaved, and the Ombudsman has pointed that out. There may be more in that list than are listed by the Ombudsman, but at least three of them are in this chamber. We know that questions have been asked by the police in their investigation; that is a matter of public record. Now really? A minister of the Crown? We saw the tawdry episode the other day in here with the Minister for Corrections dealing with criminal matters in an important bill on criminal law and here is a minister who may well be under full criminal investigation herself. What an extraordinary thing to try to argue that you can deliver a bill on criminal law when you yourself are under police investigation for criminal matters. What an extraordinary belief this government has.

What happened to the decision of the Premier when he said in his early days that he would take full responsibility? He has sought to evade and hide and twist and weave at every turn. I say it is implausible he did not know. I say he is up to his neck in it, and nobody has provided evidence to the contrary; in fact there is significant evidence to support that. We have had former ministers make the comment that they did raise the matter. We know that these matters were discussed at the ALP retreat, so this was right across the whole front. These ALP people are crooked to the core — a corrupt party seizing public money for its own uses and own purposes. What a disgraceful approach. They should be shunned by the community. They should be shamed by the community. The community should be furious with their behaviour.

We know they attempt to aim for some kind of moral equivalence. Well, there is no moral equivalence on

this: Labor have done the wrong thing. The Ombudsman in her report made it clear that it was not other parties that were misbehaving in this way. It is Labor that have misbehaved, Labor that have made these decisions, Labor that have misused public money and Labor ministers that are seeking to frustrate the process of the Ombudsman, and it appears Labor officials are now seeking to frustrate the progress of the police. I say Labor should do the right thing: they should stand these ministers down. The Premier should stand these ministers down. They should stand aside until the business is fully completed. If charges are laid, that will be a matter for that process. If they are not laid, the ministers will be cleared and they can go back to their roles. But for them to have a cloud over them of this type is going to diminish their capacity to undertake their duties.

The Attorney-General is in an invidious position. The Director of Public Prosecutions, who he appoints, may well have to decide on material that is brought forward to him for a decision as to whether the Attorney-General could be charged or not. We do not know the way the investigation will go, but even the appearance or the prospect of that conflict would be enough to make a sensible Attorney-General step aside. If he has got nothing to hide, he should have nothing to fear, and he should step aside and do this in the appropriate way. The police minister — listening carefully in the lower house before it is clear that she is in an invidious position too. She is sometimes briefed on criminal matters. Will she be briefed on this matter in which she may well be subject to investigation? She may well be subject to detailed investigation. Would the police commissioner brief her on these matters? I do not know. Either way she will struggle to undertake her role —

The ACTING PRESIDENT (Mr Ramsay) —
Time, Mr Davis. Thank you.

Mr LEANE (Eastern Metropolitan) (16:28) —
Listening to some of this debate, I have got to say with each opposition member there seemed to be a lot of high pitch and there seemed to be a lot of shrill. However, I must say that even though there was no fact or basis for the contribution Ms Lovell made, it was actually quite measured compared to the shrill that we have heard. I am wondering why there is more shrill. I wonder why as the day goes forward there is more and more shrill. You know when you cook a lobster and they say, ‘That squealing noise doesn’t mean it’s actually in pain; that’s just the air releasing’? I think in this case it is pain, because today of all days you want to bring on this motion — today of all days. Yes,

Mr Davis, it was proven that the Ombudsman can look at all matters, and she is about to.

And this is coming from people who had their electorate officers (EOs) in blue shirts handing out a pre-poll — you can make faces, but there are photos of it, with times and dates — and from people who used their electorate office for fundraisers. You can all complain, you can squeal and you can carry on and set off every car alarm in the precinct if you want to, but tell it to the Ombudsman and tell it to the police. Save it for them. I have to say I was not there, but I heard the President give evidence to the Privileges Committee and he said it has been the case for a long time that everyone should know electorate officers cannot campaign. The President will be appalled by your actions when you got your EOs to put on blue shirts when they were getting paid by the taxpayer and say, ‘Vote Liberal’. If that is not campaigning, what is? The President will be appalled by your actions as far as handing out a pre-poll is concerned.

Open up the can of worms if you want to. Those of us on this side are happy to go along with any investigation, because we were investigated by the Ombudsman. The Ombudsman did not make the rulings that you made up. I know it does not suit you, but the Ombudsman did not make the rulings you made up. But I am looking forward to her findings when she does the research and the investigation into you and your EOs in their blue shirts saying ‘Vote Liberal’. That is campaigning. I tell you what, the President will be appalled. He was appalled, and he said everyone should know that electorate officers should not be campaigning. He is going to be disgusted by those in his own ranks. He is going to be so disgusted by those in his own ranks when two investigations go forward. He is going to be appalled when that bell goes for the division.

It has been proven that the Ombudsman can look at all matters. She will be looking at all matters about you, because when there was an amendment to the motion that all parties be looked at when this was referred to the Ombudsman before, you used your numbers to reject it. Welcome aboard. We are all in it together. We are happy; we have been through it, with no recommendations from the Ombudsman to refer anyone further. Welcome aboard. We look forward to seeing where she sends you.

Mr ELASMAR (Northern Metropolitan) (16:32) —
I rise to speak against the opposition motion. I totally reject the premise of this motion because it goes against the value of natural justice we all hold dear. The motion and the debate I heard before are all about the

Ombudsman's report, but none of the speakers said that all those involved acted in good faith. That is the truth, and I believe they all acted in good faith. We are all aware that the issue has been referred to Victoria Police for investigation, and we should allow police personnel to conduct their inquiry. We should allow as well the ministers to continue because they are doing a great job. They are conducting themselves well and ensuring there is good governance for all Victorians. We should not be playing any political games in an election year. In brief, I reject the motion, and I ask my colleagues not to support the motion.

Mr EIDEH (Western Metropolitan) (16:35) — I rise today to make a brief contribution on this motion calling on the Premier to stand down the ministers named in the Ombudsman's report. It is ridiculous that we are debating this motion when there is no evidence that the ministers named are under criminal investigation. The ministers in question were part of a decades-old pooling arrangement which morphed into something undesirable — a pooling arrangement that all parties had been using for decades. The investigation is looking into the evidence gathered by the Ombudsman during her investigation in which she declined to recommend criminal charges. The Ombudsman's report stated that all members participating in the scheme acted in good faith and that there was no evidence to the contrary. Therefore I oppose this motion, and I will not be supporting it.

Mr JENNINGS (Special Minister of State) (16:36) — I am going to make a point that is similar to a series of points that Mr Leane made, but nowhere near as entertainingly and with nowhere near the sense of goodwill and good humour with which he expressed his points of view. I actually want to go back to the response that Mr Dalidakis made immediately after Mr O'Donohue concluded his remarks earlier today. Mr Dalidakis, I think, called out what was the logical conclusion from Mr O'Donohue's speech in support of his motion, which was to let the police do their work. Let the police determine the appropriate way in which these matters should be investigated and the consequences that may flow from them. Whether it be the police examination or whether it be the current examination by the Privileges Committee, I am happy to adhere to that process. I am happy to live with the consequences of that process and to act in accordance with that process that has already been embarked upon.

The motion that we have today is one in a series of self-serving motions that have been dealt with by this chamber. They have been self-serving on a number of occasions. Mr Davis desperately tried to rewrite the original intent of section 16 of the Ombudsman Act

1973, which was a matter that not only related to the differences between the chambers but also related to a whole series of other matters relating to the types of references that the Ombudsman could or should consider. In fact the matter that should have been tested but was not tested in the High Court and was not addressed in the Supreme Court was that the intent of section 16, as understood by the courts, was outside the scope of the act. The Ombudsman Act talks about administrative decisions and the scope of administrative decisions and practices, but the interpretation that was applied by this chamber in a self-serving way by the Liberals, the National Party and the Greens, who actually supported the motion at the time, was that they would choose to look at that part of the activity associated with Labor Party electorate officers, but they acted in a very decisive way to prevent scrutiny of their own officers.

Now, I am not going to go through the allegations in relation to the opposition and the Greens party at this moment, but I would caution members of those parties in a current sense. If you live in a glass house, be very careful about what you ask for. Be very, very careful about what you expect from others being measured in a way that you anticipated you would never be measured. I think one of the great problems with the guidelines that we have all had to live with over the years in relation to the parliamentary understanding of what is the difference between servicing the electorate and the activities of an electorate office is how that has been read down by the Ombudsman and read down by this Parliament to mean very, very strict adherence to administrative activities that never, ever traverse the potential for the parties in question to have derived any benefit in relation to the information that has been gathered, the way in which it is understood, the way that it is actually disseminated and how it may relate to campaigning.

I am not going to bandy about allegations today, but I am going to assert 100 per cent that every party in this Parliament, every MP in this Parliament, would fail if taken to task through a strict definition of a demarcation between political activity in the way that was applied to members of the Labor Party by the Ombudsman. Every office would fail.

In fact if you have a look at the actions, despite the way that various members of the opposition have described them in terms of the references to flying squads and all these other colourful descriptions about what actually happened, these young people were embarking upon effectively this: they were talking to constituents, they were listening to constituents and they were writing down what constituents said was important to them so

that that could be used subsequently in relation to either policy development or in fact campaigning. The sin of these young people was to talk to members of their community, to talk to constituents and to actually have a database that recorded what they said.

The way that this in fact is colloquially understood — by the bandying about and all the colourful language that the opposition throws at the government — shows this type of activity occurs in every electorate office in this jurisdiction and in every electorate office around the country. In fact there is no way in the world that the action that was undertaken, if it were undertaken in a commonwealth member's office today, would be bandied about and considered to be the sin that it is being described as and apportioned in this matter before the Victorian Parliament. From my vantage point, in a dispassionate way I say to people —

Mr Davis — Dispassionate? You're the Leader of the Government and one of the people who has been pointed to by the Ombudsman as one of —

Mr JENNINGS — Mr Davis, take over the Parliament, because in fact you have always been the champion of democracy. Clearly you are the champion of debate. Clearly you are the champion of actually treating one another with respect. I have not actually come into this place and bandied about any —

Honourable members interjecting.

Mr JENNINGS — That is exemplary behaviour from the opposition, who will bully anybody who does not agree with them, whether it be on the matter of how democratic processes should work or how accountability should work or what it might mean for inclusion in our community. If you have got any opportunity to have a go and bully others, do your best. People who are more careful, more considered and more respectful will ultimately win. Ultimately those people will prevail. In fact the attempt today to turn this into a self-serving reference of the Parliament at a time when the Privileges Committee is determining these matters, the police are investigating these matters and the Ombudsman found that no further action should be undertaken — in fact made no findings that any action should be taken against anybody who participated in the scheme, because they operated with a sense of goodwill — should be enough for the Parliament today, and I will be voting against Mr O'Donohue's motion.

Mr O'DONOHUE (Eastern Victoria) (16:43) — I will make a couple of remarks to sum up. I want to thank all members for their contributions to the debate today. As the debate has gone on I think government

members in particular have lost focus on what we are considering here as a house, and there has been some attempt to relitigate the Ombudsman's report — relitigate the veracity of the findings or otherwise, the interpretation of the findings. The fact is as we stand here today Victoria Police is investigating the Labor rorts artifice. That is a fact. The fact is Victoria Police in a media statement of 27 July said:

Victoria Police undertook reassessment of the material in relation to allegations of misuse of parliamentary budget entitlements to determine if further investigation was required ...

This assessment has now been completed and a formal investigation will now be conducted by the fraud and extortion squad.

The fraud and extortion squad, following the complaint about the artifice, is now conducting an investigation. In similar situations, as I said in my substantive contribution, ministers have stood down until such investigations are concluded. I think that is telling. The government has put up such a weak defence today. Minister Dalidakis is all froth but no bubble, isn't he? He talks a big game, but as a lead speaker for the government he failed to deliver.

Government members have spoken for 1 minute, 2 minutes, 3 minutes; they have spoken about things that have been completely irrelevant to the motion, completely irrelevant to the debate. In fact it has taken really until after 4.30 p.m. to get some sort of attempt at a defence from the last couple of government speakers. I suppose, though, from the party of Telmo and Don, Ted and Patch, what would we expect? What do you think of when you think of Ted and Patch, when you think about Mr Nardella in his caravan at Ocean Grove or when you think about the previous Speaker and his rorting? I suppose it is no surprise.

I want to thank opposition members for highlighting the different approach from the government to the allegations against former minister, Mr Somyurek, and the decisive action taken by the Premier and the Leader of the Government in this place, Minister Jennings, who was present at that Saturday morning meeting, as he described it to the house, where Minister Somyurek was told to stand down because there was the potential of a police investigation. And here we have an actual police investigation, and they are saying, 'There's nothing to see here' — this is their different approach. With Daniel Andrews, there are winners and losers. He has got one rule for him and one rule for those he is against.

I want to address the contribution by Dr Ratnam. I thank her for contributing to the debate. She said Labor

was wrong, that we need better integrity but that the Greens are going to vote against the motion. There is absolutely no consistency from the Greens — absolutely no consistency whatsoever. Dr Ratnam after making her speech drafted a letter and sent it off to the Premier and Leader of the Opposition, calling for a new commissioner. Well, we have the opportunity here as a Parliament to make a statement about integrity and doing the right thing. This is the opportunity for Dr Ratnam to do the right thing. Is she going to choose to vote with her coalition partner, the Labor Party, or do the right thing and vote for this motion?

Dr Carling-Jenkins asked the question: why isn't this in the form of a no-confidence motion? Well, that option was available, but this is the motion that has been presented. The outcome of the house taking a decision to support this motion would be similar to the outcome of a no-confidence motion. It is basically calling on those ministers, or that minister, to stand down. So I think Dr Carling-Jenkins, with respect, is playing at semantics in making that point. She also asked the question: why are all those six ministers being dealt with in the same way? Because the Ombudsman found that they had rorted their electorate office budgets, that they had misappropriated, that that money had been —

Honourable members interjecting.

Mr O'DONOHUE — That is what the Ombudsman found, and that is why those six ministers are being named and treated in the same way in this motion.

It is interesting to listen to some of the government members talk about pooling arrangements and say that we should not pre-empt the police decision. No-one is saying the police investigation should be pre-empted, but it is appropriate, it is right and it is what has happened on so many other occasions that when a police investigation is on foot, the minister stands down.

Mr Eideh was talking about pooling arrangements. Well, the President addressed pooling arrangements in his evidence to the Privileges Committee, but this is nothing to do with pooling arrangements. It is not like anything else that has happened before, and as the Ombudsman found in paragraph 52 on page 17 of her report, and I will quote the paragraph again in conclusion:

The other argument that surfaced regularly during our investigation was that this was simply an extension of an existing, approved pooling arrangement, and ... 'they all do it'.

And the Ombudsman found:

It was not, and other political parties did not have similar arrangements.

So let us just make that very clear. This rorts artifice has been a construction of the Labor Party — the Labor Party only. There is now a police investigation. We will await the outcomes of the police investigation, but until that occurs those six ministers should do the right thing and stand down, and this motion calls on the Premier to do just that. With those words I thank members for their contributions to the debate, and I call on the house to support my motion.

House divided on motion:

Ayes, 16

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

Noes, 22

Carling-Jenkins, Dr	Patten, Ms (<i>Teller</i>)
Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms (<i>Teller</i>)	Pulford, Ms
Eideh, Mr	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

Motion negatived.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Department of Health and Human Services: report 2016–17

Ms LOVELL (Northern Victoria) (16:59) — I rise this afternoon to speak on the Victorian Department of Health and Human Services annual report 2016–17. As we all know, the Department of Health and Human Services is actually the department that delivers housing assistance and homelessness services in our state. In this week, which is Homelessness Week, it is appropriate to talk about the provision of public housing and homelessness services in our state. I would say that under this current minister, Martin Foley, there has been an absolute failure in the provision of homelessness and housing services in the state of

Victoria. We have seen the housing waiting list blow out from 34 320, as it was in December 2014 when this government came to power, to 37 996 applicants. That is an increase of 3676 applicants and 11 per cent statewide.

But I want to talk particularly about what is happening in Shepparton in my electorate and my home town, in fact, where the public housing waiting list has actually increased by 522 applicants to be 1059 people on that waiting list. That is an increase of 97 per cent, which is actually quite disgraceful. In December 2014 there were 537 applicants on that waiting list; it is now 1059, an increase of 97 per cent.

But even more concerning than that is the number of people who are on the early housing waiting list. These are people who are at risk of family violence or are suffering from family violence, people who are homeless or at risk of being homeless, people with a disability or people who have special housing needs, which are often medical needs. There were 109 applicants on the early housing waiting list in December 2014; there are now 420 applicants. That is an increase of 311 and 285 per cent. Of course the general housing list, or as they call it now the register of interests, has increased from 428 by 211 to 639, an increase of 49 per cent. It is very concerning that our public housing waiting list in Shepparton has blown out by so much. It shows that there is an absolute failure by this particular government to deliver for those vulnerable people in Shepparton. These are some of the most vulnerable people in our community.

When we were in government we provided a number of projects that increased the social housing numbers in Shepparton to accommodate people. We built 12 new homes at the St Georges apartments, which are in Purcell Street in Shepparton. We provided 44 new apartments when we bought what was an aged-care nursing home attached to the Mooroopna hospital and converted that to social housing. We provided 40 places at the youth foyer, which we funded and commenced and which of course have been finished in this term of government. We were actually providing new and more social housing in Shepparton. They were just the big projects. There were a number of smaller projects that we did. And of course we invested in maintenance that the former minister, Richard Wynne, had forgotten all about — and the then Auditor-General said that 10 000 homes would fall off the edge.

What we have seen from this government is no investment in new housing in Shepparton. We have seen a blowout of the waiting lists. It is absolutely appalling. As I spoke about this morning, the street

count which took place in the CBD in Melbourne saw an increase of 48 per cent in the number of people who are sleeping rough in the city of Melbourne — under this minister, who has been an absolute failure as housing minister.

Law Reform, Road and Community Safety Committee: VicRoads management of country roads

Mr RAMSAY (Western Victoria) (17:04) — My statement is on the report on the inquiry into VicRoads' management of country roads. The Law Reform, Road and Community Safety Committee has recently tabled its interim report, which has raised some important points. Condensing them, one would say that regional and rural roads are in poor condition, many unsafe. Most problems arise due to poor funding, increasing loads on those roads, climate impacts and dubious standards of maintenance and repair.

Three hundred and thirty-five submissions were received by this committee. It is a great shame the committee has only found time to table an interim report, handballing the rest to the next Parliament. People reliant on Victoria's country and regional roads cannot wait for repairs and progress. The RACV knew this in 2016 when it recognised that some of the state's worst roads were in the Western Victoria Region — specifically the Glenelg shire. Not surprising then the bulk of the private submissions to this inquiry came from south-west Victoria, with 47 from Glenelg shire residents, 21 from Warrnambool, 17 from Moyne and 15 from the Southern Grampians.

VicRoads looks after 25 000 kilometres of the state's 200 000 kilometres of road network. Of that 25 000, 19 000 kilometres are rural and regional roads and roadsides, and these roads are under increasing stress. The report indicates that in the last 20 years these roads have experienced a 20 per cent increase in traffic and freight volumes. That freight load is also bigger and heavier than ever before. Despite the increased pressure, the financial support for those roads has not increased, and in fact road-related revenue has decreased in the past decade. The 2016 Austroads report found that federal funding for urban arterial roads is 14 times more than that for rural arterial roads. It is just part of the funding equation, with the state responsible for the bulk of the roads budget.

Many of these country roads are ending their natural life of 60 years. Individual submissions to the committee spoke of issues such as the size and depth of potholes; the lack of roadside drainage forcing water back onto roads, causing further deterioration to

surfaces and edges; narrow roads; overgrown roadside vegetation; soft and crumbling road edges; and permanent 'temporary' signs for lower speed limits along unsafe and damaged roads.

Country residents also spoke about 'bad roads' now being accepted as normal. They also highlighted that, unlike city residents who have multiple road options, country residents often have just one road to choose from. The Victorian Farmers Federation spoke of 'fit-for-purpose' roads. Others raised doubts about the quality of VicRoads's outsourced contractors.

The interim report has raised some key issues. There is no doubt there is a need for increased funding for regional roads and longer term budgets and planning. Most importantly, it has acknowledged that the existing funding model and its lack of effectiveness for country roads signifies a need for a new funding model for rural and regional roads. This is not unrelated to my members statement this morning, in which I raised the issue around the rating model that Victoria currently uses to gain rate revenue for local governments. At the end of that members statement I again said we need a new rating model, particularly for rural and regional councils.

Well, the same argument exists for the funding of rural and regional councils for road maintenance. These issues highlight the need for a government that will take regional Victoria seriously. The Liberal-National coalition has tilted its hat to that outcome in many ways, not least being the reinstatement of the \$160 million country roads and bridges program. But we need billions of dollars to invest in our local regional and rural roads, for all the reasons I have highlighted and also all the reasons the interim report by this committee has highlighted.

Interestingly enough, it was quoted in the *Geelong Advertiser* only yesterday that deaths on rural roads rose by 13 per cent last year to 156 and now account for 60 per cent of fatalities on state roads. So we have a significant safety problem on our road networks, we have councils that are unable to appropriately fund the maintenance, upgrade and even renewal of our country roads, and we have funding mechanisms that are totally inappropriate to the 21st century for providing both safety and access for our heavy load vehicles.

For those on that committee, my hope is that they will actually be able to provide a final report to this Parliament so the government can respond and has to respond. I also hope the incoming government takes note of the significant issues raised by this committee in relation to our rural and regional roads.

Environment and Planning Committee: proposed long-term lease of land titles and registry functions of Land Use Victoria

Dr RATNAM (Northern Metropolitan) (17:09) — I rise to speak in reference to the report that was tabled yesterday by the Environment and Planning Committee on the inquiry into the proposed long-term lease of land titles and registry functions of Land Use Victoria. Once again I note my thanks to the chair, the committee members and the secretariat staff, particularly given the short-term nature of this inquiry and the amount that we had canvassed through that.

In referring this matter to the inquiry, I spoke in a previous debate to the serious concerns the Greens had about the Labor government's proposal to privatise core functions and services of the land titles office. Here in Victoria we are one of the most privatised states in the nation, following Jeff Kennett's sell-off of \$30 billion worth of assets in the 1990s, including an entire energy system, ports, state banks, prisons and Tabcorp. Forty-five thousand jobs were lost, 300 public schools were closed and funding to hospitals was decimated. Future governments, including this Labor government, continued down this path of privatisation — of our road system through toll roads; of the vocational education system; of trains, trams and buses, which are being run for private profit; and of community services and public housing sell-offs that are really devastating our community.

The number of privatisations, according to the report from the People's Inquiry into Privatisation, is 118 and counting in Victoria. Victorians are feeling the impact of this agenda because prices and their cost of living are going up. There is growing inequality. They see big corporations making huge profits from services that should be publicly run and that are in the public interest.

The inquiry into the sale of functions of the land titles office looked at the implications of the privatisation on the land use system in Victoria. It particularly looked at the risk to the privacy and security of sensitive data, the impact on costs and service levels, the impact on job security and potential job losses and the proposed financial arrangements, and it reviewed whether this made good financial and economic sense. It also looked at other models locally and internationally that had similar experiences.

It is worth noting the breadth of work that the land registry service provides in Victoria, including issuing certificates; changing title details; replacing lost or destroyed titles; processing applications to change

property boundaries; and managing land data, which is all the title surveys and property sales information in Victoria, amongst so much other valuable information that passes through this office. Some of the most valuable data that we have in Victoria is proposed to be privatised. The scale of their work is incredible, with over 850 000 land transactions a year, over 9000 subdivisions, the creation of 65 000 new parcels of land — and the list goes on in terms of the work they do.

When the inquiry began it became very clear there was a lot of confusion and a lack of information, transparency and clarity about what parts of the service were set to be privatised, including for key stakeholders that would be implicated by this privatisation. The committee was told that the aspects that would be privatised are the registration functions, the land data system and part of the system's functions. The inquiry received a wide range of submissions, and I thank everyone who made submissions and came and gave evidence at the hearings. The overwhelming majority of the submissions opposed the privatisation and the long-term lease that is proposed by this government. There were a range of submissions of evidence given at the hearings that revealed that key stakeholders had been inadequately consulted or not consulted at all, and some of that was attempted to be followed up on during the process of inquiry.

The key concerns that were heard throughout the inquiry and which still remain since the inquiry completed its deliberation are essentially about the privatisation of what is essentially a monopoly service, the lack of a long-term economic rationale for this privatisation and, key to all of this, data security and integrity and the potential risk to this valuable land titles data. When you privatise a monopoly service, essentially what you are introducing is a service like this without any competition. We have seen what is happening with the e-conveyancing system Property Exchange Australia (PEXA), which is supposed to be in a deregulated environment but there are no competitors. What does that mean? Prices go up and you do not get improved services. There seems to be such an unquestioned faith that the market will deliver innovation and reduce costs, but when pressed there was hardly any evidence to suggest that the system being retained in public hands could not drive that same innovation and new products.

We have seen what has happened with the PEXA system, with costs starting to increase already. We saw data breaches recently with the e-conveyancing system — the PEXA system, once again. We heard during the inquiry that PEXA said, 'Well, it wasn't our

breach; it was a system weakness elsewhere', but Victorians just do not buy that. This valuable land data should be protected in the public interest; that has not been guaranteed. Data security issues were at the forefront of the inquiry, and we looked at questions about information privacy and integrity. This privatisation should be legislated and not just regulated. That would protect Victorians in a much stronger way. The inquiry, I believe, found that there was no compelling evidence about why the land titles office should be privatised.

Auditor-General: *School Councils in Government Schools*

Mrs PEULICH (South Eastern Metropolitan) (17:14) — I wish to make a few remarks on the Victorian Auditor-General's Office report *School Councils in Government Schools*, which was tabled on 26 July 2018. Unlike the previous speaker, I do not have faith in the monopolistic services being run by governments, because having come from a communist regime I know that these are run into the ground and are often insensitive to client or consumer needs, and that is why so many of these communist regimes have failed. That includes of course the country in which I was born, the former Yugoslavia. Just as a little digression, I remember taking my grandmother to an emergency department with pneumonia. She waited for two days to be seen because they were waiting for a little bit of extra cash for the medical book — a little bit of payola. That is what happens when you have governments without any competition and when you have this blind faith in government-owned services.

That is why we have actually got a reasonably good education system. We have a mixed economy of education in Victoria. We have government schools — some of them are performing well and some of them are not — we have cheaper Catholic and independent schools and we have private schools. Often parents will vote with their feet. Sometimes it will be a good-quality private school, sometimes it will be a modestly priced Catholic school and other times it will be some very sought after government schools. My son went to one of those, McKinnon Secondary College, until he had the opportunity to get a scholarship to a school where his sporting interests were nurtured, and that was Mentone Grammar. Both of them had their strengths and weaknesses, but I think the strength of the system is the mixed economy of education.

Unfortunately, since this government has taken office and stripped school councils of many powers, what this report shows is that in actual fact there have been many, many missed opportunities. Basically the

Auditor-General points out that the Victorian school governance framework is confusing; that there are shared governance responsibilities which are unclear; that indeed school council's role is open to interpretation; and that clarifications of these objectives would assist in having efficient governance, in making decisions in the best interests of students and in enhancing the educational opportunities to ensure schools comply with the Education and Training Reform Act 2006.

The Auditor-General's report also talks about the Department of Education and Training's (DET) guidance to school councils being incomplete, especially in terms of what the department's role is, what its decision-making authority is and what its accountability is. In addition to that, the Auditor-General says there is ongoing confusion over the role and that what needs to change is the Department of Education and Training needs to improve its guidance to school councils to clarify its role within the governance framework. Unfortunately this is very difficult to do when you centralise some powers and strip councils of powers and responsibilities that they should have in order to deliver a high-quality education. In addition to that, the government did away with the need for school councils to undertake an annual review and then an external triennial review, which often gave informed data and information from experts as to the direction of the school and its delivery of important services to students regarding the quality of its curriculum, pastoral care, school attendance and so on.

Now what we actually see are schools beginning to languish. There are no key performance indicators for school council performance, and there is no analysis of a school's efficiency and effectiveness. The recommendations of the Auditor-General are that the DET interpret the policy intent of school councils — which is currently unclear — update guidance and training, implement a support strategy for school councils, improve oversight as required and annually report to the minister on school council performance. The overall message is this: school communities cannot be assured that all school councils in government schools are fulfilling their objectives. The lack of a robust performance system is a missed opportunity to continually improve the functioning of Victorian government schools.

An area where councils do need to improve, I think, is in the election of school councils. I think that needs to be opened up. I think every family should see — a bit like in local government elections — postal ballots, a little statement from contenders and a photograph to

actually know who they are voting for. Make it open slather, and make sure that people actually get the best range of skills around that school council table. In addition to that, I think the panels for the appointment of school principals need to be reviewed to make sure that it is not just peers appointing peers but indeed that schools have a majority say. The ability to review school council performance is important, and at the moment I think they are suffering and the schools are suffering as a result of this diminished responsibility and opportunity to improve our system.

Department of Treasury and Finance: budget papers 2018–19

Mr O'SULLIVAN (Northern Victoria) (17:19) — I wish to speak this afternoon on the state budget 2018–19. As we know, state budgets are there for the purpose of allocating funds, particularly for the next financial year but also for the forward years — another three years beyond that. What is of particular interest to me in the state budget at present is in relation to some of the drier conditions that we are starting to see here in Victoria. I was looking through the state budget papers to see if I could see any hint of forewarning or preparation by this government in terms of what could be a dry period, heading into a potential drought in Victoria in the next matter of months and potentially into the next year or so.

One of the things that I was slightly concerned about is that there did not seem to be anything in there that I could put my finger on when I had a look for any potential indication of what the government is planning to do or has in mind in terms of potential drought that might be coming this way. As we know, New South Wales is in extensive drought at the moment. They are at a point now where virtually 100 per cent of New South Wales is drought impacted. Queensland is slightly less impacted, but still around two-thirds of Queensland is drought affected. We have seen the extensive impact that is having on communities and farms in those areas, and it is a real tragedy what is unfolding there.

It is one of the things we need to be a bit forewarned about; weather patterns such as these dry conditions for Victoria start in the north of Australia and work their way south. Let us hope that that does not come to fruition in Victoria, but already we are starting to see some dry indicators that are of concern, particularly in my electorate, up in northern Victoria, but also it must be said that some of the conditions in East Gippsland are pretty dire at the moment as well.

I was speaking to a farmer from East Gippsland, Chris Nixon, who said that they have very, very dry conditions there, and he has already been in a position where he has had to sell off some of his breeding stock because he just does not have the feed available to feed them at the present time. He has made the decision to lighten off his stocking rates to try and cope with the dry conditions. In the *Weekly Times* Chris Nixon was quoted today as saying that:

We're kicking up dust in paddocks where normally we should be slopping around in mud.

The dry conditions certainly continue down in East Gippsland. Thankfully I think some of the Western District has got some good rain over the last month or so, so they are doing okay at the moment, but in northern Victoria things are particularly dry.

I was up in the Mallee area for the Mallee Machinery Field Days last week and speaking to a number of farmers who usually at that time of year have a reasonable prospect of a good crop in front of them and are starting to look at what equipment they need to upgrade and what other things they can introduce into their farming business that would certainly help them. But after speaking to a few of the farmers and asking them what they were looking at, what they had their eye on, they made the comment that the only thing that they would be buying at the field days this year was a steak sandwich. They certainly were not looking at buying any equipment, because they just do not have any confidence in the season going forward.

If you look to some of the other areas in northern Victoria, particularly some of the dairy country, if they are purchasing water on the temporary market, they are now paying up to \$370 or \$380 per megalitre to grow grass for their stock, which is not sustainable. The cost of the water is more than the production value that they can get from that.

One of the things that is really concerning me is the level of fodder in Victoria. We are seeing B-doubles heading to New South Wales and Queensland at a rapid rate of knots, and you can understand that the farmers in New South Wales are in need, but I would also just caution that we do not leave our own farming stocks completely dry of fodder in the next couple of months if we have that requirement. I think that is a concern that we all should have, and I would hope that the Minister for Agriculture is certainly concerned with that as well.

I was talking to one of the farmers last weekend over in Patchewollock, where I am from, and they are very much living from hand to mouth in terms of getting 3

or 4 millilitres of rain here and 3 or 4 millilitres there, which is keeping them going week by week, but they are certainly looking for a much bigger rain to sustain them for when the drier conditions do arrive, which will not be very long as we get into the warmer months.

Department of Treasury and Finance: budget papers 2018–19

Mr DAVIS (Southern Metropolitan) (17:24) — Today I want to talk about the state budget, and particularly the planning outputs and the focus that the government has in its planning outputs on densification. They are significant public policy decisions by this Andrews Labor government, and I say given the enormous population growth — 143 000 people in the last year, of which 90 per cent went to Melbourne; we saw the country turn over 25 million yesterday, so there is significant growth — there is plenty of challenge.

We have obviously said that we want decentralisation. We have said that the government should be opening up the precinct structure plans more quickly inside the urban growth boundary, and we have certainly been prepared to look at opportunities inside the city. But we are not interested in an open slather approach. We have laid out protections. Neighbourhood residential zones (NRZs) would return and general residential zones would return as important protections in Melbourne where the livability needs to be protected inside our city.

We have seen announcements by the government in the last few days. In the City of Glen Eira the decision to cap Bentleigh and Carnegie is frankly too little, too late. The government has allowed the horse to bolt on those municipal centres, those town centres and significant building development has already changed the scope and the shape of Carnegie, for example. What will happen is with the government removing the protections in the general residential zones and particularly in the case of Glen Eira in the neighbourhood residential zones, it will become open season in the NRZs now. The pressure will come onto the smaller side streets under the government's regime.

We have said we will reverse those changes made in VC110, the government's amendment that was linked in with their *Plan Melbourne: Refresh*, and we have said that it is not appropriate to have open season in our smaller residential streets with neighbourhood residential zones, having seen the cap lifted from 8 metres to 9 metres and the two-dwelling cap that was part of the protections removed completely. We know that the minister has indicated that eight, 10 and beyond is the number of dwellings that can be put on a large

block in a neighbourhood residential zone. That is not going to protect the livability.

However, we have also seen in Elsternwick this week a significant announcement by the government, with a 12-storey cap being put in place. A 12-storey cap will see very intense development occur in the area of Elsternwick that the minister has outlined in his recent planning scheme amendment. Twelve storeys in Elsternwick is more than I think is reasonable, and in government we will review that 12-storey cap with a proposal to lower that height limit. Twelve storeys is simply too high in Elsternwick. I know some in this chamber know that area quite well and think that that probably is far too much. I know Mr Foley owns property in Elsternwick, and I do not know whether that is connected with this or whether there is an advantage for him in having the 12-storey height limit there. This is something that people will want to investigate closely.

Let me just say that another amendment the government has made in recent days and tabled this week is VC148 of the Victoria planning provisions. This amendment was gazetted on 31 July. An unintended consequence of the amendment to clause 52.06, 'Car parking', will strip away the protections that require larger and more intense developments to have visitor parking. It will remove the requirement for visitor parking in significant areas of municipalities closer to the city, so those in the principal public transport network, which is those areas near stations and bus stops and within a 400-metre radius of any of those transport nodes, will now be given the right to build properties without visitor parking.

You will see intense developments and high developments occur under the minister's neighbourhood residential zone proposals right across Glen Eira, right across Boroondara, right across areas of Bayside and Port Phillip and down into areas of Kingston. All of these municipalities will see this intense development and no visitor parking. Those small side streets will become the target for parking problems. There will be intense congestion, and the congestion that people feel with the population growth will be worsened — intensified — and the government has no solution to this. In fact it is deliberately forcing in these sorts of developments without the proper outcomes and the proper protections.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Mr Davis.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

That the house do now adjourn.

Bundalong school buses

Ms LOVELL (Northern Victoria) (17:30) — My adjournment matter is for the Minister for Roads and Road Safety, and it relates to the safety of school bus users at the bus stop on the Murray Valley Highway outside the Bundalong General Store. The action that I seek from the minister is that he, as a matter of priority, order an immediate safety review by VicRoads of the bus stop outside the Bundalong General Store and provide a commitment to implement any identified measures that will improve the safety of children catching school buses at this location.

I was recently in Bundalong and spoke to one of my constituents who is concerned about the safety of schoolchildren using this bus stop. Children from Bundalong that attend Wangaratta schools are picked up and dropped off by school buses outside the Bundalong General Store. The general store is located on the Murray Valley Highway, and the speed limit on this section of road is 80 kilometres per hour. The bus stop is also a designated V/Line bus stop and is controlled by Public Transport Victoria (PTV).

The constituent first raised this matter with the area bus coordinator in 2015, who forwarded the concerns on to PTV and VicRoads, yet no action has been taken to improve safety at the bus stop. The school buses collect children in the morning on the eastern side of the highway, yet there is no signage marking the area as a designated school bus or V/Line stop. Due to the lack of designated parking, parents are forced to park in the driveway of the general store, against the wishes of the store owner. Each morning children are forced to avoid store customers driving to the store to purchase petrol and other goods.

In the afternoon the school buses must drop children off on a gravel area on the western side of the highway. This small area is also not marked with any signs indicating it is a school bus stop and is used by trucks and cars. Every afternoon children are forced to negotiate parking vehicles and other passing traffic after getting off their buses, and there are no signs to indicate to passing traffic that children may be crossing the highway. This bus stop is currently unsafe for children catching school buses and an investigation needs to be carried out immediately to identify actions that will improve safety in the area. The action that I seek from

the minister is that he, as a matter of priority, order an immediate safety review by VicRoads of the bus stop outside the Bundalong General Store and provide a commitment to implement any identified measures that will improve the safety of children catching school buses at this location.

Nagambie ambulance services

Ms SYMES (Northern Victoria) (17:32) — My adjournment matter is for the Minister for Ambulance Services. Firstly, I would like to congratulate Ambulance Victoria and the Minister for Ambulance Services on the recent release of figures which confirm a significant improvement in ambulance response times for life-threatening emergencies across the state, including all of Northern Victoria Region. It is clear that the Andrews Labor government's \$500 million investment in our ambulance service, which includes employing 450 more paramedics, buying new vehicles and building more stations across the state, is helping reduce response times and save lives. Of course this stands in stark contrast to the previous Liberal-Nationals government, which cut funding, allowed response times to blow out and launched a ruthless and sustained attack on our paramedics.

At the local level, in 2016 Labor responded to a Nagambie community call for additional ambulance support and rolled out an ambulance service that was staffed by ambulance community officers, known as ACOs, with support from professional paramedics at peak times of the year, that being the summer period. The new Nagambie ambulance service made a big difference to this community, which felt much safer knowing that emergency care was close by when they needed it, all day, every day. Since that time Nagambie has continued to grow. Many people in this chamber would know about the amount of visitors that get to this region. The region's beautiful lakes, food and wine attract people all year round, not just in summer.

Craig Hazelwood has been the most regular of the paramedics that has worked at Nagambie. He has had a huge impact on the health of the community by not only responding to emergencies and to people's health concerns but by engaging in community health education and giving talks at men's sheds and aged-care facilities and the like. Reports are that he has also had an impact in reducing the number of patient transfers from Nagambie hospital to Shepparton, ensuring that those people continue to receive their health care in town, which is something that we all prefer to do.

Nagambie has made the call to extend the employment of a professional paramedic from the peak period to all year round. I was delighted that through my advocacy the minister listened to the community and agreed that Nagambie deserves a paramedic 12 months of the year, with the continued support of the ACOs. I announced this as part of the 2018–19 budget. I have delivered this news to the community, and they are really grateful. They are rapt with this result. In the transition to making this permanent there has been some confusion in town about the commitment, so the action I am seeking from the minister is that she provide an update on the details of the ambulance service to be provided to the Nagambie community.

Wind farms

Mr RAMSAY (Western Victoria) (17:35) — My adjournment matter tonight is to the Minister for Planning, the Honourable Richard Wynne, and the action I seek is for him to put a hold on all wind farm permits in south-west Victoria until a comprehensive review is undertaken of the social, economic and environmental impacts of these proposed renewable energy industrial parks, with additional reference to the health, amenity, landscape and lifestyle impacts. The reason I seek this action is not to deny the state's responsibility to support renewable energy projects but is due to the fear that the premise on which taxpayer subsidies will be used based on the wind generators' claim of providing energy output into the national energy grid is overly optimistic.

I well remember Greg Barber taking me to task when I raised concerns about the impact of a proposed 116-turbine wind farm neighbouring my property when I first became a member in 2010. Mr Barber has since gone under dubious circumstances and the wind farm is still under construction, hosting a mass of steel posts and wires and totally destroying the rural landscape.

I am not alone with these concerns. Today in the *Geelong Advertiser* farmers in the Inverleigh district voiced the same concerns that I did eight years ago with the proposed 16-wind turbine industrial park in a farming zone, as many lifestyle landholders choose to live in a rural amenity without turbines, posts and wires and gravel roads taking over productive food production land. This project and works plan was first granted by the Surf Coast shire in 2008 and was upheld by VCAT. But the real threat to the area is WestWind's proposal for an industrial park with 228, 3.5-megawatt wind turbines with wingspans of 228 metres, which is equivalent to the size of the MCG. This wind farm, known as the Golden Plains wind farm, will be the biggest in the Southern Hemisphere, and given it will

sit side by side with four other substantial wind farms, the potential is to have 6 kilometres of contiguous wind farms that will host over 310 turbines and a multitude of posts, wires, substations and roads. This will change the rural landscape forever.

I believe the minister has a responsibility to make sure that appropriate planning of all renewable energy projects is done without permanently compromising the amenity and landscape of regional Victoria. That is why I have called for this action from him to put a hold on wind farm permits and also to conduct a review of the economic, environmental, health, amenity, landscape and lifestyle impacts.

Nursery equipment program

Ms FITZHERBERT (Southern Metropolitan) (17:38) — My adjournment matter is to the Minister for Health in the other place, and it is in relation to the nursery equipment program. This is a Victorian state government initiative of some years standing that provides safe and necessary equipment for vulnerable Victorian families at no cost in the instance where a maternal child health nurse has identified a safety concern. The program is open to all clients of the maternal and child health service. This is a service that is available to Victorian families with children aged between birth and school age. Currently EACH administers the program on behalf of the Victorian government. The program supplies baby cots and car seats to families providing those items meet Australian safety standards. The service requirements are to manage orders; to procure and arrange delivery and assembly or installation of the equipment; to administer payments for all equipment purchases, delivery and installation; and to provide timely and accurate reports on all aspects of service delivery.

The action that I am seeking is to be provided with performance data on the program for the last complete financial year for which data is available. In particular I wish to know how many families were assisted, how many cots and car seats were distributed, what was the cost per unit and what was the total cost of the program.

Hazelwood North Primary School

Ms BATH (Eastern Victoria) (17:39) — The action I seek from the Minister for Education, the Honourable James Merlino in the other place, is for him to work with Hazelwood North Primary School to provide additional funding to enable much-needed and basic maintenance works to be implemented. Over many years the school council has had to spend a disproportionate amount of funds from its school

resource package (SRP) to ensure that the school's septic toilet system remains operational. Because of a large allocation of their budget being diverted to keeping the loos — the actual septic system — running, the body of the building and the maintenance of the rest of the building is slipping well below the standard. Indeed the school council wrote in some correspondence to me, and I quote:

The cost of maintaining this is enormous as we struggle with sand clogging the system through external drains. We have tried an array of ideas to overcome problems, but unfortunately call-outs to plumbers is an expensive and recurring reality for our school. Because of this problem, we have not been able to fund other maintenance issues.

Their other maintenance issues include a range of improvements required — very basic requirements in the 21st century. They include external cladding of the older building, decking and joists that need renewal, guttering and downpipes that need replacing, eaves that are falling apart, and there are leaks in the roofs and ceilings and the building requires external and internal painting.

This is a small school in a lovely rural spot in Central Gippsland. It has a septic system, which is most unusual. Many, many schools, particularly our metropolitan schools, just take the normal flushing of a toilet for granted, as they should. This school is spending a disproportionate amount of its budget on keeping that system working. In conversation with the school we have talked about 21st century education and 21st century learning. In edu-speak we hear this all the time. What the school council would prefer to do is to use their fundraising efforts to actually buy technology and buy equipment that help students learn rather than having to put funding in to keep the cladding on the walls outside. This needs to be over and above the SRP, and I would like the minister to work with the school, work with the education department and provide additional funding for this great primary school.

Homelessness

Ms CROZIER (Southern Metropolitan) (17:42) — My adjournment matter is for the attention of the Minister for Housing, Disability and Ageing, Minister Foley in the other place. As many of us know, it is Homelessness Week. I know Ms Bath is in the chamber tonight, and I was with her last week down in the Gippsland area speaking to homeless services and people who have very real concerns for that community in relation to the numbers of people who are homeless.

But I am seeing again and again this week a number of articles that are raising the issue, which I think is a very

good thing. It is a stark reminder to all of us, in the midst of winter on a cold August night, of some of the issues that many, many homeless people have. I am alarmed to hear the numbers of young people coming out of out-of-home care who are ending up on the streets and homeless, but there are cohorts of all ages. There are single women over the age of 50; I know that we have heard that very alarming numbers of these women are becoming more and more prevalent on the streets and homeless. And there are women fleeing family violence and those children who are with those women. I acknowledge the work that many of the agencies are doing to address that issue, and the government has obviously put some investment into that area as well.

But there is one other cohort that is also not spoken about very often. It is men. An article I read today says they face long queues for housing and for services to assist them with their homeless status. I was in St Kilda at the Sacred Heart Mission assisting with their breakfast program on Monday morning and the overwhelming majority of those visiting Sacred Heart's services were men. If you speak to all of the support workers there, they will talk about the numbers of men who are coming in.

What I am asking the minister to do is to find out from the department the actual number of men who are homeless, who are sleeping rough or on the streets and to provide that number because I think there is a very large hidden number of many, many men who are sometimes forgotten in this debate. I would like to understand the prevalence of homeless men and how many men this state is dealing with who are in that scenario.

Responses

Ms PULFORD (Minister for Agriculture) (17:45) — I have adjournment matters raised by six members this evening: Ms Lovell, Ms Symes, Mr Ramsay, Ms Fitzherbert, Ms Bath and Ms Crozier. I will seek responses from the responsible ministers to each of the matters that members have raised this evening. I have no written responses to adjournment matters tonight.

The PRESIDENT — Thank you. On that basis, the house stands adjourned.

House adjourned 5.45 p.m.