

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 1 September 2015**

**(Extract from book 12)**

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

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

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

# participating members

### Legislative Council select committees

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

### Joint committees

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

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

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

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

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

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

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

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

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

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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

<sup>1</sup> Resigned 25 February 2015

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

**PARTY ABBREVIATIONS**

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



# CONTENTS

## TUESDAY, 1 SEPTEMBER 2015

### CONDOLENCES

<i>Hon. Francis Raymond Scully</i> .....	2759
<i>Hon. Frank Noel Wilkes, AM</i> .....	2765

### DISTINGUISHED VISITORS .....

2765
------

ROYAL ASSENT .....	2771
--------------------	------

### ECONOMIC, EDUCATION, JOBS AND SKILLS

#### COMMITTEE

<i>Membership</i> .....	2772
-------------------------	------

### QUESTIONS WITHOUT NOTICE

<i>Child protection</i> .....	2772, 2773, 2774, 2775, 2776
<i>Health system performance</i> .....	2777, 2778
<i>Firearms</i> .....	2778, 2779
<i>7-Eleven myki sales</i> .....	2779
<i>Written responses</i> .....	2779

### QUESTIONS ON NOTICE

<i>Answers</i> .....	2779
----------------------	------

### CONSTITUENCY QUESTIONS

<i>Northern Victoria Region</i> .....	2781
<i>Western Metropolitan Region</i> .....	2781, 2782
<i>Southern Metropolitan Region</i> .....	2781, 2782
<i>Eastern Metropolitan Region</i> .....	2781
<i>Eastern Victoria Region</i> .....	2782
<i>Western Victoria Region</i> .....	2782
<i>South Eastern Metropolitan Region</i> .....	2783

### RULINGS BY THE CHAIR

<i>Circulation of amendments</i> .....	2783
<i>Adjournment debate</i> .....	2784

### PETITIONS

<i>Police numbers</i> .....	2784
-----------------------------	------

### VICTORIAN PUBLIC HEALTH AND WELLBEING

<i>PLAN 2015–2019</i> .....	2784
-----------------------------	------

### STANDING COMMITTEE ON THE ENVIRONMENT

#### AND PLANNING

<i>Onshore unconventional gas in Victoria</i> .....	2784
---	------

### SCRUTINY OF ACTS AND REGULATIONS

#### COMMITTEE

<i>Alert Digest No. 10</i> .....	2786
----------------------------------	------

### PAPERS .....

### INDEPENDENT BROAD-BASED ANTI-CORRUPTION

#### COMMISSION

<i>Police oversight</i> .....	2789
-------------------------------	------

### PRODUCTION OF DOCUMENTS .....

### BUSINESS OF THE HOUSE

<i>General business</i> .....	2789
-------------------------------	------

### MINISTERS STATEMENTS

<i>Early childhood education</i> .....	2789
--	------

### MEMBERS STATEMENTS

<i>Carlo Monichino</i> .....	2790
<i>Lillie Walker</i> .....	2790
<i>Numurkah Secondary College</i> .....	2790
<i>Shrine Guard 80th anniversary</i> .....	2790
<i>Member for South-West Coast</i> .....	2790
<i>Member for Polwarth</i> .....	2790
<i>Girl Guides Victoria</i> .....	2791
<i>Michael Blair</i> .....	2791

<i>Renewable energy</i> .....	2791
-------------------------------	------

<i>Women Caring for Veterans of War</i> .....	2792
---	------

<i>Public transport regional network</i> .....	2792
--	------

<i>El Telegraph</i> .....	2792
---------------------------	------

<i>Women's Health Week</i> .....	2793
----------------------------------	------

<i>Jean Hailes for Women's Health</i> .....	2793
---	------

<i>Hon. Frank Noel Wilkes, AM</i> .....	2793
---	------

<i>Aichi Prefecture, Japan</i> .....	2793
--------------------------------------	------

<i>Traralgon Neighbourhood Learning House</i> .....	2793
---	------

<i>Social Traders Crunch</i> .....	2794
------------------------------------	------

<i>Gay? It's OK</i> .....	2794
---------------------------	------

<i>Bluebird House</i> .....	2794
-----------------------------	------

<i>Local government rates</i> .....	2795
-------------------------------------	------

### CORRECTIONS LEGISLATION AMENDMENT BILL

2015

<i>Second reading</i> .....	2795
-----------------------------	------

### ADJOURNMENT

<i>Shepparton youth foyer</i> .....	2807
-------------------------------------	------

<i>Public holidays</i> .....	2808
------------------------------	------

<i>Local government rates</i> .....	2808
-------------------------------------	------

<i>Public transport regional network</i> .....	2809
--	------

<i>Custody officers</i> .....	2809
-------------------------------	------

<i>Princes Highway</i> .....	2809
------------------------------	------

<i>Ferrars Street primary school</i> .....	2809
--	------

<i>Healesville freeway reservation</i> .....	2810
--	------

<i>China-Australia free trade agreement</i> .....	2810
---	------

<i>Regional and rural gas supply</i> .....	2811
--	------

<i>Bolwarra Primary School</i> .....	2811
--------------------------------------	------

<i>Oakleigh South development</i> .....	2811
---	------

<i>Responses</i> .....	2812
------------------------	------



## Tuesday, 1 September 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.07 p.m. and read the prayer.

### CONDOLENCES

#### Hon. Francis Raymond Scully

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

That this house expresses its sincere sorrow at the death, on 12 August 2015, of the Honourable Francis Raymond Scully, and places on the record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Richmond from 1949 to 1958, and as Assistant Minister of Lands and Assistant Minister of Electrical Undertakings from 1952 to 1955.

I also note that within that time frame Mr Scully also served as Cabinet Secretary. I would not want to ignore that very important responsibility, as that is one of a number of things I share in common with Mr Scully, which I will refer to in my contribution.

Mr Scully died peacefully, as it was described in his funeral notice, on 12 August at Cabrini Hospital in Prahran, aged 95 years. He leaves behind his dearly loved wife, Moira, and his children, Michael and Kathleen. He was father-in-law to Louise and Jeff and brother to Mary, his remaining sibling. The funeral notice described him as ‘adored grandfather’ to Sam, Mat, James, Hannah, Sarah, Tom, Naomi, Andrew and Hamish and great-grandfather to Ethan and Nellie. I understand he was much loved by his family. He felt a great sense of commitment and attachment to his family, and they loved Mr Scully very deeply.

They are not alone, because the community too had a great sense of attachment to Mr Scully. The circumstances that marked his political career, almost 60 years ago, were quite extraordinary in terms of the history of the labour movement and the involvement of Labor in the Victorian and Australian parliaments. It was a significant time during which he was a member of this place. I will refer to some of the circumstances that led to the notoriety of those times and the place of Mr Scully within them.

Earlier today in the other place the Premier acknowledged the circumstances of Mr Scully’s birth, being born in Bendigo in 1920, at a time leading up to the Great Depression in Victoria, and indeed in Australia and around the world. There were great stresses and poverty associated with those times. The difficulties of enduring unemployment and the life

circumstances of many people in this nation were at an all-time low in terms of a quality of life and a certainty about the economic future and viability of our economy, our society and indeed our democratic processes.

Mr Scully’s family moved to Richmond, and he was educated at St Ignatius school. In fact St Ignatius Church has been very prominent within the metropolitan landscape to this very day. It was something that arose out of what was understood to be the slums of Richmond and sits very prominently on the hill of a neighbourhood that was known as Struggletown. Certainly the circumstances that Mr Scully endured were consistent with that. He was a boy who lost his father at 15 and left school to become an employee of Victorian Railways — at that time one of the few places of relatively secure employment and in fact a very large employer, perhaps one of the largest in the state of Victoria.

Within his time in the Victorian railway system Mr Scully soon became an active member of the Australian Railways Union. Not only did he become a very active member of the union but he became a political activist in what was a combative environment within the union movement at that time. The nature of that combat was that after the Second World War and in the industrial settings of the late 1940s there was a very contested space between union activity that was based around and led by prominent members of the Communist Party of Australia and those within the union movement who opposed them.

Mr Scully threw himself into that with a determination, a passion and an organisational skill which is very evident. Indeed the material that I have read on Mr Scully’s life would indicate that he went headlong into the union workshops — the Newport workshops that were then very prominently controlled by Communist Party organisers — and chose to be an anti-communist organiser within the union at that time, taking on the leadership with vigour and determination. He was not alone; he was supported in that endeavour by people outside the Labor Party, such as B. A. Santamaria and Archbishop Mannix. A combination of their efforts in the movement, through political organisations and through the Catholic Church, meant they then became agitators for reform within the Australian Labor Party and the union movement. This led to the industrial groupers being associated with the trade union movement in Victoria and indeed across Australia. Mr Scully was a very prominent member of both the movement and the industrial group within the Australian Railways Union.

The extraordinary depth of passion, faith and commitment to that cause, which was in fact to establish a different political centre of gravity within the union movement, should not be underestimated by any of us to this very day. In fact that was an extremely powerful dynamic that ended up contributing to a split within the Labor Party, and it contributed significantly to the decline of the political viability of Labor in parliaments across this nation for the best part of two decades. These are very deep-seated issues.

The extraordinary thing about the logic that led to the creation of the groupers within the union movement was that it was to make sure there was an Australian Labor Party centre of activity within the unions to take on the communists. The irony of that trajectory was that within about five or six years it was those groupers who wanted to be the bastion of the Australian Labor Party within the union movement who then left the Australian Labor Party. I am sure there will be views about whether it was the push-and-pull factor in terms of how that occurred, but this was the extremely deep-set, riven, organisational focus of political activists during the 1950s.

I joined the Australian Railways Union and went to work in Unity Hall at the very same location where Mr Scully would have been an activist more than 30 years earlier, and those dynamics still existed when I joined the union. They were evident within the organisation of the union both in the way in which it was run and in the way in which decisions were made. It is quite extraordinary that they were still strongly evident in 1985, when I joined the union. They are less evident today, but nonetheless those dynamics were very real.

I want to give the chamber an indication of how real they were in terms of the preoccupation of Mr Scully, which is clear from his inaugural speech. Most of us would like our inaugural speech to be remembered by the broad cross-section of issues that brought us to this place — our focus, what we seek to achieve while we are in Parliament and what drives us as people to stand for election to this place. As a political person of his time, it is very telling how Mr Scully started his inaugural speech. I remind the chamber that he was elected on 17 December 1949, but his inaugural speech was not given until 8 August 1950, so he waited 234 days to rise to his feet in the Victorian Parliament. He commenced his inaugural speech with:

This is the first occasion on which I have had the privilege of addressing the house. I desire to bring under notice incidents which have occurred at the Holmesglen factory of the Housing Commission, where perfectly loyal citizens have been victimised by the Communist party. Strange as it may

seem, the Communist party on this occasion was aided and abetted by highly placed public servants.

Interestingly enough, the contribution of Mr Scully did not veer too much from that subject for all of his inaugural speech. Indeed as a measure of the dynamics that occurred within the chamber 60 years ago, the member for Mornington, Lieutenant Colonel Leggatt, interrupted Mr Scully and questioned whether this had anything to do with government administration, but indeed the Chair did recognise that the Housing Commission factory in Holmesglen was auspiced under government services, so it was roped in. To this very day we have those sorts of considerations about how to get an item on the agenda, and certainly from day 234, which happened to be the day of his first speech in Parliament, Mr Scully indicated what his priorities were.

However, they were not his only priorities. Mr Scully made a significant contribution, as has been acknowledged, as Assistant Minister of Lands and Assistant Minister of Electrical Undertakings, and he held the very important role of Cabinet Secretary. Indeed I am pleased to say that an obituary by Peter Westmore, published in *News Weekly* at the end of August, volunteered that Mr Scully was committed to a range of very worthy social endeavours and outcomes for the Victorian community, culminating in additional capacity for credit to be raised to support housing and agricultural cooperatives, and indeed in the spirit of post-war restoration and in driving economic outcomes for Victorians in a post-war environment. Mr Scully was very dedicated to those outcomes through a prism of social enterprise, which has value to this day.

Mr Scully continued to dedicate his life to supporting the community and was an active member of the St Vincent de Paul Society, as well as maintaining his enduring connection with the Democratic Labour Party (DLP) and the National Civic Council. He continued to be an active member of community life when he left Parliament and became a newsagent in the Sandringham area.

Mr Scully had an extensive family who loved him. He was dedicated to them and they were dedicated to him. I am pleased that they honoured their grandfather, who lived a full life. Ninety-five years is a remarkable achievement in its own right, and to die peacefully, with all of our loved ones around us, is something that all of us hope for. I am pleased that Mr Scully died under those circumstances, supported by those he loved. That is a very endearing element of his life.

Within the Labor Party we understand that at a critical juncture in time Mr Scully and the Australian Labor

Party parted company, but there are many things that originally drove Mr Scully in his original political activity to overcome poverty and disadvantage, and they are the hallmarks of a commitment to the labour movement which is unswerving, and we thank him for those things. In many ways we will reflect on the tragedy that the split between the Australian Labor Party and the DLP meant that Labor was not able to form government for many years. Without apportioning blame, it was a tragedy in our shared history, and I hope that in the future the labour movement can find ways of staying united and focused, and the lesson learnt from the painful experience that Mr Scully and many others experienced from the 1950s will be useful to all of us. Nonetheless, it did not stop Mr Scully from moving forward and fulfilling his life.

**Mr FINN** (Western Metropolitan) — I rise to associate the Liberal Party with the motion of condolence, moved by the Leader of the Government, in relation to the late Francis Raymond Scully. He was born on 27 January 1920 in Bendigo, Victoria, as Mr Jennings has said, and he left us on 12 August, just very recently. He was an extraordinary man in many ways. For starters he had been married to his wife, Moira, since 1957, which in itself is quite an extraordinary achievement these days.

It says here that he was in two political parties, but I think in fact it was three. It says here that he was in the Australian Labor Party and the Democratic Labour Party, but my recollection is that he was also in the Australian Labor Party (Anti-Communist) for a period before that party changed its name to the Democratic Labour Party. He was the Assistant Minister of Lands and Assistant Minister of Electrical Undertakings from December 1952 to March 1955 and Secretary to Cabinet from December 1952 to March 1955. He was the MLA for Richmond from 17 December 1949 to 30 May 1958.

As the member for Richmond, he was, and could only have been, a Tiger, and that is just one of the few things I have in common with Frank Scully. I am invigorated by the words of his local member, Murray Thompson, the member for Sandringham in the Assembly and himself a former Tigers champion, who said that Frank Scully lived his politics with the same courage, conviction and commitment with which Francis Bourke played his football. If everybody could have the same eulogy delivered about them, I am sure we would all be very pleased with that. I am told that Francis Bourke was at Frank Scully's funeral, and I would be happy to be in Francis Bourke's presence any time at all.

I did not know Frank Scully personally, which I regret, but his is a name that is so familiar that when I heard of his passing, I felt that I had actually lost someone in the family. If Mr Jennings can quote Peter Westmore from *News Weekly* — and there is something I did not think I would ever see in this Parliament or in this life — I will do the same. Mr Westmore wrote:

Frank Scully, the last surviving MP from the Labor 'split' in the 1950s, died peacefully in Melbourne on August 12, having been a part of the most tumultuous events in the history of Victoria. He is survived by his devoted wife, Moira, two children, grandchildren and great-grandchildren.

It is always difficult to guess what might have been: but if the split had not caused the collapse of the Victorian Labor government in 1955, Frank would have been a member of the Victorian cabinet and in time could well have become Premier of Victoria.

That may well be the case. Sadly we will never know. What we do know about Frank Scully is that he was a great man. Under any description he was a man of extraordinary conviction, extraordinary commitment and extraordinary bravery.

As I said before, I did not know Frank Scully personally, but I knew very well somebody who did know Frank Scully, and that was a bloke called Stan Keon, who was the member for Richmond before Frank Scully and who also became the federal member for Yarra and was subsequently defeated by Jim Cairns in an election in, I think, 1956 or thereabouts. It was in Stan Keon's kitchen that I learnt many of the stories of the split and the heroism of people such as Frank Scully. Indeed it has to be said that it was in Stan Keon's kitchen where, at the age of 18, I learnt to drink beer whilst being told of these many stories. You would not be the first, President, to point out that Stan Keon was a damn good teacher if he taught me that particular activity.

As has been pointed out by the Leader of the Government, Mr Scully left Parliament in 1958, which is a fair while ago — in fact it was three years before I was born — but the ramifications are still with us. The split in the Labor Party in 1955 was not just your routine factional brawl — and I suppose Mr Somyurek over there could tell us some of the ramifications of those. This was not just something that routinely occurs in political parties. This was an event that rocked Australian politics. It rocked the nation. It certainly rocked the Labor Party. It led to decades of Liberal governments, both federal and state, and the Democratic Labour Party kept the Liberals in office for many years as a result of their preferences.

As a result of the split, the Democratic Labour Party made Sir Robert Menzies the longest serving Prime Minister in Australia and Sir Henry Bolte the longest serving Premier of Victoria, and I think it exceedingly unlikely that we will ever see anybody serve for that sort of time again. It would have been a very different ALP if Frank Scully and his colleagues had remained in the Labor Party. There may well be many in the Labor Party today, both at a state and a federal level, who would not be there if Frank Scully and his colleagues had had their way. I do not wish to be particularly partisan on this occasion, but he left us a legacy of a Labor Party which must have disappointed him — to put it very, very mildly.

Frank Scully was a man of honour. He was a man of integrity and a man of extraordinary principle. He is somebody who put his beliefs before his career, and I ask members to imagine, if they will, an issue coming up that they feel so strongly about that they would be prepared to put their own personal gain — their career, their seat in Parliament — on the line to fight for that principle. I am not sure there would be many of us who would do that. Frank Scully and his colleagues did that. As a result, Frank Scully lost his seat in 1958, but we can be assured that his contribution as an MP, as an assistant minister and as Cabinet Secretary will be remembered.

It is often said that what really matters is not the dates when we are born and die, it is that little blank in the middle, where we go in between. In Frank Scully's situation that is most certainly the case. His cause was freedom. He stood for freedom. He fought for freedom, and his mortal enemy was communism. He fought against communism with every breath he had. For that he should be very proud, and his family should be very proud of the great man they had amongst them for so long.

Our condolences go to Frank Scully's wife, Moira, and to his family, many of whom are in the gallery today. I will finish by quoting Frank's son, Michael, who, at the funeral at Sacred Heart Parish in Sandringham, said, 'Goodbye, you are now at peace with the God you so loved. Rest in peace'. We can only add to that a hearty 'Hear, hear!'. Frank Scully fought the good fight, and Australia, particularly Victoria, is so much a better place for him having been here.

**Mr BARBER** (Northern Metropolitan) — The Greens members would like to associate ourselves with this motion. As relatively new members representing a relatively new movement, there is not a great deal for us to add to what earlier speakers have said about the role Mr Scully played both in this Parliament and in

politics in Victoria. But as someone who lived all the way to the age of 95, he would certainly have been someone who could have given all of us a perspective on the 20th century.

As the Leader of the Government said, this was a time of great combativeness within the labour movement, but that was simply an effect of the worldwide battle that was going on known as the Cold War. As someone who saw the tail end of it, it seems to have been an era in world politics when two ideologies were quite simply committed to each other's destruction. In many different forums, not just in the Holmesglen workshops, it was the nature of this conflict that one was forced to pick a side. According to these two forces there was no room in the middle to be neutral to either approach. It is for this reason that Mr Scully had an enormous impact, one that we will no doubt hear a little bit more of from other speakers joining this motion.

We join with all members of Parliament in sending our condolences to Mr Scully's family, his loved ones, his friends, his colleagues and others whom he touched during his life.

**Mr DRUM** (Northern Victoria) — On behalf of The Nationals, I would like to associate The Nationals members with this motion regarding the life of Frank Scully. As has been said, he was born in Bendigo in 1920 the son of a railway worker, who passed away when Frank Scully was 15. He then moved into the railway industry himself and, as Mr Jennings said, threw himself into the union movement of the day. Then he joined this incredible battle, which started way before he even went into Parliament, with this concept of being a fierce opponent of the communist movement. When he came into the other house in 1949 and became the Assistant Minister of Lands and the Assistant Minister of Electrical Undertakings, that fight against the communists seemed to continue.

These communist influences within the Labor Party forced him to look outside for friends, and he struck up an association with Bob Santamaria and others in relation to the industrial action group. This group, known as the Movement, was something that was able to work against those communist influences of the day. It all started to heat up in 1954, when a federal election was lost. With Labor having lost that election, the losers effectively left no stone unturned in blaming the Movement — the anti-communist faction — for that loss.

The following year, when there was a vote of no confidence at a state level, the split seemed to be inevitable. Frank Scully played a major role in that and

effectively voted against his own party, because he was obviously a man of conviction. The courage he must have had has already been spoken about by Mr Finn. To have the courage of your convictions so that you would effectively vote yourself out of a job is something that few of us would have. That vote brought about the downfall of the first Cain government. He was effectively forced out of the Labor Party, and he then helped to form what we now know as the DLP. That is a significant chapter in his life and indeed in Victorian parliamentary history.

I would like to acknowledge also that Frank Scully spent a large part of his life outside Parliament working for the St Vincent de Paul Society. As I have said many times, it is right to judge people on what they do outside when they finish their time in Parliament. You can cast a very accurate shadow of the character of a person when you see how community minded they are when they leave this place.

In Frank Scully's maiden speech, which was also referred to by Mr Jennings, you can see his very fiery condemnation of the communist influence within the union movement and the Labor Party. There are references to stooges and to the violence and standover tactics that were employed. The word 'scab' comes up in his speech, and there is reference to people being fined if they worked when union leaders said they should not do so. In some respects, there is a little bit of a familiar ring in what we sometimes hear today. However, when you read that speech you understand that in describing Frank Scully the term 'colourful character' can very well be used — in the most positive of ways.

When you read through his contributions and the many commentaries on his life, there is little doubt that had the Labor Party not split when it did, Frank Scully would have played a much more significant role in its future than he did. I wish his family all the very best in this time of loss.

**Dr CARLING-JENKINS** (Western Metropolitan) — As the only DLP member of this Parliament, it is an honour to contribute to today's condolence motion as moved by the Leader of the Government and to pay my respects to and acknowledge the passing of Francis Raymond Scully.

Two weeks ago I had the privilege of attending Frank Scully's requiem mass. I did not have the opportunity to know Frank personally, but from what was said by those who did and from his reputation within the community, a number of words struck me which I believe sum up the life of Frank Scully: faith, integrity,

courage. Faith in God he demonstrated through the many good works he did, both noticed and unnoticed. He was an active member of the Sacred Heart Parish in Sandringham. His integrity of spirit was shown in his being unwilling to compromise on his moral principles and being unfailingly honest. He was courageous — courageous enough to risk everything for what he believed in.

At Frank's funeral, his grandchildren placed symbols to remember him by during the celebration of his life. His 'Scully for Labor' badge from the 1950s, a DLP how-to-vote card and his life gold pass were among them. Being a politician, a leader and a family man were very much part of his life, and that was aptly remembered in his passing.

Frank Scully lived a long and interesting life. Frank was born in Bendigo in 1920. When he was nine his family moved to Burnley, where Frank attended St Louis School. Later he attended St Ignatius Boys School in Richmond. At 15 Frank began work in the Victorian railways in the Melbourne yard. There, as other members of this place have mentioned, Frank became involved with the Australian Railways Union. In the 1940s the Communist Party had extensive influence in the union movement, and Frank's union was no exception. At this point, he began to be involved in the fight with communism, a contest that would ultimately direct his future.

This was an ugly era in union history. There was a lot of angst, and violence and intimidation were used as a matter of course — violence directed not only at individuals but also at their families. The context for this can be explained by the Cold War between the US and the Soviet Union and the civil war that was being waged in communist China. The Korean War had begun, the French were fighting a losing battle with Vietnamese communists, and there was an uprising in Malaya. As Dr Joe Sampson recently explained:

With all these developments some Australian politicians and opinion leaders wanted to take a harsh line against Australian communists.

Frank Scully was one of those.

In 1941 the Catholic Social Studies Movement, known simply as the Movement, was established. Frank was an active member of the Movement and often sought advice from Bob Santamaria. Frank Scully became the leader of the anti-communist force within the Victorian branch of the railways union. From humble beginnings in the Newport railway workshops, aided by Santamaria and with the backing of the Archbishop of Melbourne, Daniel Mannix, Frank Scully built an

effective counter-organisation within the union that was able to contest meetings and elections within the union. The Movement's policies included the principles of an adequate income for all, including a minimum family wage which would facilitate property ownership, and equal pay for equal work. Frank was involved in promoting policies that were innovative and progressive for their time.

In 1949 Frank entered politics, winning the seat of Richmond, following Stan Keon's move to federal politics. At the time of his election, the *Sun* newspaper reported that Frank was set for life, having been elected to a safe Labor seat. In December 1952, three years after entering Parliament, Frank was made Secretary to Cabinet in the Cain Labor government, as well as Assistant Minister of Lands and Assistant Minister of Electrical Undertakings, under then Minister Jack Galbally. He held those positions until the split in 1955. Today I am proudly wearing my 1955 silver threepence in remembrance of that era.

During his time in Parliament, Frank is particularly remembered for championing two causes: the Co-operation Act 1953 and the elimination of discrimination directed at schoolchildren. Frank played a critical role in the establishment of the Co-operation Act. That act paved the way for the huge growth of credit, housing and agricultural properties in Victoria, which then spread to other states. Housing societies and credit unions opened up, enabling ordinary Victorians to borrow money at lower interest rates than those required by the banks, thus facilitating the great Australian dream of home ownership for many.

Frank was also personally able to intervene in an area of blatant discrimination in the 1950s. At that time, school children attending Catholic schools were not permitted to travel on government buses. That discrimination was removed entirely under Frank's leadership. In a recent article in *News Weekly*, Peter Westmore commented — this has already been quoted by Mr Finn, but I think it is worth repeating — that:

It is always difficult to guess what might have been: but if the Split had not caused the collapse of the Victorian Labor government in 1955, Frank would have been a member of the Victorian cabinet and in time could well have become premier of Victoria.

Such was the potential of Frank Scully. He gave up a promising political career for one reason: he could not, he would not abandon his principles. His faith was unwavering, his integrity genuine and his courage evident.

Despite those tumultuous events, Frank was returned as the member for Richmond at the subsequent election, representing the breakaway Australian Labor Party (Anti-Communist), which later went on to become the Democratic Labour Party. Those last three years in Parliament could not have been an easy time for Frank, but his record of achievements despite opposition speaks for itself.

On 4 June 1958, the front page of the *Richmond News*, shortly after Frank's defeat, recorded this message:

Thank you Frank Scully. After nine long years of superbly representing Richmond — the needy, the have-nots, the businessman with his occasional problem — attempting (more often than not successfully) to bring down legislation for the benefit not only of Richmond but for the whole of Victoria — Frank Scully, last Saturday, relinquished his seat in Parliament when he was defeated by the Evatt Labor candidate.

If each of us in this place could have such a write up in our local news, we would know that we had done well.

Frank had quite a reputation for his faith, integrity and courage. At his funeral, Frank's son, Michael Scully, recalled this story. In the early 1950s a breakfast had been arranged by the Electrical Trades Union at which the guests were Archbishop Mannix; Jack Galbally, the then Minister of Electrical Undertakings; and Frank, who was the Assistant Minister of Electrical Undertakings. At that breakfast, Jack Galbally spoke at length and with passion of the evils of communism. Archbishop Mannix, who was well known for his ability to say things in a few simple words, when called upon to speak at the end of the breakfast, said this:

I thank Mr Galbally for what he has said. I thank Mr Scully for what he has done.

Frank Scully was a doer. He meant what he said, and he said what he meant. His actions spoke louder than any words. In my first speech in this house I quoted Martin Luther King when he said:

Our lives begin to end the day we become silent about things that matter.

Frank made his stand years before Martin Luther King made that statement. Perhaps this is the key to Frank's long life. He never stopped being silent about things that mattered, maintaining an active interest in politics and in the National Civic Council after leaving Parliament, and actively canvassing political parties and groups on issues that mattered to him, particularly relating to abortion, euthanasia and same-sex marriage. Frank Scully leaves behind a legacy of courage, integrity and faith.

Frank was, of course, much more than a politician. Following his political career, Frank and his wife went into the newsagency business. Frank played cricket, and followed the Richmond Football Club. He was involved in community groups such as the St Vincent de Paul Society, Knights of the Southern Cross, Rotary and Probus clubs. He served his community as a local justice of the peace.

Frank was a family man, marrying Moira in 1957, in his last year in Parliament. He and Moira had two children, Michael and Kathleen, nine grandchildren and two great-grandchildren, with a third great-grandchild on the way at the time of his death. Frank's funeral took place two weeks ago, and it was obvious from the outpouring of love and emotion, particularly from his wife, children and grandchildren, that he was a man who was truly loved and will be genuinely missed. But then who would not love a grandfather whose cultural education of his grandchildren extended to afternoons of Tom and Jerry cartoons and eating lollies from what he called the 'health food shop'.

I have learnt too that Frank was a gracious man. Even when going through the exhausting process of dialysis later in life, he would smile and acknowledge those around him with uplifting comments such as, 'I'm good now that you're here'; or when asked how he was, he was known to answer in all sincerity, 'All the better for seeing you'.

To Moira and family, I extend my condolences. The DLP has lost our last great man of the 1950s, but you have lost a piece of your hearts and your lives. We are grateful for what Frank Scully started, and we commit to continuing to fight with faith, courage and integrity, inspired by Frank's life and in honour of his passing. May you rest in peace, Frank.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

### DISTINGUISHED VISITORS

**The PRESIDENT** — Order! It is with a tinge of sorrow that I respectfully acknowledge the attendance in the gallery today of a former member of the house, Helen Buckingham. We are now to proceed to a motion in respect of the death of her father, who was also a member of the Parliament, and we welcome Helen as a former member of the house.

## CONDOLENCES

### Hon. Frank Noel Wilkes, AM

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

That this house expresses its sincere sorrow at the death, on 20 August 2015, of the Honourable Frank Noel Wilkes, AM, and places on the record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Northcote from 1957 to 1988, Minister for Local Government from 1982 to 1985, Minister for Housing from 1985 to 1987, Minister for Tourism and Minister for Water Resources from 1987 to 1988, Deputy Leader of the Opposition from 1967 to 1977 and Leader of the Opposition from 1977 to 1981.

I move this motion on behalf of the government and join the President in acknowledging the presence of my colleague Helen Buckingham, who was an esteemed member of this Parliament. We miss her within the ranks of the Labor Party. Every time our paths cross we are very pleased to be in one and other's company, and I am sorrowful that the circumstances under which I shared the company of Helen and her family and the other family members of Frank Wilkes was at a very moving funeral service at St Mary's Catholic Church in Thornbury yesterday, where I had the good fortune to be reminded of the significant contribution that Mr Wilkes made to the Parliament, to the people of Victoria and most importantly to the people of Northcote. This was a recurring element in the stories that were told about Mr Wilkes life. Indeed the Premier made an outstanding contribution which recognised the grave importance of Mr Wilkes's political life to the Labor Party and to the Parliament. He acknowledged a former Labor leader who got so close but yet was so far from becoming Premier of the state of Victoria.

Members will be mindful of the fact that this afternoon the first responsibility of the Parliament is to express our condolences for the loss of two extraordinary political figures in the landscape of the labour movement and the Victorian Parliament with one condolence motion after another. These were two men in their 90s who lived full and active lives in civic engagement. Mr Wilkes was 93, and a few minutes ago we expressed our condolences for the loss of Mr Scully, who died aged 95. Both made significant contributions to the Parliament and to their electorates, although there were extraordinary differences in their political trajectories.

Mr Scully was in Parliament for nine years and Mr Wilkes for 29 years. Mr Wilkes, whilst he did not become Premier, came very close to becoming Premier.

He was a minister in the Cain government from 1982 to 1988. Whilst his political trajectory in this Parliament may not have reached its personal zenith, the Premier commented yesterday that when Mr Wilkes joined the Parliament in 1959 that was not very long after the demise of the first Cain government and the split in the labour movement. Labor's stocks were at a fairly low ebb in the late 1950s, and Mr Wilkes joined the Parliament at that time and left in 1988 after successive terms of the Cain government administration. He was a full and active member of the Victorian cabinet during the entire term of the Cain government.

In the contributions that were made in respect of Mr Wilkes's career, as I have already indicated, we were reminded not only that he made an outstanding contribution to the Victorian Parliament but also that back in that generation there was a significant overlap in political activity between the local government sector and the state government sector. Mr Wilkes served for an extensive period of time during which there was an overlap between his local government career and his state parliamentary career. It would seem a little unlikely that in the mindset of this and future generations that overlap would be considered a wise path for good governance now and into the future, but the electoral processes in Victoria allowed Mr Wilkes to be a councillor on the Northcote City Council for a very long time. He joined the council in 1954 and left in 1978, some 24 years later, halfway through his Victorian parliamentary career.

One of his outstanding achievements of his 24 years in local government was that he did not have to endure the rigours of a contest at any point in time. This is a hallmark of the extraordinary combination of his organisational skills and the electoral support he was able to attain within Northcote. I am sure nobody in this chamber will get anywhere near that longevity of confidence expressed not only by our parties but also by the people, but it was quite an extraordinary achievement by Mr Wilkes.

Because Mr Wilkes was born in 1922 he shared the trajectory of the difficulties and struggles associated with the prevailing economic circumstances in Victoria, which were very difficult during the depression era. They were obviously formative years that led to a lifetime commitment to social justice outcomes. Mr Wilkes lived his entire life in Northcote, with the exception of his years of service during the Second World War, when he was a radio operator in New Guinea. He trained in a variety of disciplines, including accountancy, valuing and surveying, but his professional life was within his father's furniture factory.

He took the unlikely step from his managerial responsibilities within the furniture business into an active life within what was then the Furnishing Trades Society, which later became the Furnishing Trades Union. It was an unlikely trajectory and a different form of industrial engagement from the one we were commenting on a few minutes ago in the case of Mr Scully. This held Mr Wilkes in good stead in terms of getting a balance in his political life between his civic engagement through local government, his understanding of the industrial climate through the Furnishing Trades Union and his understanding of his personal values system. It enabled him to bring all these elements together.

A feature of Mr Wilkes's personal style, which was presented in the eulogy and the stories of his life shared with us yesterday, was humility. In the Parliament earlier today I was reminded of his humility and of him being a man of the people who treated all members of the Parliament with respect, not only the elected members but also the staff. All those who came into the Parliament were treated with the same regard. I take that as very high praise indeed, and I am grateful of that reminder of the humility that should be associated with public office in Victoria. It was certainly a hallmark of Mr Wilkes's career.

One of the difficulties Mr Wilkes experienced throughout his political career, despite the various attributes he brought to political life, and one of the things that bedevils politicians, even those who may have been in the chamber for a long time — this is not a moment for self-reflection — is that he was not a household name. We might find that hard to believe, but it was commented on by the *Age* during the campaigning period leading up to the 1979 election. There are a series of articles about Mr Wilkes that suggest he did not have the public profile you might expect of a leader. Nonetheless, there are elements of his profile that appear in an article in the *Herald*, which indicates:

If Melbourne and Victoria don't know Frank Wilkes well, Northcote does. He has been a Northcote councillor since 1954 and has never had to face an election.

Wilkes Court, a 14-floor residential block in Northcote for elderly people, is named after him.

He is on the board of management of the Preston and Northcote Community Hospital.

His only other recreation is his garden — 'neat and trim', he describes it. Perennials, roses, lawn, as well ordered as Mr Wilkes's conservative mid-blue suit, blue shirt with FNW monogram, and black shoes.

Mr Wilkes describes his stance on political and social issues as moderate.

His liberal views on, say, censorship and homosexuality are those of a man whose thinking has evolved from an earlier more conservative position.

'It is essential in public life', he says, 'to face up to change even though it may be opposed to your own personal views.'

This is a telling element of Mr Wilkes, who was prepared to be associated with what had been identified as some progressive elements of a reform agenda in the 1970s. He was leading a Labor Party that was trying to tease out and re-engage with the electorate on a series of progressive issues and be at the forefront of them, and he was prepared and willing to participate. Beyond the ones mentioned in that article, he was also a member of the Congress for International Cooperation and Disarmament and was seen as an early advocate for the land rights movement in the Victorian Parliament. These are things that are not of a complacent conservative man but of a compassionate man of conservative values who was mindful.

As we were reminded yesterday by Helen Buckingham and others, he was a conservative man who had a well-rounded and deep commitment to social justice and compassion. This is the hallmark of the political value system that Mr Wilkes brought to public life. In fact in the 1979 election he came so close — yet so far — to winning that election. As the Premier indicated yesterday, a 5.3 per cent swing to Labor in that election was not enough to see the election of a Wilkes Labor government, but clearly a swing of less than that saw the installation of the Cain government, the Bracks government and indeed the Andrews government. In terms of political fortunes, sometimes timing and swings are on your side and sometimes they are against you.

Whilst they were against Mr Wilkes — because by the time the 1982 election came around he was no longer the Leader of the Opposition — he did not take his bat and ball and go home. He was an active participant in the incoming Cain government. He took responsibility for local government, and that was no easy task. At that time there were 221 local governments in Victoria.

**The PRESIDENT** — There were 211.

**Mr JENNINGS** — I am very disappointed to hear that there were 211. In fact 221 would have been beyond the pale, but 211 is still an appalling number of local governments in Victoria, notwithstanding the fact that it was not a Labor government that reduced them from 211 to 79; the Kennett government achieved that outcome. It was very difficult to try to maintain some

reliability, transparency and accountability across 211 local governments in Victoria. Mr Wilkes was the person who tried to achieve that, and within that framework he also tried to achieve greater accountability, transparency and governance capability. He gave local councils a variety of other responsibilities with the social objectives of giving a better quality of life to residents of various municipalities across the state. It was certainly one of the hallmarks of his great achievement in public life.

During his ministerial career he was also Minister for Housing, Minister for Tourism and Minister for Water Resources. In every reference that has been made to Mr Wilkes's administration it is said that he was an able minister who was competent in his portfolio responsibilities.

One thing that is pretty clear is that all of us try to find ways of identifying our connection to football in Victoria, and I am going to do it too. I am going to acknowledge that Mr Wilkes was an avid supporter of the Fitzroy Football Club, and we were reminded of how avid a supporter he was when Mr Noel Turnbull, who worked for him, indicated that despite the fact that Mr Wilkes was an ultra professional, competent minister, when political commitments clashed with Fitzroy games, they were never given a high priority. I can understand that. Those were the halcyon days, and notwithstanding the fact that there were long gaps between Fitzroy's premierships, I understand the passion that was associated with supporting the Fitzroy Football Club.

I certainly know it is a value system that he shared with many people who were at the funeral yesterday in Thornbury. I saw a lot of Fitzroy supporters there, but there was one Fitzroy supporter I did not see. I did not see former Premier John Cain, who was unfortunately overseas and was unable to be in attendance. I would like to refer to something that John Cain said about Mr Wilkes on his retirement from Parliament. I refer to an article that appeared in October 1987 in the *Sun*. It said:

The Premier, Mr Cain, yesterday reopened the spring session of Parliament with a tribute to the man he succeeded as Opposition Leader in 1981, Frank Wilkes.

...

Mr Cain said Mr Wilkes had a remarkable record of achievement in public life.

'It is rare for people to remain in politics for that long', he said. 'I am happy to say that the seat of Northcote has now been in Labor hands for many years, as Mr Wilkes succeeded my father, John Cain senior.'

But Mr Cain was not the only person in Parliament referred to in the article. It continues:

The Opposition Leader, Mr Kennett, also congratulated Mr Wilkes.

'He is held in high esteem on both sides of the house and I extend my congratulations to him', he said.

The National Party Leader, Mr Ross-Edwards, said he was proud to count Mr Wilkes as a friend.

'There is no more respected member than Frank Wilkes — he is a man of integrity', he said.

By all accounts, whether it is the testimony of the staff of the Parliament or of the leadership within the Parliament, there was a recognition that Mr Wilkes was a man of integrity, decency and humility and that he made an outstanding contribution far beyond serving the people of Northcote, who were so near and dear to him and to the members of his beloved family, who he supported and felt so fondly connected to. More broadly he made an outstanding contribution to the people of Victoria.

We in the Labor Party thank him for his contribution to public life. We congratulate him on his outstanding achievement as a leader of our party and as a minister in the government. We express our condolences to Susan, Helen, Lisa, Silvio and Nicholas; to Frank Wilkes's friends, neighbours and colleagues; and to those who worked with him, loved him and have been supported by him in political life and in the life of our community. We express our condolences for the loss, and we celebrate a great life well lived.

**Honourable members** — Hear, hear!

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I am very pleased to be able to support the motion of the Leader of the Government in bringing our condolences on the passing of Frank Wilkes. Frank Noel Wilkes, AM, was a man of Northcote. He was born in the area and went to primary and secondary school there, followed by Preston Technical College. He went on to represent the community of Northcote, both at a local council level and in this state Parliament. He also served in the army in the Second World War in New Guinea, and, as has been comprehensively covered by the Leader of the Government, for some time he had a career in accounting.

Frank was a man of the Labor Party. He joined in 1948 and was elected to the seat of Northcote at a by-election following the death of John Cain, Sr, in 1957. At that time he was already serving as a councillor in Northcote, which was a position he held from 1954 to 1978. It is hard today to imagine covering both of those

roles at once, but it is something Frank achieved, and he managed his commitments at both levels for an extended period of time. Frank served the Parliament in many roles: Labor Party whip, deputy leader of the party and of course Leader of the Opposition from 1977 to 1981. He was Minister for Local Government, Minister for Housing, Minister for Tourism and Minister for Water Resources. There is no doubt that when he retired after 29 years in this place he was considered the father of the house.

We always reflect a little bit on ourselves in contributing to condolence debates as we look at the contributions of those who have gone before us. No-one sitting on this side of the house served in the Parliament with Frank, and I am sure many here today would hope that when others come to consider a condolence motion in relation to our service, nobody will be in the Parliament who served with us. We would all hope, as with both of the condolence motions we have had today, to be acknowledged as people who have lived long, happy and contributing lives and made a difference to so many.

A staunch and unaligned Labor man all his life, Frank was honoured as a Member of the Order of Australia in 1989, and in 2001 he was a recipient of the Centenary Medal. In reading the material relating to Frank Wilkes one story caught my attention: his fond memories of playing cricket in the Premier's parliamentary side against the press at the Albert Park ground on a Thursday afternoon. It was actually during a sitting week, but I think people quite happily closed down the Parliament to go and play some cricket with the press. It was an all-party affair, so it obviously had broad support across the board.

Frank was a man who inspired others. I want to acknowledge his daughter Helen Buckingham, who is in the chamber today, who followed her father into politics and served with distinction in this Parliament as well. In descriptions of Frank Wilkes a number of words and phrases repeatedly come up: competent, no fuss, understated, a man of integrity. The Leader of the Government referred to an article by Noel Turnbull in the *Age* in 1988 — one that also caught my attention. It says that Bill Landeryou described Frank as 'the ordinary man's ordinary man'. He was clearly someone who could connect with, listen to, reflect on and act on the views of his community and the people of Victoria. The article goes on to list some of the things Frank was particularly proud of, especially achievements at a local government level. It quotes Frank as saying:

... we brought in universal franchise, triennial elections for the Melbourne City Council, Saturday elections for country councils.

They would have been just a few of the things Frank was very proud to have achieved in his time.

While he was a conservative, Frank had many views that were at the forefront of progressive thought in his time. He was a founding member of the Congress for International Co-operation and Disarmament. He was the first political leader to call for reform of laws relating to homosexuality. He pioneered the land rights issue in the Victorian Parliament. He was a man of conviction with a broad range of views, and he pursued his aims in forums where he had the opportunity to lead.

I am sure many in the house have noted Frank's impressive record of electoral success. He was unopposed so many times. We would all like to know how to achieve that outcome. It is obviously a reflection of the high regard in which he was held.

Frank will be remembered very fondly by his community, by the Parliament and by the party he loved, the ALP. On behalf the parliamentary Liberal Party, I pass on our condolences to his daughters, Susan and Helen, to his grandchildren and to the friends who loved him so dearly.

**Mr BARBER** (Northern Metropolitan) — Speaking on behalf of my colleagues, we in the Greens would like to associate ourselves with this motion. As has been noted, Frank Wilkes does not have his portrait out there with all the others in the main hall, but he might have had. He had many achievements in his life in this Parliament, working for his local community and for the whole state of Victoria, but as others have noted, in order to memorialise him we need to think not just of the highest office he achieved but of the highest office he aspired to.

Frank volunteered himself for the role of Premier; he strove for it, and only due to particular circumstances did he miss out on holding that office. Not every MP in this Parliament will get to take a turn at being Premier. The lucky ones will have a chance to put themselves forward as a candidate. In that respect Mr Wilkes was one of the lucky ones. In joining with this motion we send our condolences to his family, his loved ones and his many colleagues, both here today and out in the community.

**Mr DRUM** (Northern Victoria) — The Nationals members would also like to associate ourselves with this motion for Frank Wilkes. Certainly those of us who

were members of the house from 2002 to 2006 would better know Frank Wilkes as Helen Buckingham's dad. At the outset we would like to extend our sympathies to Helen and to her extended family at the passing of her father.

We have heard so much today about the life of Frank Wilkes, but what comes to my mind is the fact that he was able to serve 22 years as a local government councillor and 31 years in the Parliament of Victoria. My figures have it at 31 years, Mr Jennings.

**Mr Jennings** interjected.

**Mr DRUM** — Yes, 31. It is amazing that he had the ability to perform those roles concurrently. The first thought that comes to mind is that in those days there must have been much better delineation of responsibility, or maybe the state government had not yet quite worked out how to cost shift its expenses and work levels onto local government in the way it has in the years since — otherwise there would have been some conflict. If the state government had been doing that back then, it would have been even more impressive that Frank Wilkes had been able to juggle those two responsibilities.

When you read about the life of Frank Wilkes, you see a clear picture of someone who clearly put the party before himself. He performed the role of opposition leader for 10 years and then stepped aside for John Cain, Jr. Mr Wilkes enabled Mr Cain to go on and lead their party to electoral victory. Mr Wilkes had beaten Mr Cain in preselection a decade earlier. There is a picture that emerges of someone who was hell-bent on doing the right thing by his party first and by himself second.

I never had the opportunity to meet Frank Wilkes, but I did get to know Peter Ross-Edwards very well. It has already been stated today, but I would like to repeat the fact that a long-term leader of The Nationals, then the Country Party, Peter Ross-Edwards, was quoted as saying that he was absolutely proud to describe Frank Wilkes as a friend.

Frank Wilkes was outspoken on a number of progressive issues, including gay rights and Indigenous land rights. He was well regarded by the other side of Parliament and politics. He was incredibly loyal to his party and totally community minded. It is easy to see that on 24 August just gone we lost a great Victorian.

**Ms MIKAKOS** (Minister for Families and Children) — I rise to add my reflections on the life of Frank Noel Wilkes, AM, and on his contribution to Victoria. Frank Wilkes was a pillar of his local

community — the Northcote community, in which I grew up. As a proud Northcote girl, I am very pleased to be able to make a contribution and reflect on Frank, for whom Northcote was the centre of his life. Northcote was at Frank's core. It is where he was born, it is where he grew up and it is where he established a fine record as both a councillor and a member of Parliament.

Frank Wilkes joined the Northcote branch — my old branch — of the Labor Party in 1948, and he was Northcote campaign manager for John Cain, Sr, in 1955. He won the seat of Northcote after John Cain, Sr, passed away. He also served as a Northcote councillor from 1954 to 1978, a much longer period of service to that council than my own brief one. He was elected to council unopposed on 11 separate occasions but was never elected mayor. I reflected on that and on my time at Northcote council and stories about rats in the ranks. I really need to have a conversation with Helen Buckingham, his daughter, about why Frank never became mayor of the then Northcote council.

Frank Wilkes was the state member for Northcote for an extraordinary 31 years — from 1957 to 1988. At his retirement he was the Father of the House. He was the Labor whip from 1959 to 1967. He was deputy opposition leader from 1967 to 1977 and opposition leader from 1977 to 1981. In the Cain government he served as Minister for Local Government from 1982 to 1985, Minister for Housing from 1985 to 1987, and Minister for Tourism and Minister for Water Resources from 1987 to 1988. Frank Wilkes was also an active member of a number of parliamentary committees throughout his parliamentary career.

Prior to coming to Parliament, Frank was a member of the Australian Imperial Force, serving in New Guinea. He exhibited great discipline and diligence in a career that could only have been sustained by a mind and a person dedicated to their craft. There is little surprise, then, that he was also a craftsman, working in his family's furniture business, C. E. Wilkes and Co., after his military service. He was also qualified in accountancy and valuing, and he later assumed back-office responsibilities in the family business.

Frank Wilkes was a considered, well-prepared and conscientious man whose command of issues added to the tenor of debate and dignified this Parliament. He paid great respect to parliamentary process. He was held in the highest regard by people on all sides of politics. On the anniversary of his 30 years in Parliament — as has already been noted — John Cain, Jr, spoke about the dedication of Mr Wilkes to the seat

of Northcote and to public life, a sentiment that was also acknowledged by Jeff Kennett and others.

I had the great pleasure of serving as a member of this house with Helen Buckingham, who was a member of the Legislative Council from 2002 to 2006. As has already been said by the Leader of the Government, we very much miss Helen's service in this house. Helen exhibited many of Frank's values — dedication to community, the importance of community service and a love of the Labor Party.

As Minister for Families and Children, I want to recognise that Frank was very committed to the early years and to supporting the development of children. I was very pleased to read that Frank was a trustee of the Northcote Creche and Annie Dennis Free Kindergarten, my old kindergarten. Frank was also chairman of Vicsport, and he was involved in many other issues. He was perhaps the first parliamentarian to champion gay rights. He founded the case for land rights in this Parliament. He was involved in many issues. As Minister for Local Government, he introduced universal suffrage in council elections for the 211 local councils of the time.

Frank Wilkes eschewed the sort of limelight that feeds modern media attention these days, but he was there for his community and he attended to his role as a member of Parliament with utter commitment. At a time of considerable scepticism about elected officials and what motivates them to seek public office, I am proud that Frank Wilkes serves as a worthy role model for current and future members of Parliament. He was a politician and public leader who remained steadfast to his values, steadfast to his party and steadfast to the ideals that drove him. He stood as a pillar during times of change. Frank Wilkes played that role within the Labor Party. He was a stable and constant leader.

When John Cain assumed the leadership and eventually went on to become Premier, the loss Frank Wilkes felt for his own leadership ambitions was quickly and energetically replaced by his instinct for getting on with the job. He is someone who I think deserves great respect. He committed himself to supporting his leader and to working hard for the government and the community. He put his community, his values and his party before his personal ambition. In all spheres of politics we can reflect on the contract of trust we make with the community that we serve, without hesitation and with self-interest pushed firmly to the back. Frank Wilkes's life as a community and public leader exemplifies the sort of demeanour and attitude that a person needs to have to be a good role model for public life.

We are sad that this respected family, community and Labor leader has passed, and we should reflect fondly on his record of service and his contribution to our state. I extend my sympathy to the extended Wilkes family on their loss, and I acknowledge his passing as a sad loss for our state.

**The PRESIDENT** — Order! I also take the opportunity to reflect on the passing of Frank Wilkes. He was a distinguished Victorian whose contribution to public life and public service was exceptional. Indeed his was an entire life of service that commenced well before he entered politics and continued after he left politics in a number of roles and appointments. It is interesting that we have reflected in these two condolence motions on two people who were significant identities in a very difficult and tumultuous period in Labor Party history.

In Frank Wilkes we had a person whom I would characterise as a bridge builder, not a self-promoter. Indeed we learnt yesterday at the funeral that he was more at ease talking to the media about roses and football than he was about politics, and in many ways he tried to steer clear of some of the political issues and focus on things that were perhaps more important to everyday Victorians.

In my view, and I think the view of many people, he was a bridge builder because the Labor Party would probably not have been successful in 1982 had it not been for the work of Frank Wilkes. It was not just the swing to the Labor Party in 1979 that brought about the success in the 1982 election, it was the work done in the lead-up to that election and the way he brought people together, the way he mended some of those fractures within the Labor Party that had characterised much of the period since the 1950s.

Frank Wilkes was able to achieve that because he was a person who was loyal to all of the things that were important to him, including obviously his family; his community, particularly Northcote where he lived virtually all of his life; and certainly his beloved Labor Party. He was respectful of others, and, as a number of members have reflected, he was obviously respected by all. He was a generous man. He was a diligent man. He was a competent man. Whilst the government that he became a minister of was beset by a number of issues and controversies, he held his head high as a very competent minister within those administrations.

Frank Wilkes was progressive, as has been indicated, and a man of great integrity. In these days of politics where we have spin and management of messages, he was a man who got to the point, who was interested in

the real deal — the real issues — rather than trying to spin matters out. As I said, he had a great deal of service, and no doubt those people who saw him at a preselection where he contested against 27 other candidates in a very significant seat, at the centre of the Labor Party heartland at that time in many ways, saw in Frank Wilkes someone who would go on to make a great contribution, and indeed he did not let them down.

He was not a self-promoter. He was a man who believed in the institution of Parliament, as Ms Mikakos said, and was a great contributor to this place. In terms of Labor Party politics in particular, he deserves every credit for having brought the Labor Party to government in 1982, because of the work that he had done in healing the wounds and bringing people together — being a bridge builder rather than a self-promoter.

Can I indicate that Helen Buckingham and I are very good friends, and I am sure Frank Wilkes is extraordinarily proud of both his daughters; of Ian Buckingham, Helen's husband; and indeed of the children and nieces and nephews and extended family, whom he had such a loyalty to, as a father and a family member. As has been indicated, Helen Buckingham made a significant contribution to this place as well — an all too short contribution to this place — but there is no doubt that as she is extraordinarily proud of her father's achievements, as we all ought to be, he too would be proud of hers.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

## ADJOURNMENT

**The PRESIDENT** — As a further mark of respect to the memory of the late Honourable Francis Raymond Scully and the late Honourable Frank Noel Wilkes, AM, the sitting will be suspended for 1 hour.

**Sitting suspended 3.38 p.m. until 4.44 p.m.**

## ROYAL ASSENT

**Message read advising royal assent to:**

**25 August**

**Adoption Amendment Act 2015  
Associations Incorporation Reform Amendment  
(Electronic Transactions) Act 2015  
Road Safety Amendment (Private Car Parks) Act  
2015.**

**1 September**

**Planning and Environment Amendment  
(Infrastructure Contributions) Act 2015.**

**ECONOMIC, EDUCATION, JOBS AND  
SKILLS COMMITTEE**

**Membership**

**The PRESIDENT** — Order! I received the following letter from Mr Purcell on 25 August:

As discussed, I am resigning from the Economic, Education and Jobs and Skills Committee. Please accept this as formal notification of my resignation, effective immediately.

**QUESTIONS WITHOUT NOTICE**

**Child protection**

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Families and Children. I refer to the tragic and untimely death of two-year-old Nikki Francis-Coslovich in Mildura. Why was Nikki Francis-Coslovich's child protection file closed five weeks prior to her death and marked 'No longer at significant risk'?

**Ms MIKAKOS** (Minister for Families and Children) — The death of any child is an absolute tragedy, and I am sure that I speak on behalf of every member of this house in saying how shaken we all were — and I am sure the rest of the community was shaken as well — by the untimely death of this young child. As the member would be aware, I am unable to comment on the details of this case. The member would be aware as well that this matter is currently subject to a police investigation, and I would caution the member very carefully in terms of how she proceeds in this matter because there are matters that may well be subject to sub judice. As the member would be aware, charges have been laid in this matter, and I think it is very important that members do not say anything that may well impact on a subsequent prosecution.

**Ms Crozier** — On a point of order, President, the case is in the public domain, and I ask you to bring the minister back to the point of my question and have her answer it.

**Mrs Peulich** — On the point of order, President, the minister has referred to an investigation, and she has also used the term 'sub judice'. I understand sub judice refers to matters that are before the courts as opposed to those just currently being investigated, so whilst I think

that her general comments may be valid, that certainly does not preclude questions being asked.

**The PRESIDENT** — Order! I understand the minister's reticence to go too far in this matter in respect of charges that have been laid and matters that will be subject, notwithstanding charges already having been laid, to further investigation by the police and perhaps other agencies. I accept that that is a valid response as far as it goes. I also accept that, given that charges have been laid, we need to be mindful of those court proceedings because they will involve a jury and the matters that will be canvassed by the courts are matters that we need to be very mindful of in terms of the proceedings of this house. However, notwithstanding that, I have been given the courtesy by the opposition of receiving the question. The question actually refers to why the child protection file was closed and marked 'No longer a significant risk'. That is a departmental responsibility, and that is a matter that I do believe the member can explore. It is not related to the actual death of the child in respect of the police charges and so forth; it is a matter of the jurisdiction of the department and decisions made by the department. From my point of view, I believe that is an acceptable question.

**Ms MIKAKOS** — Thank you for your guidance in this matter, President. I reiterate that for legal reasons I am unable to comment further on this matter.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — When the case file was closed the Francis-Coslovich family was referred to an independent family support service. I ask the minister: what follow-up was there to check if the family accessed the family support services?

**Ms MIKAKOS** (Minister for Families and Children) — As I have already explained to the member, for legal reasons I am unable to comment on this matter. That will be the response to any further questions the member has in relation to this absolutely tragic case. I certainly hope that members opposite are not — —

**Ms Wooldridge** — On a point of order, President, in relation to being factual in relation to the case, the law does say there is a restriction on the publication of proceedings where the matters are before the court. There is no evidence that this case in terms of child protection matters was before the court. It is a longstanding practice of this Parliament for ministers in both houses to answer questions in relation to child protection and not hide behind section 534 of the

Children, Youth and Families Act 2005. I ask you to ask the minister to actually be factual as this is a matter that is not restricted by the Children, Youth and Families Act and therefore she is able to comment on it.

**Ms MIKAKOS** — On the point of order, President, it is very surprising to me to hear a former Minister for Community Services taking a point of order asserting a legal position on this matter when she would know full well that there are provisions in relation to both privacy legislation as well as the Children, Youth and Families Act that impact on ministers' abilities to comment on particular cases. I stand by the response I have given on this matter, and I certainly hope that members opposite are not wishing to politicise a tragic death. Questions of this nature were never put to the previous minister in the last Parliament in relation to these types of situations.

**The PRESIDENT** — Order! I thank the member for the point of order and the minister for her further comment on the point of order. In respect of the contention that the minister is able to answer irrespective of charges being laid because the matter is not in court, I reject that premise. It is the procedure of this house that once charges have been laid in a criminal matter, then in fact it is sub judice. In a civil matter we would wait until it went to the court, but in a criminal matter once charges are laid it is sub judice. It does not need to be in the court on a criminal matter; only charges need to have been laid. That has been a previous ruling in this place by Monica Gould in 2006, as far back as 1999 by Bruce Chamberlain and prior to that in 1981 by Fred Grimwade. In each case that was the consistent view of the Chair, and that is the position of this house.

Nevertheless, I still have before me this question which I do not regard as relating directly, by the substance of the question, to the actual criminal charges that have been brought or to the actual death of the child — and I share the concern of everybody in that regard; it is a great tragedy. The matter that obviously exercises my mind is that these two questions at least do refer to departmental administrative matters. They in the first instance relate to the closure of a file. There are no criminal charges against the department for the closure of the file. This is an administrative matter which falls under government jurisdiction. The supplementary question is regarding the referral of the family to an independent family support service and whether or not there was a follow-up to check if the family accessed family support services. Again, that is not the subject of any charge to be tested by the court; it is an administrative departmental matter. In that sense I

believe that both those questions are valid, notwithstanding my comments in respect of sub judice.

**Ms MIKAKOS** — President, I thank you for your guidance in this matter. The point I make is that in being very mindful of my responsibilities as minister and very mindful also of the legal obligations that I have as a minister, including the legal limitations imposed on me and public authorities under legislation, public authorities, including ministers of the Crown, are subject to limitations under the privacy legislation as well as provisions of the Children, Youth and Families Act — that the former minister would be well aware of and seems to have forgotten about — and those limitations prevent me from commenting further. So I stand by the answer that I have given to the substantive question, and that is that I am unable for legal reasons to comment on this matter further.

**The PRESIDENT** — Order! I ask Ms Crozier to bear in mind my position on sub judice in regard to any further questions on this matter.

### Child protection

**Ms CROZIER** (Southern Metropolitan) — Thank you, President, for that guidance. My question is again to the Minister for Families and Children, and it goes to the issue that we have been discussing. It has been publicly reported that Mr Coslovich claims he had repeatedly raised concerns with the Department of Health and Human Services child protection unit about his daughter's health and safety. I ask the minister: in 2015 how many reports to child protection have been made regarding the Francis-Coslovich family?

**Ms MIKAKOS** (Minister for Families and Children) — I think the member needs to have a look at the privacy legislation. Members of the media are not subject, as public authorities and ministers of the Crown are, to the privacy legislation. Both my department and myself as minister are unable to comment on the specifics of any particular case. I am not even prepared to confirm whether any particular child is a client of the child protection system, because of the restrictions imposed on both the department and myself under the provisions of the privacy legislation.

**Ms Crozier** interjected.

**Ms MIKAKOS** — I do caution the member in relation to this matter because she is seeking to canvass matters that I think are very unhelpful in terms of issues that may or may not be canvassed later in the course of a prosecution matter.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — My question to the minister is: has any child protection report regarding the Francis-Coslovich family been substantiated, and if so, when?

**Ms MIKAKOS** (Minister for Families and Children) — I again refer the member to the answer to the first substantive question, and I stand by that position. As I have said to the member, for legal reasons I am unable to comment further on this matter.

**Child protection**

**Ms CROZIER** (Southern Metropolitan) — My question is again to the Minister for Families and Children. How many unallocated child protection cases are there in the Mallee Department of Health and Human Services (DHHS) area, and what percentage does that represent of the total cases in that region?

**Ms MIKAKOS** (Minister for Families and Children) — The member would be aware that this government has in fact made a substantive investment in the budget this year in terms of investing in more than 110 child protection staff right across the state. I am also very proud of the fact that we have invested in the rollout of the after-hours child protection service right across the state, and this will for the first time take in the Mallee area, that was previously not covered by the after-hours service. We have made a significant investment in the budget. It is a record child protection and family services budget, with a 17 per cent increase in the budget compared to last year's budget, with substantial investment in early intervention and prevention services as well as new investment right across the continuum of care from child protection workers right through to additional investment in the out-of-home care system.

**Ms Crozier** — On a point of order, President, I understand the minister might be giving some context to this question, but it was fairly specific, and I ask you to draw her back to answering what my question was about, and that was: how many unallocated cases are there in the Mallee DHHS area?

**The PRESIDENT** — Order! The minister still has 2 minutes and 46 seconds to complete her answer, and at this stage I accept that she is providing a useful context for her answer.

**Ms MIKAKOS** — I am seeking to explain to the member that we have made a very significant investment in our child protection workforce across the state and obviously that is going to assist us in terms of

the ability of child protection to respond to matters. This is something that did not occur under the previous government in terms of this level of investment, but in terms of the specifics of the question the member has asked, I will take the specific issue on notice and respond to the member in the appropriate time frame.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — I thank the minister for that answer, for taking my specific question on notice, and I look forward to receiving that. My supplementary question to the minister is: for the most recent child protection notification, was the Francis-Coslovich family allocated a child protection caseworker, and if so, for what period of time? The minister might need to take the supplementary question on notice as well.

**Ms MIKAKOS** (Minister for Families and Children) — The supplementary question is not directly related to the substantive question; it comes back to the specifics about a particular tragic case, and as I have already explained to the member, for legal reasons I am unable to comment further on this matter. But I point out to the member that from the time the previous government came into office to the time that it left, the case allocation rate did in fact get worse. I think it is a pretty cheap shot for the member to come in here and talk about these matters, knowing full well that I am unable to comment legally on specifics of particular cases.

**Child protection**

**Ms CROZIER** (Southern Metropolitan) — My question is again to the Minister for Families and Children. Can the minister confirm that both she and the commissioner for children and young people receive each and every child protection category 1 incident report?

**Ms MIKAKOS** (Minister for Families and Children) — Ms Crozier may not be aware that one of the first things the previous minister's chief of staff did was to direct her department not to receive incident reports — in fact to change the reporting mechanism for incident reports and to stop the voluntary briefs she was receiving in her office. Ms Wooldridge, as minister, did not seem to want to know about the things that were happening under her watch as minister, and she confirmed that in Parliament in March last year when we became aware of —

**Mrs Peulich** — On a point of order, President, the minister is simply debating the question rather than answering it.

**The PRESIDENT** — Order! I assume that Mr Ondarchie's point of order is the same.

**Mr Ondarchie** — On the point of order President, I was going to indicate that in the 50 seconds the minister has been responding she has been talking about the previous government and not responding to the question about her own responsibilities.

**The PRESIDENT** — Order! That is the same as Mrs Peulich's point of order. I am of the view that the minister is getting close in terms of debating this matter by reflecting on past practice, but I do accept that in this matter she is, I would expect, coming to a response on whether or not she receives the reports. In that circumstance I think she is providing a context for what is her current practice.

**Ms MIKAKOS** — We became aware last year that the previous minister was aware of the extent of abuse and exploitation of children in residential care yet took no action. In fact I was shocked as incoming minister to find money from the 2013 budget unspent that the previous minister could have spent.

*Honourable members interjecting.*

**Ms MIKAKOS** — You did not. You allowed the situation to occur without taking action. I can advise the house, if you let me conclude my answer — —

**Ms Crozier** — On a point of order, President, the last points of order raised were in relation to context, and you let the minister continue. This question was specific, and I ask you to bring her back to the question. It is fairly simple. If she could answer the question, that would be satisfactory.

**The PRESIDENT** — Order! The minister was about to answer the question.

**Ms MIKAKOS** — The point I want to make is that from day one as minister I have taken action to ensure that we can make improvements to the child protection system, unlike the actions of the previous minister, who did not want to know and who asked for briefs not to come to her office. Yes, both the commissioner and I do receive incident reports because it is important that the minister is aware of these matters. I want to know if there are problems in the system, and I think the previous minister should have taken more responsibility and a greater interest in understanding where the pressure points are and where the problems lie.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — I thank the minister for her answer. Since 1 January 2015 how many category 1 child protection incident reports has the minister received?

**Ms MIKAKOS** (Minister for Families and Children) — I am happy to take that matter on notice. I have received a number of questions on notice from the member around these issues as well. I am happy to take the matter on notice and respond to the member in the appropriate time frame.

**Child protection**

**Ms CROZIER** (Southern Metropolitan) — My question is again to the Minister for Families and Children. What measures has the minister actually put in place to ensure that children at imminent risk of being murdered do not have their cases closed?

**Ms MIKAKOS** (Minister for Families and Children) — I am appalled that the opposition would seek to politicise such a tragic death of a child. My heart goes out to this family. I express my sympathy to the family members and to everyone who loves this child. It is appalling that the member would come into this house and try to politicise a case like this, knowing full well that for legal reasons I am unable to comment on the case.

**Ms Wooldridge** interjected.

**Ms MIKAKOS** — The former minister would know that during her time as minister there were many child deaths. In fact there were many child deaths that were due to unnatural circumstances — they were not as a result of medical reasons — but never in this Parliament did a Labor member get up and attempt to politicise the death of a child. Shame on her. She is an absolute disgrace. What I can say — —

**Ms Lovell** — On a point of order, President, I would suggest the minister is debating this. Calling people names is not answering a question.

**The PRESIDENT** — Order! I think the minister had reached that realisation and was about to provide an answer to the question put to her.

**Ms MIKAKOS** — As I have explained to the house, I am unable to comment for legal reasons on this case or any specific case. I have made that very clear to the house.

**An honourable member** interjected.

**The PRESIDENT** — Order! I do not need a point of order. In my view this is not a matter of any legal constraint. As I understand the question, it was about what changes to practice or process the minister has put in place. The minister was debating rather than coming to that, so I ask her to move to a response to that question.

**Ms MIKAKOS** — As I have sought to make clear, for legal reasons I am unable to either confirm or deny that a child is even known to the child protection system. But what I can say is that the general practice is that where a child is known to child protection and there is a death the case will be reviewed by the Commission for Children and Young People under the legislation with a view to ensuring that practices engaged in by the department and other appropriate agencies are improved upon and that authorities can take appropriate action and make improvements to ensure that these matters can be averted in the future. But I cannot go to the specifics of any particular case, other than to advise the house of what the general practice is in these types of cases.

**Mr Jennings** — On a point of order, President, I think there may be some value in your giving guidance to the chamber on the way in which this series of questions and the minister's responses may be better assisted by the framing of questions that are not necessarily leading to an emotive response from the minister, as we heard with the last one. It is a significant issue because if you are an astute listener to the minister's answers you will have noticed that when she was asked in the previous substantive question from Ms Crozier to provide what programmatic or administrative responses have been provided by this government, the minister responded to those matters. In response to the previous substantive question she provided some guidance to the house on the basis of how this incoming government has dealt with a series of matters dealing with process and resource allocation. She detailed that in her previous answer.

As an observer of what happened with the previous question — the most recent question asked by Ms Crozier — the minister responded, quite understandably, to the provocative nature of the question in relation to linking a specific event with a process question, and in fact the minister then responded to the emotive issue of the tragic circumstances of the recent death of this child rather than the processes question which she had answered previously. It would be worthwhile for us to maintain a sense of appropriate use of language in this matter, given that this is a contested issue in the chamber at the

moment and that it should not be a contested issue in my view.

**The PRESIDENT** — Order! I thank the Leader of the Government for his commentary, and I have some sympathy with it. I actually regarded this question as being pretty provocative and pretty raw in terms of the way it was asked, and it did provoke the minister in terms of a response that she might make. However, I think Mr Jennings has got sidetracked a little in terms of the responses, because the previous question that was put by Ms Crozier, which the minister did provide a response to, was actually about the number of reports that had been lodged, whether or not she received reports and how many reports there had been, whereas this question was, as Mr Jennings rightly said, about processes or procedures. The question essentially was asking if the processes and procedures had been reviewed or changed as a result of this tragic circumstance. That was the nub of the question, but I agree it was put in a provocative fashion and I do not think that was particularly helpful to anyone.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — Given that regular reports concerning the safety and welfare of two-year-old Nikki Francis-Coslovich were reported to the government yet her case file was closed under the minister's watch and five weeks later she died, is it not a fact that the Victorian government has failed this innocent child?

**The PRESIDENT** — Order! The supplementary question bears no relationship to the substantive question.

**Ms Wooldridge** — On a point of order, President, the question was about a child being at imminent risk of being murdered and the case file being closed, and the supplementary question was very specific to exactly that situation, where a child has died and her case file was closed. It is directly in relation to the primary question that was asked.

**The PRESIDENT** — Order! I maintain the position that in fact the substantive question was: what measures has the minister actually put in place to ensure that children at imminent risk of being murdered do not have their cases closed? We have already discussed the provocation of that wording — and in fact I am not sure that there was not some shorthand when that was put at any rate — but the supplementary question goes back to what might have been a more appropriate supplementary question to the first or second question, where it goes not to process and not to measures the

minister has put in place to ensure that this tragic event does not happen again but rather goes back to whether or not the government has failed this child. That is the supplementary question. I do not think that is apposite to the substantive question. It is a debating point.

**Ms Wooldridge** — On a further point of order, President, of course supplementary questions are in the context of the response of the minister. The minister failed to respond with any measures that this government had put in place in relation to addressing children at risk of imminently being murdered and their cases being closed. Given that no measures have been put in place by this government in nine months that the minister can articulate, I put it to you that the supplementary question is directly relevant to the response and the failure of the government to put any measures in place.

**The PRESIDENT** — Order! Ms Wooldridge has made a reasonable point in that point of order. My problem is that the wording of this supplementary question is not consistent with the point Ms Wooldridge has made. If this supplementary question had been, ‘The minister did not advise the house of any changes to procedures or processes that have been made since this tragic event. Therefore, is it not a fact that the Victorian government has failed?’, that would have been a valid supplementary question, because that would have been apposite to the original question. But this supplementary question goes back and creates an argument about the unfortunate tragic death of this child and then says, ‘Is it not a fact that the government has failed this innocent child?’. That is different to process. It is a different question.

**Ms CROZIER** — President, would you like me to rephrase it?

**The PRESIDENT** — Order! I will allow Ms Crozier to rephrase her question on the basis that I have provided a fair edit. I thank the government for not pulling me up on that. It is a courtesy of the house to allow Ms Crozier on this occasion to rephrase her question.

**Ms CROZIER** — I thank the house for the courtesy, President. Will the minister confirm that she has put in no changes and that therefore in actual fact the government has failed in this instance?

**Ms MIKAKOS** (Minister for Families and Children) — From day one as minister I have taken action to ensure that we can strengthen our child protection system so that we can keep children who are abused or neglected safe. Our government has a very

proud record in comparison to the previous government’s record in relation to this: a 17 per cent increase in the child protection budget in our first budget compared to last year and a significant investment in our child protection workforce. We have put \$48.1 million into early intervention and prevention services through Child FIRST and family services. We are taking many measures to ensure that we can keep vulnerable children safe. But when it comes to specific cases, I reiterate that I cannot comment on the specifics of any particular case. I am just appalled that Ms Crozier would seek to politicise a tragic case, understanding full well that I cannot go to the specifics of the individual case.

### Health system performance

**Ms HARTLAND** (Western Metropolitan) — My question is for the Special Minister of State. In recent weeks the government released its quarterly *Specialist Clinics Activity and Wait Time Report*, which outlined the hidden outpatient waiting lists for pre-surgery specialist care. I very much commend the government for this step forward in transparency; however, I believe there is still a long way to go. These figures were buried in a report at the back of the Victorian Health Services Performance website rather than being published alongside other performance figures and in the same manner. My question to the minister is: when will the government take the next step and quarterly publish outpatient waiting list data transparently alongside other data on the front page of the Victorian Health Services Performance website?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Hartland for her question, her perseverance and her commitment to greater accountability and reporting of not only hospital data but indeed emergency services data and other data that this government has committed to reporting on, which is a commitment it made in opposition, and it fully intends to deliver on those undertakings. Ms Hartland has asked me on a number of occasions when a transparency-in-government bill will come, and at every stage I have said it is just a little bit closer. It is not too far from being in the legislative program in the weeks to come. Ms Hartland will see a piece of legislation that will look at the way in which we will be reporting with far greater frequency, reliability and consistency in the public domain our hospital data and other emergency services data, which has for far too long been hidden from public view in the appropriate time frame.

In relation to the matter Ms Hartland raised specifically about the format and the presence on the website of this

particular data, to be perfectly honest I have not seen the website and I have not seen how Ms Hartland may have seen it as not being on the front page. I am not quite sure how much information could be on the front page and how it could most effectively have attention drawn to it. However, I will certainly have discussions with my colleague the Minister for Health about the way in which this data can be brought to the public's attention in order to allow the public to form a view on this and to make clinicians and others who work in the health system aware of what demand pressures there may be and the best way to address those demand pressures to allow for better service delivery for Victorians so that they can perhaps make some wise decisions about where they might go to receive care at the earliest opportunity. Ultimately that is the best form of using this information, so that you can actually check your clinical pathway by choosing either which specialist or which hospital is able to enable your treatment to proceed in the most time effective manner.

Ultimately we share the ambition for this information to be publicised, and publicised in an accessible way that makes sense to Victorians. I will look at the current availability of that information. I am glad that at least it is on the website, even if it is not in the prominent position that Ms Hartland may have hoped it to be. I will have a word to my colleague about the best way in which we can provide that into the future.

*Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — I am not IT savvy but the young people in my office certainly are, and if they have had difficulty finding it, that probably means the general public would have difficulty finding it. Could the minister take it on notice to inform me when it would be that he would be able to say that this information will be available in a more prominent place on the website?

**Mr JENNINGS** (Special Minister of State) — Yes, I can, because I do not want to be evasive, but effectively I was volunteering to go and have a conversation with my colleague and find a way in which it could be made prominent. The possibility for it to be made prominent may be an easy task for IT-savvy people, of which there must be some in Victoria. We may be able to do it quickly, but without having a conversation with my ministerial colleague and without her taking advice, I cannot tell Ms Hartland exactly the time frame, but I will see what I can do.

**Health system performance**

**Ms HARTLAND** (Western Metropolitan) — My question again is for the Special Minister of State. When and if the government does publish outpatient data quarterly, will it publish the average wait time for a first appointment rather than the median; will it publish the number of patients waiting for a first appointment based on speciality and hospital; and will it publish the proportion of patients waiting longer than 365 days for a first appointment, as is the standard for data published for elective surgery waiting lists?

**Mr JENNINGS** (Special Minister of State) — I have to discuss that level of detail with my colleague before I can confirm that, so I will have to take that on notice. Ms Hartland would be aware that the median is a form of average, so it is one of a number of ways in which an average is measured. It is quite a reasonable measure of average — but only one of a number of them.

**Firearms**

**Mr BOURMAN** (Eastern Victoria) — My question is for the Minister for Training and Skills, Minister Herbert, representing the Minister for Police. How many murders were committed in 2013 and 2014 with firearms stolen from their licensed and lawful owners?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr Bourman for his question and his ongoing interest in these matters. I did answer a previous question by saying that I am aware of some of the issues relating to these matters. In fact a former member of the Parliament, Dr Alistair Harkness, is doing cutting-edge research into farm crime, including the theft of shotguns and other firearms by biekie gangs and organised crime gangs, which of course is a major issue for rural police.

The Andrews government acknowledges the challenges that firearm theft presents our community and, importantly, legal sporting shooters in our community. For that reason a bill has been introduced in the other place which will for the first time see a specific offence introduced for theft of a firearm. Currently theft carries a maximum penalty of 10 years jail. The new offence will carry a penalty of 15 years jail, reflecting the gravity of the potential and real damage that stolen guns can cause in our community. I am sure we all look forward to that legislation coming forward.

I also place on the record that I understand Mr Bourman and Mr Young have provided valuable

assistance in framing some of this legislation, and I thank them for their interest in it.

In relation to the substantive question I am advised, however, that Victoria Police does not record in its law enforcement assistance program (LEAP) database whether a firearm used in a murder was stolen. It is an issue about how that LEAP database is constructed. I am not aware of exactly what the limitations are in terms of the input of information into it. In that regard it might be something that Mr Bourman seeks to raise with Victoria Police.

*Supplementary question*

**Mr BOURMAN** (Eastern Victoria) — I thank Minister Herbert for his very enlightening answer. How many murders were committed in 2013–14 with edged weapons?

**Mr HERBERT** (Minister for Training and Skills) — I discovered that edged weapons are in fact knives primarily; they could be machetes and other things, but primarily we are talking about horrendous murders committed with knives. I am advised that according to the Crimes Statistics Agency — which I am not familiar with, but I am sure Mr Bourman is — 22 murders were committed using edged weapons in 2013 and 2014. That is as far as I can go.

**7-Eleven myki sales**

**Ms PATTEN** (Northern Metropolitan) — My question is for the Minister for Agriculture, Ms Pulford, representing the Minister for Public Transport. In the last 24 hours we have seen disturbing information revealed by a joint *Four Corners*-Fairfax investigation about widespread payroll fraud by the 7-Eleven chain. Some of the most vulnerable workers in our society have been systematically underpaid for years and threatened with deportation for visa infringements in what has been a deliberate act by the 7-Eleven head office and its franchisees.

The 7-Eleven stores have an arrangement with the government for myki sales and top-ups. Given the behaviour of the 7-Eleven chain, will the government move to cancel the myki deal with the chain until all workers are paid what is due to them and proper action has been taken?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Patten for her question, the specifics of which I will pass on to the Minister for Public Transport, Ms Allan, for a detailed response in accordance with the usual time line and arrangements. But I would just add to that that, as Ms Patten clearly has been, I have

also been dismayed by these reports. It is the expectation of the Victorian government, and I expect the expectation of every member of this Parliament, that people are employed appropriately and paid in accordance with the laws of the land. I am sure that there will be investigations into the appropriateness of these arrangements. But they are certainly very disturbing reports, and I will refer the question to Minister Allan.

*Supplementary question*

**Ms PATTEN** (Northern Metropolitan) — Given that the chain has conducted this widespread fraud and that it is a key source of availability for the myki top-ups, will the government move to make more myki top-up sale machines available at more locations in Melbourne, especially on trams?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Patten for her supplementary question. Of course people being able to access the system to buy cards and to arrange for them to be topped up is important for the good functioning of our public transport network. I will also refer that matter to the Minister for Public Transport and provide an answer in due course to Ms Patten.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — I have answers to the following questions on notice: 613–615, 655, 656, 663–676, 700, 701, 737, 751, 755, 758, 768, 777–793, 803, 824–827, 829, 830, 847–859, 861, 866, 871, 874–879.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! I ask for some real attention at this moment, because we have had a series of questions today that I think were quite important, and there are matters in terms of my deliberation on whether or not to seek further responses on those matters — it is a fairly serious deliberation.

I indicate that in terms of several of Ms Crozier's questions I intend to ask the minister for written answers in response because whilst the minister has relied on legal issues, and even legal advice perhaps, in respect of those matters, what I seek is a reconsideration of what is actually a constraint because of legal matters and what is a fair question in the

context of the Parliament's right to explore system and process failures in departmental activities.

I draw a parallel between some of the matters in regard to the Jill Meagher murder, where there was considerable debate about the role and a breakdown in the approach — some questions, certainly, about the approach — of the parole board. Whilst the Jill Meagher matter was a matter of prosecution in the court, the parole board questions — the questions about its process, the questions about its diligence — were in fact in order, because they referred to the system and the processes of government, and whether or not those systems worked. I think there is a very big distinction between those two matters, and therefore I am inviting the minister to reconsider some of these questions that have been put before me in that context.

Therefore for the first question put by Ms Crozier I ask for a written answer to both the substantive question and the supplementary question. I am mindful that our standing order has a specific expectation of an answer being provided tomorrow by ministers in this house, and I indicate that, given the lateness of question time today, I seek to extend this, unless there is a protest by any member of the house. If any single member of the house is not happy with this course of action, then I will obviously revert to the standing order, but given the late time of day for question time, I seek to have this matter reported back by the minister within two days. Does any member have a concern about that decision? No. Thank you. That is in respect of the first substantive and supplementary questions from Ms Crozier.

In respect of the second question by Ms Crozier, I would also ask that both the substantive and the supplementary questions be responded to in writing, because I believe that those questions also went to possible failings of systems or processes and did not impinge upon the legal proceedings or the criminal proceedings.

In respect of the third question, I would also seek answers to both the substantive and the supplementary questions. The substantive question was in regard to the number of case workers in the region, and the supplementary question was whether or not this particular family had a case worker. I think both of those, again, were a matter of departmental administration and were relevant questions, given the history of matters that have been before the house.

In respect of the further question on whether or not the minister receives reports along with the Commission for Children and Young People, the minister has answered the substantive question, without a doubt. On

the supplementary question she has volunteered to indicate how many reports might have been received in a period.

In regard to the final question by Ms Crozier, I make no direction at all. On each of those questions, with the courtesy of the house, I suggest that the minister report back with those answers on Thursday rather than tomorrow. Given that there is no objection to that, I thank members.

In regard to Ms Hartland's question on the publication of data on the website, it is my understanding that on the second question, the substantive question, she sought information on the type of data that might be included in this material, and the minister has indicated that he would be prepared to establish what data might be proposed to be published. Given that that will involve a minister in another place, I would also indicate the two-day direction on that one.

In regard to Ms Patten's two questions for the Minister for Agriculture in respect of transport matters, Ms Pulford has indicated that she will seek further information on both the substantive and supplementary questions, and in that sense I indicate that that will also be a two-day direction.

It has been a difficult question time, and I thank all members for their maturity in recognising those matters and allowing me to work my way through a difficult circumstance.

**Mr JENNINGS** (Special Minister of State) — I feel obliged, on behalf of the ministry, to make the following point in response to a reasonable expectation that you have set for us in that it was very easy — and I think appropriate — for you to determine what might be sub judice matters in relation to criminal issues that were embedded within the questions that you have referred to in seeking a further explanation from my colleague. Therefore I would anticipate that my colleague will be given legal advice in relation to those matters. I also think she will be given advice in relation to our obligations under the Children and Young Persons Act 1989 and also legal advice on the basis of the Privacy and Data Protection Act 2014. The cumulative effect of the advice that she may receive may mean that there will be limits to what information she is able to furnish to the house. I totally recognise, on behalf of the government, that you have made a reasonable request of us, and I just want it placed on the record that the minister may be acting totally in accordance with the advice that she has received with the cumulative effect of those three relevant matters.

**The PRESIDENT** — Order! I am absolutely mindful of that circumstance, and in terms of answers to questions, at the end of the day they do not have to satisfy me, they have to satisfy the house, and where there is a direction to a minister it is possible that that minister may come back with an explanation as to why information cannot be furnished, notwithstanding the direction that I give on behalf of the house. That is a given.

## CONSTITUENCY QUESTIONS

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My constituency question is for the Minister for Health, and it is regarding the formation of the Goulburn Valley Health community advisory group. On 19 June the minister announced that a community advisory group for the redevelopment of GV Health would be set up. My constituents are concerned that the government has not yet advertised for or appointed members to this committee. It is important, if there is to be genuine community consultation on the redevelopment of GV Health, that this committee be set up and active during the development of the business case. Given the lack of advertising for members and the subsequent delay in forming the committee, the Shepparton community is concerned that this is just another stalling tactic by the government. My question of the minister is: when does she intend to advertise for members of this committee, and will she provide me with a copy of the time line for appointments and the initial meeting?

### Western Metropolitan Region

**Mr MELHEM** (Western Metropolitan) — My question is for the Minister for Police, the Honourable Wade Noonan. It is in regard to the \$148.6 million that was allocated in the Andrews Labor government's first budget to recruit, train and accommodate 400 custody officers across 22 Victorian police stations. Given that Sunshine police station in Western Metropolitan Region will be included in the first six stations, could the minister please advise me and my constituents just how the community will benefit from this program and how it fits in with the Andrews Labor government's commitment to make our community safe and tackle the ice epidemic?

### Western Metropolitan Region

**Ms HARTLAND** (Western Metropolitan) — My constituency question today is for the Minister for Public Transport. I have received a letter from Maree Maxfield, who I have known for several years, to Metro

Trains and her local MPs. She is a woman who lives on the Altona loop, and she has a daughter with a disability. Neither of them drives. They deliberately bought a house near the railway station so that they would be able to have access to public transport. They live, however, on the Altona loop, as I said, which is subject to poor service. Twice in the past months Maree and her daughter have been left for a long time on the station at night and in foul weather due to cancelled trains and faults on the line. On both occasions they were forced to catch taxis home, which they can ill afford. The government had promised that once the regional rail link was completed there would be a new timetable for the Altona loop. My question is: when will the government address the inadequate public transport service on the Altona loop?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — My constituency question today is for the attention of the Minister for Public Transport, Jacinta Allan. It concerns transport services in my electorate of Southern Metropolitan Region, in particular in the lower house electorate of Prahran. What is clear from responses to earlier questions in this chamber and responses I have received today is that my earlier fears — my suspicion that South Yarra and particularly the Prahran electorate were going to be impacted significantly by the Metro project — have been confirmed. What the responses of the minister show — under the claim that this is a seamless service — is that the arrangements are such that people going to Pakenham and Cranbourne will need to change at Caulfield. I seek from the minister further confirmation that this will cost time, and I ask that she give details of the timetables, times and the impact on the Prahran electorate and South Yarra commuters.

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) — My constituency question is for the Minister for Families and Children. I recently met with a critical local support service based in Box Hill and servicing the eastern region of Melbourne, the Family Access Network. I am informed that the eastern region is currently subject to a triple threat in relation to housing for young people. The east has the least affordable private rental housing in Melbourne and the lowest levels of public housing in Melbourne and has experienced a significant reduction in transitional youth shared properties. This situation causes young men and women of the east to have no choice but to remain in unsafe situations — situations of risk. Further there are insufficient resources allocated to supporting same-sex attracted, transgender and

intersex young people, with the Family Access Network being forced to keep many young people on a waiting list for services that have proven results.

Will the minister take decisive action to address the housing crisis for young people in the eastern region; consider increasing the funding allocated to the Family Access Network for case management services for same-sex attracted, transgender and intersex young people; and consider funding a youth-focused family violence response for the eastern region?

### Eastern Victoria Region

**Mr O'DONOHUE** (Eastern Victoria) — I raise a constituency question for the Minister for Emergency Services. It follows on from correspondence I have received from the captain of the Belgrave Heights and South fire brigade, Mr Sean Grondman, who wrote:

On behalf of the officers and members of the Belgrave Heights and South fire brigade I express my deep concern at the minimal time given for us to canvass and collate the views of our volunteer members to this review. Simply put, we don't believe that our members and CFA peers can thoroughly consider the issues within the brief time that is available. Frankly, given the breadth of consultation that is required, we doubt that enough time has been allowed for the various stakeholder groups to consider the issues in isolation or to liaise with a view of developing practical and innovative solutions that will enhance service delivery in a sustainable manner.

For these reasons we ask that you use your good office to have a meaningful extension granted for the review.

I put to the minister by way of a constituency question that she consider the views put by Mr Grondman and the Belgrave Heights and South fire brigade and grant the extension requested.

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) — My constituency question is for the Minister for Public Transport. I am seeking an assurance from the minister that the state government is committed to the ongoing funding of the Overland, a train service that provides a Melbourne–Geelong–Adelaide rail connection that is regularly used by commuters in regional Victoria and which also stops at North Shore station four times per week. Operator Great Southern Rail has been reported as saying that it cannot publish timetables post 2015 as funding from the Victorian government has not been secured. The South Australian government has committed \$1 million over three years to keep the service running, but there is no commitment from the Victorian government. My question is: could the minister confirm that the Victorian government is

committed to this very important ongoing rail service, which is regularly enjoyed by regional Victorians, by announcing the funding shared between the South Australian and Victorian governments post 2015 as a matter of urgency?

### Southern Metropolitan Region

**Ms FITZHERBERT** (Southern Metropolitan) — My question is to the Minister for Education. Yesterday I was principal for the day at Port Melbourne Primary School. I very much enjoyed this opportunity. The school took the opportunity to remind me of some ongoing needs it has. The school is waiting for notice about replacing three single-storey portables with two double-storey ones. The school does not therefore yet know how many classes it will have in 2016, because it does not know how many buildings it will have. It is now September, and it is getting pretty late for planning on the part of the school. Yesterday I was reminded there is also uncertainty for staff, a number of whom are on contracts. When will the minister advise the school how many classrooms it will have in 2016 and what its staffing needs will be?

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. I refer the minister to the issue I raised with him earlier this year — it was in about February, as I recall — regarding the particularly dangerous roundabout at the Gap Road–Horne Street intersection in Sunbury. At that time the minister informed me that VicRoads had the matter under consideration. If VicRoads is still considering when this roundabout will be replaced with traffic lights, will the minister direct VicRoads to conclude its inquiries and get on with the job of making this intersection safer for Sunbury residents and visitors?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) — My constituency question is directed to the Minister for Education. The Minister for Education visited Ballarat on Wednesday last week, visiting several schools, but came with not a single new dollar to give. Ballarat is a growing city — it is growing at 2 per cent per annum, with the growth areas of west Ballarat growing at over 5 per cent per annum — and the new suburb of Lucas is still without a school or even a commitment to build a school. Mount Clear College, a great Ballarat school with dedicated administrators and teachers and motivated students, is in desperate need of \$13 million of funding to upgrade ageing buildings; however, the

college is still being ignored by the minister and Labor. My question is: when will the minister commit to building a new school in Lucas and commit funding to meet the upgrading needs at Mount Clear College?

**The PRESIDENT** — Order! Constituency questions should really be about only one matter.

### South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Planning, and it is in relation to Waverley Park residents who have been waging a battle to have their high voltage transmission lines undergrounded as part of permit conditions for development of the estate. They have had very strong support from their local ward councillor, Cr Robert Davies, from Monash City Council and even from the local MP for Mulgrave, Premier Daniel Andrews. That was before the election.

Unfortunately, Waverley Park Residents Action Group has received a letter from their local MP and Premier, but they cite this as being unsatisfactory because the government has been sitting on a report that was undertaken by an independent advisory committee and commissioned by the former Minister for Planning for six months. Therefore I call on the Minister for Planning to immediately release this report so that this issue can be progressed. The community is desperately waiting for that report to be released.

## RULINGS BY THE CHAIR

### Circulation of amendments

**The PRESIDENT** — Order! I will provide a ruling to the house in respect of circulating amendments outside the scope of a bill. We have the prospect of such amendments coming forward this week in relation to one of the bills, and we have dealt on a number of other occasions with amendments that are outside the scope of a bill, some in a package of amendments and some of them outside but not all of them. I thought it important to provide some guidance to the house on the treatment of amendments which are outside the scope of a bill.

Members will recall in the first sitting week of August during debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 that Ms Mikakos raised a point of order with the Deputy President in relation to circulating out-of-scope amendments during the second-reading debate.

Under standing order 14.10 amendments to be proposed during the committee of the whole may be circulated during the second-reading debate of a bill for the information of members, which also has the effect of allowing members to canvass the principles of such amendments in the debate. I remind all members that circulating amendments during the second-reading debate does not constitute the formal moving of those amendments; it is simply a process of informing the house of the member's intention to move certain amendments during the committee of the whole.

Ms Mikakos's point of order questioned whether it was in order to extend standing order 14.10 to include the circulation of amendments that fall outside the scope of the bill prior to the house considering and agreeing to an instruction motion pursuant to standing order 15.07. In allowing out-of-scope amendments to be circulated before such an instruction motion succeeded, it could be argued that further second-reading debate contributions could canvass matters outside the scope of the bill.

The Deputy President referred this issue to me for consideration, and I make the following ruling to clarify the procedure for members going forward. It has been Council practice to allow members to circulate amendments during the second-reading debate of a bill regardless of whether those amendments are in scope or not. This allows members to be informed of the amendments before they are considered during the committee of the whole and, in the case of out-of-scope amendments, informs members when deciding whether to agree to an instruction motion or not.

However, I make the point that in allowing out-of-scope amendments to be circulated during the second-reading debate it is not intended to provide members with a wide opportunity to debate out-of-scope issues during the second-reading debate. Rather the second-reading debate should cover the broad principles and substance of the bill itself, and while passing commentary on circulated amendments is acceptable within limits, it should not constitute the substantial part of a member's contribution. Consideration of amendments, both in scope and out of scope, is a matter for the committee of the whole.

Determining matters of scope and relevance during debate is at the discretion of the Chair, and I remind members to keep this in mind when contributing to debate in the house.

**Adjournment debate**

**The PRESIDENT** — Order! I wish to make a ruling in respect of adjournment debate guidelines because, as I indicated in our last sitting week, some matters were raised in the adjournment that were queried again by Ms Mikakos, and also by Mr Davis in particular, in respect of whether they conformed with the expectation of what constitutes an adjournment item set out in our standing orders. Members will recall that in the last sitting week I announced that I would be providing guidelines for the adjournment debate for the benefit of new members and to remind all members of the changes to the adjournment debate in this Parliament.

The adjournment debate, as members would be aware, is an opportunity for members to request action from ministers on various matters relating to their portfolio. When raising adjournment debate matters members should indicate to whom the matter is being directed; briefly outline the facts; set out the request, query or complaint; and suggest the action sought.

Additionally, members are not to use set speeches when presenting their adjournment debate matters; however, they are permitted to refer to notes.

More extensive guidelines for the adjournment debate, including suggestions on a response format and an example, are currently being circulated. A copy of these will also be available on the Council's website. One of the things I draw attention to is that members are not entitled to simply seek information from a minister in the adjournment debate. They need to request an action.

**PETITIONS**

**Following petitions presented to house:**

**Police numbers**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that Premier Daniel Andrews has failed to commit to providing additional police officers as Victoria grows.

The petitioners therefore respectfully request that the Legislative Council of Victoria calls on Premier Daniel Andrews to commit to providing additional police for our community as a matter of priority.

**By Mr O'DONOHUE (Eastern Victoria)  
(26 signatures).**

**Laid on table.**

**VICTORIAN PUBLIC HEALTH AND WELLBEING PLAN 2015–2019**

**Ms MIKAKOS (Minister for Families and Children), by leave, presented plan.**

**Laid on table.**

**STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING**

**Onshore unconventional gas in Victoria**

**Mr DAVIS (Southern Metropolitan) presented interim report, including appendices, together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be published.**

**Mr DAVIS (Southern Metropolitan) — I move:**

That the Council take note of the report.

In moving that the Council take note of the report, I make a very short commentary on the report. The inquiry into unconventional gas is a large one. Already more than 1700 submissions have been received. I put on the record my thanks to the committee members and particularly to the committee secretariat for the work that has been done on this inquiry. There have been hearings in a number of locations in country Victoria, and there will be further hearings there. There have been hearings in Melbourne also.

There are a number of complex issues associated with the inquiry. They are hydrological and other scientific issues around the technology involved in extracting gas onshore. For the benefit of the chamber, I indicate that a number of types of gas production are outlined in the report. They include conventional gas extracted onshore and various types of unconventional gas that require different levels of intervention. Committee members have heard from a range of scientific and other witnesses, including many from farming groups, the Victorian Farmers Federation and others, particularly members of the community. I thank those witnesses for their submissions, a large number of which are detailed in this report.

The committee still has a significant amount of work to do. Unconventional gas extraction is occurring in other states in Australia — New South Wales, Queensland and so forth — and certainly in a number of overseas jurisdictions. Gas is also extracted offshore in Victoria. One well that is onshore has a horizontal lean to the

pipes and extracts gas offshore but from an onshore gas attachment.

I make the point that at this time the committee has not reached conclusions of any type, and there are many more witnesses to be heard from. The committee has sought additional resources. President, you will be aware that the committee has sought administrative and technical resources from the Parliament. I thank the Parliament for the indication that additional scientists and other technical support will be provided for the committee. I note that in recent times the government has written to the committee also noting the need for that scientific and technical support. In my view the committee also needs additional administrative support. That matter will be important as we go forward.

I note also the challenge of understanding the best regulatory environment, whether that be national or international. That relates particularly to Queensland and New South Wales. Committee members have been able to consider that online but at this point have not been able to travel to see what is done in those jurisdictions.

A number of weaknesses have been pointed out in Victoria's incredibly complex regulatory arrangements. The petroleum act, the minerals act and the environment effects act regulate this area. The committee has heard significant evidence that points to weaknesses in those acts. I note that those weaknesses are matters on which committee members can potentially propose recommendations for solutions of varying natures. Our ability to provide those recommendations will be dependent on our capacity to undertake that work, to understand the complex technical matters and to compare other regulatory regimes around the country and elsewhere.

I look forward to doing the work required as we go forward. Again I thank all the committee staff, under the stewardship of Keir Delaney, for the work they have done on this very large inquiry. I also thank those who have hosted the hearings that have been held, particularly in country Victoria. They have been very helpful and include a number of councils that have been of great assistance to the committee.

**Ms DUNN** (Eastern Metropolitan) — I certainly echo the thanks that the chair of the committee has given to the staff supporting the inquiry, which to date has been extensive.

The last chapter of the interim report that has been tabled summarises some of the issues and complexities that committee members are grappling with, given what

we have heard. It is almost a matter of the more evidence we hear, the more questions we have. The issues that come to my mind are that we still do not have disclosure on the chemicals that are used in unconventional gas exploration. We also still do not have a wealth of information on health because of the longitudinal studies required to be undertaken to measure health impacts, and certainly in Australia there is difficulty with that data.

What has really struck me is the number of community members who have submitted to the inquiry to date and also taken the time to come to public hearings on the inquiry. I think there are currently 64 communities within Victoria that have declared themselves gas field free, and it is extraordinary how that is rippling through this state at the moment. The other thing that strikes me is the matter of reputational risk in relation to our primary producers in Victoria. It is heart warming to hear that we have such a good reputation for having clean and green primary producers. It has been a recurrent theme.

I look forward to the next stage of work in the inquiry when we will further investigate those matters listed in the last chapter of the report tabled before you today.

**Ms SHING** (Eastern Victoria) — I rise also to make a brief contribution in relation to the inquiry into onshore unconventional gas in Victoria and the interim report, which has been tabled today. At the outset I thank not only Mr Keir Delaney but also Dr Catriona Ross, Ms Annemarie Burt and Ms Kim Martinow, a team that has provided much-needed administrative support and assistance and has also facilitated a significant number of trips to regional Victoria in order to hear firsthand from contributors to the inquiry about their positions on this very important issue.

The report itself makes for excellent reading for people who are keen to develop a better understanding of what is an incredibly complex area. The terms of reference are broad in that they do encompass a number of different components, ranging from the background of what unconventional gas is to the distinction between conventional and unconventional gas; the history of gas activity in Victoria and what government policy has been, including but not limited to the regulatory framework that has operated in Victoria; central themes of the unconventional gas debate and stakeholder views, and to that end I note that the list of contributors far outweighs the length of the interim report being tabled today; the way in which community concerns have been developed and expressed to the committee in the course of this inquiry, including responses to community concerns by proponents of the gas industry

and operators; agriculture, land access, compensation and reputational risk issues; regulation; jobs; and the gas market. The interim report has informed and shaped the way in which the committee will go about further work in order to prepare for a final report to be tabled at the end of this year.

Thanks go to everybody in the local communities who have provided submissions to this inquiry and to the people who facilitated our visits to sites and to regional locations. We look forward to continuing this very valuable work in providing a report that will shape policy now and into the future.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased also to make a brief comment on the inquiry into onshore unconventional gas in Victoria and on the interim report. I thank my fellow parliamentary colleagues for their contribution. It is fair to say that I went into this committee, in particular this inquiry, unaware of the particular matters around unconventional gas.

As has been discussed, there has been an enormous amount of input by community organisations, by industry and by a raft of individuals, and to say that this issue is not white hot in the broader community would be an understatement. I think it is fair to say that whilst this is an interim report and the report is fairly brief, the realities are that, as we can see from the appendices, the level of interest, the number of submissions and the number of public hearings have been extensive. As the chair, the Honourable David Davis, indicated in his foreword, we have seen an unprecedented number of submissions, which is likely to be the largest response to a call for submissions from a Victorian parliamentary committee, with over 1700 submissions received thus far, and the number continues to grow.

The advice I give to the chamber and to those in the broader community is to look at chapter 5 of the report headed ‘Issues to be further considered by the committee’, and obviously that is the important area of inquiry into which the committee will be heading in the future. Other than that, I commend the report to the chamber.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 10*

**Mr DALLA-RIVA** (Eastern Metropolitan) presented *Alert Digest No. 10* of 2015, including appendices.

**Laid on table.**

**Ordered to be published.**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I move:

That the Council take note of the report.

As the deputy chair of the Scrutiny of Acts and Regulations Committee (SARC) and a former chair, the *Alert Digest* reports we have presented before the chamber should be looked at with some level of scepticism. I say that with respect to one of the pieces of legislation in the report — that is, the Public Health and Wellbeing Amendment (Safe Access) Bill 2015. As members would know, when a bill is introduced and the second-reading motion is moved for the chamber to debate, it is not appropriate to then submit a draft amended bill, which essentially removes the responsibilities of the chamber in assessing and analysing that bill.

Yesterday I raised with the executive officer and also the chair of SARC my concern that I had received, on a Sunday afternoon, a proposed draft amended bill. I was also aware during the SARC hearing that a report was presented, which is not referenced, to a commission — which I will not name now, but I may use it during the debate — that said it had provided advice to the chair of the Scrutiny of Acts and Regulations Committee and that said it was making a contribution to the draft amended bill.

The realities are that if we are to hold this chamber in respect, then my view is that it is incumbent upon its members when they introduce a bill to the chamber to get everything right, or at least most of it right. To present a bill that then goes through the process of the Scrutiny of Acts and Regulations Committee and has the human rights advisor and then the executive officers of SARC report to the Parliament on the bill when it is substantially different to what I understand to be a draft amended bill makes a mockery of SARC.

It makes a mockery of this Parliament. Parliament is not a plaything. It is the responsibility of Parliament to assess legislation as it is first read, second read, debated

and then considered by the committee of the whole. To make substantial changes to the bill smacks of not getting the bill right.

SARC has been critical of that in the sense that it has gone through and presented certain aspects of the bill where there are clearly major concerns. If there was a draft amended bill that deals with those issues, then where does SARC sit? It was quite disappointing yesterday to sit in that meeting and not be able to express my view to the Labor members or to my fellow members that I knew that what was being reported was not necessarily going to be the report that was ultimately going to be presented to this chamber.

As I said, I have sought advice from SARC as to the legitimacy of this process. I have no view; I am not going to stand here and say that this is a debate on the legislation. There are people who have presented private members bills here that have been through a proper process. If you look, for example, at the ACT, there is an exposure draft. There is an exposure bill. That is the proper process for getting it right. It is not the responsibility of a member to do a media conference, introduce a bill, put it through SARC and then come back and say, 'We're going to change it because it's not quite right'.

This really smacks of what I would say, after 13 years in this Parliament, is making a bill a plaything. We are members of Parliament, and we have a responsibility to ensure that all of the pieces of legislation that are on the table and before the chamber are dealt with in an appropriate way. As I said, the issue of the merits or otherwise of the bill is a separate issue for the second-reading debate, but to thumb our noses at the Scrutiny of Acts and Regulations Committee, the overarching committee that has a responsibility to review bills that are second read, is wrong.

**Motion agreed to.**

**Mrs Peulich** — On a point of order, Acting President, the SARC website provides useful information on the role of the committee. It states that:

The Scrutiny of Acts and Regulations Committee is an all-party joint house committee, which examines all bills and subordinate legislation ... presented to the Parliament.

It seems to me that this has not been met. I ask if the Acting President could take advice in relation to the status of this bill and whether it should be proceeding without an appropriate report from the Scrutiny of Acts and Regulations Committee.

**The PRESIDENT** — Order! I thank Mr Dalla-Riva for his report and acknowledge that Mrs Peulich has followed up with a point of order. As members are aware, I was not in the chair when the point of order started. I did hear a little bit of the contributions made by Mr Dalla-Riva and Mrs Peulich. It is my view that I should take the matter on notice and consider it a little further.

Essentially SARC provides a report on bills that are put to it. In most cases they are government bills so they do not substantially change when they go through this house, although they can be changed significantly through amendments by the opposition parties, albeit that those amendments are infrequently agreed to by government. Therefore we do not necessarily have the same quandary that we have with a private members bill, which might well be subject to further consultation between members and therefore be eventually moved in this place and debated in quite a different form to the original bill that has been first read and reported on by SARC. It is a difficulty, and I would need to think about whether or not there is a way around that.

In respect of the progress of Ms Patten's bill tomorrow, I do not see an impediment to a debate on the proposal she has made taking place tomorrow. As I understand it, and this has happened outside the house, the government, with Ms Patten, has announced that there is now another process that is likely to see a government bill on this matter come before the house, possibly in October. Therefore tomorrow it is envisaged that the matter will proceed as a debate on the principles or the issues raised in the bill rather than necessarily seeking to get final agreement on the bill. That debate tomorrow will proceed in the context of a second-reading debate. I am not sure that the point raised at this juncture should be an impediment to that debate tomorrow, but I will give consideration to this point because I think it is a valid matter.

**Mr Dalla-Riva** — On a further point of order, President, I would not have raised this in the context of the report except that what I have seen is a draft amended bill. If there were suggested amendments or amendments to the bill, that in itself would be different, but the fact that SARC received advice and submissions from other organisations and reported on a draft amended bill, not the bill that was second read, to me is about the process in this chamber less so than about what SARC has done. It is about the respect of the chamber, the respect of the house and the respect of members to other members in ensuring that proper process is carried through.

**The PRESIDENT** — Order! I accept the point, and I will give further deliberative consideration because it is an important point. However, this situation is not dissimilar to times when the government introduces legislation and then proposes its own amendments to a bill that may well not have been tested in the SARC process. It is not dissimilar in that sense.

**Ms Patten** — On a point of order, President, what I have circulated are amendments that I am going to put to the house during the second-reading debate. It is not an amended bill. I did circulate what the bill might look like if my amendments are successful during the debate tomorrow, but it is not an amended bill.

**The PRESIDENT** — Order! I concur with that. The material provided to me as a member of the house indicates that it is an illustration of what the bill would look like if the amendments were passed. The amendments were separately detailed and then incorporated in what the bill would look like. Ms Patten has tried to help members in that process. Nonetheless, the principle that has been raised is worth further consideration.

**Mrs Peulich** — On a point of order, President, I seek further clarification from you in your considerations. I understand that the debate will occur. I served on the Scrutiny of Acts and Regulations Committee in a previous Parliament, and I would feel better equipped — I feel it is my right as a member of Parliament to be so — if I were informed by a Scrutiny of Acts and Regulations Committee report. I am not confident that this report is on the bill that was introduced into the Parliament, and therefore I ask you whether the vote will take place. There is scope within the operations of SARC to prepare a further report. From memory, it is to be within 10 days — of what, I am not sure exactly — so there is scope for members of Parliament to be informed. There are some substantial differences between the bill on which SARC has reported and the bill that was introduced into the house.

**Ms Pennicuik** — On the point of order, President, in a broader context you may be aware that on many occasions in this place, under both previous governments, I raised issues about bills being debated and passed before we had seen a SARC report or before we had seen a response from the minister to issues raised by SARC.

**Mr O'Donohue** — On the point of order, President, I bring to your attention a precedent from the 56th Parliament, if my memory is correct, when Minister Batchelor introduced a statute law revision bill but did not go through the usual SARC process — that

is, seeking sign-off from parliamentary counsel. If my memory serves me correctly, the debate on that bill was deferred until parliamentary counsel had reviewed that piece of legislation. I am bringing forward that example for your consideration, and there are many factors to consider.

**The PRESIDENT** — Order! I thank members for those contributions. In regard to the point Mrs Peulich made, which is the only one I am required to make comment on, notwithstanding Mr O'Donohue's reflection on the previous process — I accept that, but Mrs Peulich's point is the nub of the issue for us going into tomorrow — it is my view that a bill has been put to the house and second read and that SARC has commented on that bill. Yes, there are amendments proposed, including by the original mover of the bill — and they might be the only amendments put to the house tomorrow — but that is, as I have said, not dissimilar to government legislation that comes before the house, which is Ms Pennicuik's point.

My reading of the amendments is not that they drastically change the principle or purpose of the bill. They change some wording and, as I understand it, some penalty arrangements — they lessen the penalty arrangements, which is probably one of the issues of concern raised with SARC — so they are not outside the scope of the bill that has been first read and second read by Ms Patten. The substance of the bill is intact, notwithstanding that other amendments have been floated. It may be that SARC wishes to consider them further, but they are not substantially outside the purpose of the bill that has been presented to the house so I do not see any impediment to the bill proceeding to debate tomorrow. However, as I said, I am prepared to give further consideration to this matter.

**Sitting suspended 6.32 p.m. until 8.08 p.m.**

## PAPERS

### Laid on table by Clerk:

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Casey Planning Scheme — Amendment C166.

Greater Geelong Planning Scheme — Amendments C59 and C274.

Macedon Ranges Planning Scheme — Amendment C106.

Moreland Planning Scheme — Amendment C149.

Moyne Planning Scheme — Amendment C57.

Pyrenees Planning Scheme — Amendment C40.

Stonnington Planning Scheme — Amendment C173.

Wangaratta Planning Scheme — Amendment C43.

Wodonga Planning Scheme — Amendment C118.

Yarra Planning Scheme — Amendments C149, C157 and C163.

Statutory Rules under the following Acts of Parliament —

Corrections Act 1986 — Nos. 94 and 95.

Greenhouse Gas Geological Act 2008 — No. 96.

Mineral Resources (Sustainable Development) Act 1990 — No. 98.

Pipelines Act 2005 — No. 97

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule No. 95.

Legislative Instrument and related documents under 16B in respect of the Amendment to the Determination that Specified Areas are Designated Bushfire Prone Areas, 12 August 2015, under the Building Act 1993.

Victorian Electoral Commission —

Report to Parliament on the 2014 Victorian State election.

Report on the Gippsland South District By-election held on 14 March 2015.

Proclamation of the Governor in Council fixing an operative date in respect of the following act:

Justice Legislation Amendment Act 2015 — 1 September 2015 — Part 16 (*Gazette No. S236, 25 August 2015*).

## INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

### Police oversight

**The Clerk, pursuant to section 162 of the Independent Broad-based Anti-corruption Commission Act 2011, presented special report.**

**Laid on table.**

**Ordered to be published.**

### PRODUCTION OF DOCUMENTS

**The Clerk** — I have received the following letter dated 31 August from the Attorney-General:

I refer to the Legislative Council's resolution of 19 August 2015 seeking the production of documents relating to two contracts the Department of Economic Development, Jobs,

Transport and Resources entered into with the Boston Consulting Group and KPMG.

The Council's deadline of 31 August does not allow sufficient time for the government to respond to the Council's resolution. The government will endeavour to respond as soon as possible.

## BUSINESS OF THE HOUSE

### General business

**Ms WOOLDRIDGE** (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 2 September 2015:

- (1) notice of motion 144 standing in the name of Ms Wooldridge in relation to the inquiry involving the former Minister for Small Business, Innovation and Trade;
- (2) notice of motion 127 standing in the name of Mr Davis in relation to the production of documents relating to South Yarra station;
- (3) order of the day relating to the resumption of debate on the second reading of the Public Health and Wellbeing Amendment (Safe Access) Bill 2015; and
- (4) notice of motion 152 standing in the name of Mr Morris in relation to the introduction of the new regional rail link timetable.

**Motion agreed to.**

## MINISTERS STATEMENTS

### Early childhood education

**Ms MIKAKOS** (Minister for Families and Children) — I rise to inform the house about the next stage in our education state consultations. Last Wednesday, together with the member for Geelong in the Assembly, I launched a consultation paper focusing on the future of early childhood education and care in Victoria. The Andrews Labor government has the vision to make Victoria the education state. This begins with every child receiving a strong start in life. We know that children are born ready to learn; they are naturally inquisitive about their world. Their early health, education and care before they turn five sets them up for the rest of their lives, shaping their happiness, wellbeing and success.

This year we have focused on securing the foundations for reform, ensuring that the federal government continues to contribute funding for 15 hours of kindergarten beyond the end of this year, investing \$50 million in children's capital to meet population

growth and providing up to \$83.7 million to support kindergartens to transition to improved child-to-educator ratios. This consultation paper is the next step. We are inviting the community to look ahead to what our long-term vision for transforming early childhood services should be. We want to hear about the strengths of all our current early childhood services, from maternal and child health to early intervention services, from playgroups to preschools, and where we can do better. There are five key areas of focus in the consultation paper.

We know that educational opportunities and rich learning environments in a child's early years pay dividends, so we want to hear about ways to get children engaged in learning at an earlier age. However, it is not just when and how much children engage in education that matters — it is also the quality. We want to hear how we can boost the quality of education for our children. We will be discussing how we can best support our most valuable resource — that is, parents, carers and families. We want to hear about ways to make sure vulnerable and disadvantaged kids have the same opportunities as others. Lastly, we want to find better ways to connect services so that the system is working for families, not the other way around. What comes out of these discussions will help determine how best to achieve excellent outcomes for all Victorian children.

## MEMBERS STATEMENTS

### Carlo Monichino

**Ms LOVELL** (Northern Victoria) — I rise to pay tribute to the life of Carlo Monichino. Carlo Monichino was a much-loved member of the Goulburn Valley community. In 1949, at 19 years of age, Carlo migrated to Australia from Piedmonte in northern Italy. In Australia he first tried his hand working on sugarcane plantations in Queensland. He later moved to Melbourne, and finally settled in Katunga, where he established his vineyard in 1962. Monichino Wines is well known for its fine wines, fine food and the family's wonderful hospitality. Carlo was larger than life, and he will be sadly missed. I extend my condolences to his three children, Anna, Phillip and Terry, and their families.

### Lillie Walker

**Ms LOVELL** — I would like to congratulate a rising star in the Shepparton community — Lillie Walker. At only nine years old, Lillie will be the youngest lead vocalist in this year's Victorian State Schools Spectacular, and I am sure the projected

audience of over 10 000 people will be blown away by Lillie's beautiful voice. It has been a pleasure to hear Lillie perform at various events, including during NAIDOC Week, and I wish her and her classmates the best of luck.

### Numurkah Secondary College

**Ms LOVELL** — Last Monday I was given the opportunity to participate in the Principal for a Day program at Numurkah Secondary College. I had a really enjoyable day. I spoke about leadership with year 11 students who have put their hands up for school captain next year, and to the year 12 legal studies class on how laws are made in Victoria and my role as a local MP. I saw many other classes in action and witnessed the interaction between teachers and students. It is obvious that Numurkah Secondary College delivers a high quality educational experience for its students. I would like to thank principal Paul Tozer for hosting me for the day.

### Shrine Guard 80th anniversary

**Mr O'DONOHUE** (Eastern Victoria) — It was an absolute pleasure on 21 August to attend the Shrine of Remembrance Shrine Guard 80th anniversary commemorative service. The shrine guards do a fantastic job, and Major General David McLachlan gave a great speech, as did Acting Deputy Commissioner Shane Patton from Victoria Police. It was a great celebration of what the shrine guards do.

### Member for South-West Coast

**Mr O'DONOHUE** — I would like to take this opportunity to acknowledge the service of the Honourable Dr Denis Naphine, the member for South-West Coast in the Assembly, in his 27 years as an MP. He has been an enormous advocate and leader for the south-west, passionate about his community and a great lover of racing. He was a minister in the Kennett government, opposition leader, a minister in the Baillieu government and Premier. He has always been positive and he is a great mentor, a great teacher and a great servant of the public. I wish Denis, Peggy and their family all the best. It was a great privilege to serve in Denis Naphine's cabinet.

### Member for Polwarth

**Mr O'DONOHUE** — I would like to take this opportunity to acknowledge the service of the Honourable Terry Mulder, the member for Polwarth in the Assembly. In his 16 years as an MP he has shown himself to be practical and down to earth, with a great

sense of humour. He is passionate about the Western District and rural and regional Victoria. He was tenacious as the shadow Minister for Transport and the shadow Minister for Public Transport for two terms, tirelessly pursuing the government over its failings. As a minister for four years he brought a practical, common-sense approach to the important portfolios of roads and public transport. It was a great opportunity for me to be Terry's parliamentary secretary for two years.

### **Girl Guides Victoria**

**Ms MIKAKOS** (Minister for Families and Children) — This morning I was extremely pleased to join with the Premier and nearly 100 girl guides from across Victoria on the front steps of Parliament to celebrate an announcement of \$457 000 in funding for Girl Guides Victoria.

Girl Guides Victoria is a fantastic organisation building the leaders of tomorrow, with a strong focus on empowering young women and providing them with unique opportunities to grow in a supportive environment. Girl Guides Victoria helps young women to develop confidence and learn team-building and leadership skills. The funding I announced will assist Girl Guides Victoria to increase its engagement with young Victorian women, particularly young women from disadvantaged backgrounds who may face additional barriers and challenges to participating in guiding activities.

The funding will contribute to projects, including increasing the participation of young people from public housing estates, establishing a new girl guide group through a partnership with a school in an area of socio-economic disadvantage and developing a new inclusive camping format to allow more young women with different abilities and those from socially and economically disadvantaged communities to participate.

At the event today there were guides present from a number of areas, including Shepparton, Bendigo, Pakenham, Ashburton, North Melbourne, Pascoe Vale, Geelong, Box Hill, Werribee, Heidelberg, Brunswick and many other parts of the state as well. I congratulate the girl guides on the important work they do in the community.

### **Michael Blair**

**Mr ONDARCHIE** (Northern Metropolitan) — It is a pleasure tonight to rise to celebrate the success of one of my constituents. Michael Blair, a resident of

Craigieburn, was this year promoted to the Victorian Football League (VFL) senior umpires panel after spending seven years on the VFL goal umpires panel. Michael commenced his umpiring career in Bairnsdale in 2005 and moved to Melbourne following an invitation to trial for a spot on the VFL goal umpires development squad in 2008.

Michael is a very humble man, but he is a quiet achiever. It is not just about the work he does on the field; he does a lot of work off the field too in assisting in the Essendon District Football League Umpires Association with its training at Windy Hill and its skill development. In recognition of his great work, in 2013 at an annual general meeting, he was nominated a life member of the Victorian Football Umpires Association, and in 2014 he was inducted at the life members dinner.

It is great that Michael has made it to the senior league after coming out of regional Victoria. He has moved to Melbourne, he is living in Craigieburn and he is married to the beautiful Hayley. They are expecting a baby at the end of September this year. It is fantastic for him. I say to Michael Blair, 'Well done, Ump! Melbourne's north is very proud of you'.

### **Renewable energy**

**Ms TIERNEY** (Western Victoria) — On 21 August I joined the Premier and the Minister for Energy and Resources in Portland, where the Premier hit the reset button on renewable energy investment in Victoria. The Premier announced the Labor government's renewable energy roadmap, which includes a target of no less than 20 per cent renewable energy by 2020, and if there can be more, there will be; the creation of more than 1000 jobs in regional Victoria through the new \$20 million New Energy Jobs Fund; and an initiative to source renewable energy certificates from new projects in Victoria, bringing forward around \$200 million of new investment in renewables.

Renewable energy equals jobs. That is why the Andrews Labor government itself has used its buying power to invest in renewable energy and invest in Victorian jobs. Portland's Keppel Prince is a prime example of that. Under the current federal Liberal government and the previous state coalition government, Keppel Prince laid off almost its entire workforce because of the Liberal-Nationals government's flat-earth approach to renewable energy. This approach has cost Victoria thousands of jobs and tens of millions of dollars in investment, and Victorian Labor will not stand for it.

Under Labor, the jobs are coming back. We are seeing news headlines such as ‘Wind jobs boom’ and ‘40 new jobs at Keppel Prince’.

**Mr Ramsay** interjected.

**Ms TIERNEY** — I say to Mr Ramsay that the latter headline was on the front page of last Monday’s *Portland Observer*. There are many more jobs to come for Keppel Prince and the Portland community, Keppel Prince having won the tender to build wind towers for the Ararat wind farm. Victoria has world-class renewable resources — —

**The ACTING PRESIDENT (Ms Patten)** — Order! The member’s time has expired.

### **Women Caring for Veterans of War**

**Ms HARTLAND** (Western Metropolitan) — On Saturday I had the honour of attending a function organised by Women Caring for Veterans of War in Victory Park in Ascot Vale, where a statue that has been named ‘Rosie’ was unveiled. This statue represents women who during and after World War I, World War II, the Korean War, the Vietnam War and more recent conflicts have looked after fathers, grandfathers, sons and daughters who have come back from those wars with shellshock, war neuroses — or as we now know it, post-traumatic stress disorder — or terrible physical wounds that never really quite heal.

In talking to some of the women at the function I could see the kinds of issues they have had to deal with over many years of looking after their young ones. One of the things they expressed to me very clearly was that if governments are going to continue to make mistakes and send young people to war, the least we can do when they come back as veterans is make sure that they have the psychological support, medical support and equipment they need so that this shocking burden that has to be taken on by their families is somewhat relieved.

Federal Greens member Adam Bandt had a pivotal role in assisting to make sure that Women Caring for Veterans of War got funding through the federal government, and Moonee Valley City Council gave the organisation the land, which is quite beautiful.

### **Public transport regional network**

**Mr RAMSAY** (Western Victoria) — Last week in Grovedale Andrew Katos, the member for Barwon in the Assembly, and I held a very successful Geelong regional public transport community forum. Over 125 people attended to learn more about and discuss the

issues around bus and train services. It was an opportunity for them to express their disappointment and frustration — which they did — with the new bus timetables and routes recently introduced by Public Transport Victoria (PTV). They also expressed frustration about the implementation of the Geelong regional rail link, which we know has created a chaotic situation where there are not enough carriages, there is overcrowding, there are dirty carriages, there is a lack of punctuality and a whole host of other problems associated with the launch. Issues raised on the night included the lack of express services to and from Geelong, the reduced number of off-peak services, the lack of an additional service to Warrnambool and a lack of services running directly to South Geelong.

Most of the anger was directed at PTV and its new bus routes, timetables and bus stops. PTV came under fire for its short consultation period over the summer, which did not allow residents an opportunity to put their views forward. On the night of the forum many said that PTV virtually ignored the wishes and needs of those using the bus services, particularly older residents and students.

It is on that basis that we are holding another public forum next Tuesday, 8 September, at 7.00 p.m. at the Manifold Heights Baptist Church hall, which will be an opportunity for those from North Geelong to vent their frustrations and experiences — —

**The ACTING PRESIDENT (Ms Patten)** — Order! The member’s time has expired.

### ***El Telegraph***

**Mr EIDEH** (Western Metropolitan) — I was delighted to join fellow parliamentarians, foreign delegates, community leaders and local business owners at the inaugural gala dinner hosted by *El Telegraph* and MediaGlobal on Friday, 28 August. This gala dinner celebrated over 40 years of the publication of *El Telegraph* and relaunched the newspaper, which is printed in Arabic and provides readers with information on current affairs in Australia as well as international news relevant to the Middle East.

Arabic is the fourth most spoken language in Australia, and for many people it is the only language they know. This language represents more than 20 countries. The *El Telegraph* newspaper has been an integral part of the Arabic community in Melbourne, and throughout its 40-plus years of continuous publication it has helped connect some 30 000 Arabic-speaking Australians with news and current affairs from their countries of origin.

On the night I enjoyed listening to the various speakers, who expressed the importance of connecting Melbourne's Arabic-speaking population with current news and updates on the Middle East, as well as the importance of networking to provide better trade opportunities and business relationships between Victoria and the Middle East region.

I thank and congratulate all involved. Their contributions made this a most successful event. I wish Mr Roland Jabbour and *El Telegraph* newspaper every success as it continues to play an important part in connecting and informing the Arabic community.

### Women's Health Week

**Ms FITZHERBERT** (Southern Metropolitan) — The matter I wish to raise tonight is Women's Health Week, which is taking place next week, between 7 and 11 September. I urge all members to get involved in this initiative. Last year there were 45 events held across the country, 8709 people registered for events and it is estimated that 900 000 people were reached through various channels of social media and direct contact through activities.

This year the theme is 'What is the elephant in the room?'. This is about asking whether there is a symptom or an issue that women need to follow up on that needs to be addressed. I think particularly of the symptoms of ovarian cancer, which are notoriously hard to identify. Ovarian cancer is very difficult to treat if the disease is at all advanced. But there are other symptoms and other issues that women are encouraged to follow up.

### Jean Hailes for Women's Health

**Ms FITZHERBERT** — Recently I was pleased to meet with Janet Michelmore, the CEO of Jean Hailes for Women's Health. Janet told me about the great work her organisation is doing, which of course is named in honour of her mother who was such a powerful advocate for and drew attention to the needs of women's health. I urge everybody to get involved and to use social media to great effect. Members can get information from the Jean Hailes website.

### Hon. Frank Noel Wilkes, AM

**Mr ELASMAR** (Northern Metropolitan) — I was saddened by the recent death of the Honourable Frank Wilkes. As members in the other place will know, Frank was a long-serving former member of the state seat of Northcote. He will be remembered for his innate compassion and his sharp intellect. Frank always strove

to look after his electorate, and no issue was too small for him to address on behalf of his constituents. I extend my sincere condolences to his family and to longstanding members of his political party, to whom he devoted all of his significant energy throughout his life.

### Aichi Prefecture, Japan

**Mr ELASMAR** — On another matter, on 25 August I was delighted to attend a celebration marking 35 years of sisterhood between Aichi Prefecture in Japan and the state of Victoria. In a moving ceremony attended by parliamentarians, the President of the Legislative Council, the Honourable Bruce Atkinson, and the Speaker of the Legislative Assembly, the Honourable Telmo Languiller, exchanged commemorative plaques with a delegation from the Aichi Prefectural Assembly. I would like to think the spirit of friendship will endure for many years to come between our two parliaments.

### Traralgon Neighbourhood Learning House

**Ms BATH** (Eastern Victoria) — Recently I had the privilege of meeting some wonderful people at the Traralgon Neighbourhood Learning House. Wendy Willox began a program coordinated from the house, which organises care packages for those in need. These packs are non-discriminatory and are gifts of essential items. Wendy started organising the packs after meeting a young girl named Jasmine who had sought emergency accommodation. She had no possessions, money, food or adequate clothing. Wendy purchased clothing, blankets and soup for Jasmine. At the time Jasmine commented to Wendy that it was the first time in many, many months that she had felt cared for. Sadly Jasmine is no longer with us, but her legacy lives on in these care packs. The ladies at the neighbourhood house, including coordinator Jenny Poon and Taryn Miller, now organise these care packs, which are so greatly appreciated. I encourage people in Gippsland to donate to this cause.

Jenny Poon and her team are also transforming the local Victorian Railways Institute Hall in Traralgon into a community meeting place. The community initially raised \$35 000 to finance roof repairs. The multipurpose space will house a digital shed, where people will be able to learn basic computer skills, how to use eBay, social skills and the like. Volunteers will provide one-on-one assistance. The hall already holds alcohol-free gigs, and there are plans for a community garden. I commend these people of passion, vision and humanity. Well done to the Traralgon Neighbourhood Learning House.

### Social Traders Crunch

**Mr MULINO** (Eastern Victoria) — I rise to congratulate social traders and also Australia Post on successfully holding the 2015 Social Traders Crunch event. This is akin to a shark tank or a dragon's den for social enterprises. Basically four individuals who have expertise across social enterprises, business expansion and other relevant areas test ideas put forward by social entrepreneurs, who pitch a possible business idea or the expansion of an existing organisation. The event also potentially connects existing social enterprises with funders if they want to roll out or expand their ideas.

I will not run through the detail of all 11 participants in this fascinating program, but they included such diverse organisations as a dance school, an organisation raising awareness of hepatitis, a juice truck for leftover odd-looking fruit, an environmentally friendly stationery outfit, an organisation dealing with social isolation among the elderly, an organisation facilitating the employment of those with a disability and an organisation helping to book live music, particularly for those from a disadvantaged background. Social entrepreneurship is a way of fostering innovation in our society and also of achieving outcomes beyond the very narrow profit and loss approach that many existing companies focus exclusively on. It is something governments should work towards supporting.

### Gay? It's OK

**Ms CROZIER** (Southern Metropolitan) — When the Melbourne University Blacks Football Club donned a rainbow jumper for their game on Saturday they did so to show support for gay players and the work of Lachlan Beaton and the movement Gay? It's OK. I grew up just a few miles from Wando Bridge, north of Casterton, where Lachlan and his twin brother, Charles, lived. His parents, Andrew and Juddie, are well known to me, so when Charles emailed me reminiscing about times on Country Fire Authority fire trucks with my father and brothers and then explaining Lachlan's story I could not help but be moved. Lachlan now lives in New York, but his story is a familiar one for many young men and women. Lachlan hid his sexuality from his family, his friends and his work colleagues and even from his best friend and twin brother, Charles.

Both Lachlan and Charles wanted to do more to promote Gay? It's OK, so they produced a video, which tells of Lachlan's struggle with coming out as gay. Uploaded onto YouTube it soon went viral around the world. In the video Lachlan speaks of his mental health issues. He is open about his paranoia, his fear of being ostracised as a footy player, his confusing emotions and

his many suicidal thoughts. For Lachlan's family it was unbearable to discover that he had hidden his anguish and suffered for 12 or so years about being gay. Gay? It's OK aims to give courage and strength to young people who are gay and to educate and create a more accepting general community.

Lachlan hopes that by telling his story more young people will not have to experience the struggles that he has had to. He wanted to use a footy club such as the Uni Blacks, which he has a long association with, to come out and publicly say that it is OK. That happened on Saturday. It was a terrific event supported by many within our community, including the AFL's Matt Finnis from the St Kilda Football Club. I applaud Lachie for his courage and determination and his wonderful family for their support promoting this important message.

### Bluebird House

**Mr MORRIS** (Western Victoria) — I rise to congratulate the volunteers at Bluebird House, Bacchus Marsh, a not-for-profit organisation that offers a substance abuse recovery facility to members of the community struggling with addiction to drugs such as alcohol and ice. As we all know, substance abuse is a significant problem in our society, and the Bacchus Marsh community is fortunate to have the hardworking and dedicated volunteers who have brought to fruition the Bluebird House facility. These volunteers have identified a gap in the support facilities in their local area and have taken it upon themselves to provide this facility for their community. Bluebird House also has future plans for new premises, and I look forward to working with the organisation to see these plans come to fruition.

However, I also wish to record my disappointment with the Minister for Mental Health, Martin Foley. I wrote to Minister Foley supporting Bluebird House's request for funding; his chief of staff wrote back to me a month later informing me that the minister had written to Bluebird House directly, with the minister excluding me, the local member, from the related correspondence. I have since been contacted by the president of Bluebird House, who informs me that it has not received any correspondence from the minister, and I find this an entirely unacceptable and most disappointing situation.

I strongly encourage the minister to put politics aside and to work with local members and fantastic organisations such as Bluebird House.

### Local government rates

**Ms DUNN** (Eastern Metropolitan) — I rise to condemn the government's full-frontal attack on local government. The Essential Services Commission's blueprint for rate capping goes too far. Whatever the motivation, the government is turning its back on the critical role of local government in providing services to local communities and turning its back on disadvantaged communities in particular, as it is precisely those communities that are going to be hit hardest by rate capping.

Even before the details of the new scheme were released, the chilling effect of the antidemocratic rate cap has seen many job losses across local government. These job losses are at the community interface, in service provision — service provision in youth and family services, drug and alcohol support services, and maternal health and aged-care services, to name a few. While the overall impact on ratepayers will be minimal, the impact on service planning for councils will be exponentially worse. For example, it has been calculated that in the city of Frankston a \$1.73 per week rate cap bonus to ratepayers will translate into a \$22 million black hole for the council and that community over four years.

The one-size-fits-all approach has nothing to do with the real costs borne by local councils — costs like wage indexation and infrastructure costs. It is clear that the easiest decision for councils will be simply to cut services and halt infrastructure. Whichever way you look at it, rate capping is bad for local communities and bad for local democracy. Instead of capping rates, why not rely on the Local Government Victoria performance reporting framework, the infrastructure indicators set by the Auditor-General and the democratic process — —

**The ACTING PRESIDENT (Ms Patten)** — Order! The member's time has expired.

## CORRECTIONS LEGISLATION AMENDMENT BILL 2015

### *Second reading*

**Debate resumed from 6 August; motion of  
Mr JENNINGS (Special Minister of State).**

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to rise to speak on the Corrections Legislation Amendment Bill 2015, and let me say at the outset that the opposition will not oppose this bill. This bill is what one may describe as a tidy-up bill. I think most of the amendments are uncontroversial in nature and in

substance actually do not do a great deal to the current corrections system and arrangements that are in place.

I note that the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 8 has drawn attention to clause 3 and raised some issues around the definition of 'elsewhere' or 'imprisonment', and it has cited some other jurisdictions and definitions. I also note that in the following *Alert Digest*, no. 9, the minister has provided a written response to the issues raised in that — and I note that for the record.

As I say, this is a bill that makes a range of administrative and housekeeping amendments to the Corrections Act 1986 and the Parole Orders (Transfer) Act 1983. It does such things as clarify the conditions for the automatic cancellation of parole due to re-imprisonment in or outside Victoria for offences committed either before or during a parole period. It updates the powers and procedures of the adult parole board in relation to taking evidence, including at parole hearings, and it clarifies prosecution procedures, including increasing the time limit for Victoria Police to lay a charge for breach of parole from within one year to two years from the date of an alleged offence.

I note that Ms Pennicuik has flagged an amendment in relation to that change. Whilst the opposition will listen to the debate, it is not minded to support the amendment proposed by Ms Pennicuik. The bill permits the Secretary of the Department of Justice and Regulation to authorise departmental officers to exercise the statutory powers and functions of a community corrections officer or regional manager and confirms a new position of a parole officer. Basically this is a language update due to some of the new roles and positions that have been created as a result of the parole reform that has taken place in the last couple of years.

The bill provides an explicit power for a prison general manager or governor to require a prisoner to be electronically monitored, which requires a consequential amendment to the Surveillance Devices Act 1999. Currently the power relied upon for the use of electronic monitoring in a prison environment is in section 23 of the Corrections Act, with regard to the good order of a prisoner. Advice in the briefing confirmed that while there are currently no prisoners being electronically monitored in the prison system it is desirable to have an explicit head of power rather than to rely on the general good order provision. The opposition accepts that proposition.

The bill clarifies provisions authorising information use or disclosure, including for law enforcement purposes,

and it updates the list of bodies and persons whose correspondence may not be read or censored by prison staff. Of course in recent years there has been the establishment of the Independent Broad-based Anti-corruption Commission, the Victorian Inspectorate, the Freedom of Information Commissioner, the legal services commissioner and other bodies, and this bill is merely updating the list of organisations that those provisions are applicable to.

The bill makes technical amendments to clarify the minimum quorum for meetings of the Adult Parole Board of Victoria, and again the opposition's understanding is that that is just codifying current practice at the adult parole board. It makes a range of housekeeping amendments including removing obsolete references to the repealed Serious Sex Offenders Monitoring Act 2005, or SOMA as it is known, and I think tidying up redundant provisions around SOMA is a good thing, particularly with the foreshadowed amendments to the way the Serious Sex Offenders (Detention and Supervision) Act 2009 will monitor those on supervision orders.

It is a good thing that the redundant provisions are being tidied up. I note that in his commentary on radio this morning the minister referred to the fact that two detention orders have been made pursuant to the Serious Sex Offenders (Detention and Supervision) Act, so the opposition looks forward to reviewing the legislation that has been foreshadowed in the *Herald Sun* today. Part 3 of the bill amends the Parole Orders (Transfer) Act 1983 to validate certain past parole order transfers made under the national scheme. From previous advice I am aware that having a consistent parole order scheme across all jurisdictions can be challenging, and making sure the relevant acts are complied with can also be challenging, so this bill seeks to validate certain past parole order transfers under the national scheme.

Whilst it is generally a technical bill that does not do a great deal in the sense of policy change, it does cut across several different parts of the management of the corrections system, so in that context I will place on the record a few things that sit behind some of the changes we are debating tonight. They flow from the new parole officer positions that have been created, the reforms to the Adult Parole Board of Victoria that have taken place over the past couple of years, the significant expansion of funding for the parole system and offender behaviour treatment programs available both in the prison environment and in the broader corrections environment.

In the last couple of years, principally flowing from the report of former High Court judge Ian Callinan, the 23 recommendations he made have been funded and, as I understand it, when the coalition left government, they had been largely implemented. The most significant recommendation yet to be fully delivered is the electronic database for parolees, and I ask the minister or another government speaker on the bill whether they can update the house on the progress of the delivery of the electronic database for parolees, which I think was foreshadowed to be completed later this year. It would be useful for the house to know where that is up to and whether it is still on track to be implemented later this year. I note for the record that when the coalition left office just about all the other recommendations were either fully implemented or well on the way to being implemented.

In the 2014–15 budget \$84 million was allocated to deliver the Callinan reforms, which included \$35 million for the overhaul of the community corrections system, creating new positions, better resourcing, community corrections officers and the new position of senior parole officer to deal with the most serious parolees — those in the serious sex offender and violent offender category. The parole reforms that have been delivered see serious violent sex offenders go through a two-tiered power process to be eligible for parole and require all offenders with sentences of more than three years to apply for parole which, as I understand from speaking to people in the corrections system, has driven a cultural change. It is one that Mr Callinan had hoped for and anticipated, and the feedback I have received is that that is exactly what has taken place. The formal process of having to apply for parole makes prisoners more aware of the concept that parole is a privilege and not a right.

The reforms required all offenders who reoffend while on parole to serve at least half of their remaining parole period in prison before being reconsidered for parole. The budget of the Adult Parole Board of Victoria was more than doubled, and the number of full-time members went from one to four, including the appointment of the first full-time chair. The new case management system was delivered for the board and, importantly, the transparency of the adult parole board was significantly increased by requiring it to report in its annual report on the number of people convicted of a serious violent offence while on parole. I will touch on this again when I circulate my amendments, but for now I will merely foreshadow them. I will not circulate the amendments now because they are the subject of further discussions with the government, but in essence the opposition seeks to pick up the recommendation of Mr Callinan that the board must be more transparent

and that it should report in its annual report on the number of convictions for serious violent and sex offenders. Measure 21C of the Callinan review states:

The board should report publicly on all homicide and other serious offences committed by parolees.

This was part of a suite of transparency measures that he recommended. It is important for the community that that same transparency is delivered in the community corrections space. I understand from discussions with the government that there are some complexities around that because of IT systems and other challenges, and I look forward to talking further with the government about how the amendments I have drafted can be delivered in a way that accommodates some of those challenges whilst at the same time increasing the transparency of the community corrections system so that the community has an understanding of when those offenders who are the subject of a community corrections order commit a serious violent or sexual offence as has been defined in section 77 of the Corrections Act 1986.

We are seeking to increase the transparency of the community corrections system, and I think that is a worthy policy outcome. It builds on the reforms that the coalition delivered in relation to the transparency of the Adult Parole Board of Victoria, but I think it is even more important now, in light of the Boulton decision of the Court of Appeal. The guideline judgement that the Court of Appeal delivered in Boulton in December of last year states at paragraph 131:

... a CCO may be suitable even in cases of relatively serious offences which might previously have attracted a medium term of imprisonment (such as, for example, aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide).

As I have said to the house before, this goes beyond the scope of what the coalition anticipated or envisaged for community correction orders. That offenders guilty of some categories of the crimes of rape and homicide could receive a community correction order rather than a term of imprisonment I think would surprise and shock many parts of the community. When I raised this with the Attorney-General during an adjournment debate I got a response which did not address the substance of the concerns I had raised.

Given that through the government's inaction the government is consenting to the definition their Honours gave in the Boulton case eight months ago, a much more serious class of offender is potentially receiving a community correction order than was the case before that decision or, as I said, than was

anticipated by the coalition government when it introduced the community correction order regime in 2012. In the interests of transparency in a general sense and more particularly because of the result of that decision it is important that the community has an understanding of what serious crimes, if any, have been committed by those on a community correction order.

I therefore foreshadow those amendments, and I look forward to moving and debating them once further discussions with the government have taken place. Whilst the amendments I foreshadow are based upon those that were delivered for the Adult Parole Board of Victoria, it is important to add some additional limbs to that disclosure, such as when the offence took place. What the adult parole board's annual report, which was tabled last year, shows is that many of the crimes reported in last year's annual report had taken place a significant period beforehand. I will not labour those points anymore. We can have a more fulsome debate about any amendments to the bill during the committee stage of debate once the government has had further opportunity to consider what I am proposing and the implications it may have on resourcing, IT systems and the like.

Let me now move to how I perceive the corrections system to be operating at the moment. In the words of the corrections commissioner, we had one of the worst riots in Victoria's history following the introduction of the smoking ban on 1 July, which I believe is very good policy. The current minister has overseen one of the worst riots in Victorian corrections history, with costs currently estimated at between \$10 million and \$12 million, according to a response from the Leader of the Government that I received following a question without notice.

As you would be aware, Acting President, the riot that took place at the Metropolitan Remand Centre has had a number of significant flow-on consequences.

We have seen numbers in police cells up around the 300 mark according to many reports. We have had individual areas such as Shepparton, where the number of prisoners in cells has been over what is the quota, which is placing pressure on police resources — and this at a time when the new government has not delivered a single extra police officer. When the coalition left office in November 2014 there were 13 151 full-time equivalent sworn police members in Victoria, and at the end of June 2015 there were 13 151 full-time equivalent police officers in Victoria. Despite the challenges of terrorism, despite the challenges of family violence, despite the challenges of ice and despite the challenges of a population growing

at 2000 people a week in Victoria, Victoria Police has received a grand total of zero additional police officers.

Members can read submissions from the Police Association to the Royal Commission into Family Violence, which say that its no. 1 issue is additional resources. We hear about a new task force being created, and we hear about the population in Melbourne's growth corridors exploding, but this government has not delivered a single additional police officer for the chief commissioner to respond to those issues.

We have police cells that are full, hundreds of beds that are offline at the Metropolitan Remand Centre (MRC), and a bill of between at least \$10 million and \$12 million. This is in contrast to New South Wales, which just couple of weeks after the introduction of the smoking ban and the subsequent riot in Victoria introduced a smoking ban across its prison system without major incident — without riot and without significant damage done anywhere. That is the way it is has been in other jurisdictions, such as New Zealand, the Northern Territory, Queensland and elsewhere.

I look forward, as does the opposition, to Kieran Walshe tabling his report in November. I welcome the commitment from the government that the report will be released in as much detail as possible without compromising security, because there are many unanswered questions around the smoking ban riot that took place at the MRC. The consequences for the system continue to be significant, whether it is the management of prisoners in police cells, whether it is the hundreds of maximum security beds being offline or whether it is the fact that prisoners were temporarily transported to the medium-security Hopkins Correctional Centre at Ararat. There are a number of issues that flow from that, but that \$10 million to \$12 million cost is but one part of the cost blowouts that this minister has overseen.

The Homesafe project was costed at \$50 million before the election and is now at \$84 million, and we heard from the Rail, Tram and Bus Union today that Homesafe may not take place at all because the union will not allow it. The police country digital radio project, which was costed in January at \$10 million, was revealed in the budget to cost \$35 million. Minister Noonan has already overseen cost blowouts of \$70 million across his portfolio.

**Mr Herbert** interjected.

**Mr O'DONOHUE** — I hear the interjection from the minister. I think he mentioned custody officers. Let

me take up that interjection. I will quote from the Minister for Police's press release of 5 May:

The rollout of custody officers will begin this year ...

I look forward to hearing members of the government talk about this. Now we are in September. Legislation has not been introduced to the Parliament. Training is yet to be commenced. The physical works at the police stations have yet to be undertaken. The training has yet to take place. We are in September, and Minister Noonan promised just a few short months ago that the rollout of custody officers would begin this year. I look forward to Minister Herbert and others detailing to the house how that promise in the minister's press release of just a few months ago will be delivered.

Finally, the fact that this bill does very little by way of new policy or new initiatives says so much.

**Ms Shing** — Really, what does it say?

**Mr O'DONOHUE** — Ms Shing, let me tell you. Before the election the government played a clever political game. It said very little about these issues around community safety. It said very little indeed. It had very few policies, and it played a small target. Since the election government members have continued to do exactly the same thing, but the difference is that they are now in government and this is a dynamic environment. Whilst I appreciate that some things have been foreshadowed in other parts of the justice space, when it comes to the broader corrections system and when it comes to Victoria Police and its resourcing, the government has had precious little to say.

It has sacked crime prevention as a portfolio. Minister Noonan has taken precious little interest in the community safety agenda and has had to appoint a parliamentary secretary to undertake a review of a program that was independently evaluated by the Australian Institute of Criminology and found to be very effective and performing very well. The question for me is: what is the government's agenda in this space and what are its priorities? Because it has failed to articulate them in any clear way. Now coming up towards a year in power, it has failed to articulate any clear agenda when it comes to policing in Victoria, the management of the corrections system, the broader justice portfolios and the justice system in Victoria.

Community safety is one of the top priorities of any government, and here we are, as I say, coming up towards a year in power for this government. The fact that this bill has nothing by way of new policy initiatives or new reforms says very much about the

government's lack of agenda. As I said at the outset, the opposition will not oppose this bill.

**Ms SHING** (Eastern Victoria) — I rise to build upon the contribution made by my colleague Mr O'Donohue. At the outset I take the opportunity to address a number of the myths that he has been promulgating not just now while he spent time on his feet in relation to the Corrections Legislation Amendment Bill 2015 but more generally in relation to the issues of Labor and this government's commitments to addressing the problems, systemic failures and shortcomings in the corrections system that were the consequence of four years of corner cutting, slapdash policy on the run and a failure or inability to fund the three-word slogans on which it marched into the polls in 2010.

Mr O'Donohue has been on the record in this place on numerous occasions indicating that the government has not employed a single additional police officer since being elected and since Mr O'Donohue found himself, along with his colleagues, on the opposition benches. To that end I would like to confirm the advice I have received that no fewer than 604 police staff have been employed since the election last year. That number comprises custody officers, protective services officers and police officers. Again it is absolutely crucial to make sure that we are dealing in facts here and not just going to the lowest common denominator of a convenient political slogan on the law and order agenda, which is the safe place for those opposite when it comes to talking about often difficult and complex policy areas that require balanced consideration of not just providing a system that is adequately resourced to deal with the way crime is identified, policed and sanctioned but also other ways of how we go about ensuring community safety.

I would also like to advise Mr O'Donohue in relation to the question he raised in his contribution about the progress of an update to the electronic file database system and the promise we made that it would occur this year, that it is well on track to be achieved in the time frames initially stated. Hopefully that will give Mr O'Donohue the comfort he requires to best be able to acquit his shadow portfolio responsibilities.

Further I would like to address the numerous references Mr O'Donohue made in his contribution to prison riots and unrest within the correctional system, which he linked to the ban on smoking. On the one hand he indicated that this was not a bad policy but on the other hand he attempted to muckrake the government in relation to the changes that were introduced to ensure better health and safety within our corrections system.

To that end I find it more than confusing that Mr O'Donohue would be on his feet in this place calling out the government for its alleged failure to deal with deficiencies in the corrections system when under the previous government we saw an increase in recidivism — a statistical increase in the number of people who had been in prison returning to prison — for the first time in 11 years. That was due in part to a failure to invest in means, mechanisms and programs to ensure that people who are convicted of various offences have a lesser likelihood of being convicted for similar or unrelated offences down the track — to ensure that this does not simply turn into a cycle of being charged, serving time, having some form of order and then leaving the corrections system only to find themselves in the same position down the track.

With those brief opening comments in mind, I note Mr O'Donohue has indicated that there is no opposition to the substance of the bill before the house. It makes no substantive amendments; rather the amendments are of an operational nature to ensure a smoother facilitation of electronic monitoring, parole, corrections facilities and processes, to provide improved clarity for staff of Corrections Victoria and also to avoid any ambiguity or confusion about past parole transfer decisions.

The important components of this bill are perhaps best identified by reference to the risks which are addressed as a consequence of its introduction. The key risks that are addressed relate in the main to the risk that prisoners on parole will not have their parole cancelled despite serving sentences in other jurisdictions — for example, interstate or international. The bill will also address a missed opportunity to clarify the powers of prison governors to order electronic monitoring of prisoners. In addition, there can be, in rare or extraordinary cases, insufficient time to prosecute very complex parole breaches. Complex parole breaches often require a consideration of all of the facts in play at a certain time and they often require additional time to assess and determine. The opportunity also exists within this bill to recognise in statute the role of parole officers.

Again it is that multifaceted approach to the administration of justice at an operational level which will hopefully make for a stronger, more robust and resilient corrections system. In relation to the disclosure of information, the continued difficulties experienced in applying disclosure provisions have made for some significant challenges. Again, the bill goes a long way to resolving extant difficulties and preventing difficulties of the same or a similar nature arising.

Further and finally, there is continued uncertainty at this point in relation to the validity of historical parole transfers between Victoria and the ACT and WA. As part of a move toward a harmonised national system, through this bill the government is able to address those particular issues. I do not propose to take up as much of the time of the house as the main speaker for the coalition has, which will come as a significant relief not just to those on the other side but possibly to those on my own side of the house. No doubt you too, Acting President, will be looking forward to the conclusion of my contribution. This particular component of the bill makes it clear that parole is automatically cancelled on reimprisonment by a sentencing court in or outside Victoria for offences committed during or before the parole period.

The bill updates the evidence-gathering powers of the Adult Parole Board of Victoria and recognises in law the important role of parole officers.

The bill also recognises that the government has inherited a prison system that is under stress and does not have the right infrastructure and services. In its first budget, for 2015–16, the government invested more than \$330 million to remediate a very lax planning and budgetary allocation under the former government. In addition to that, the government has budgeted \$148.6 million to recruit 400 custody officers around the state. Sworn officer resources will be freed up to make sure that law and order issues are addressed with the urgency that Mr O'Donohue prioritised so significantly in his contribution. Departmental employees will be able to fill the role of secretary of the adult parole board. The bill validates certain past parole order transfers made under the national parole order transfer scheme.

As Mr O'Donohue mentioned in his contribution, these parole reforms build on the 2013 report by former High Court Justice Ian Callinan. The 23 recommendations in the Callinan report were the starting point for reforms of this nature. The bill is about continuing that work and making sure we take a further step in the spirit of those reforms. For the avoidance of any doubt in this place or any other, the bill does not wind back or water down the reforms made based on the 2013 Callinan report.

On breaches of parole, the bill increases from 12 months to two years the time limit for Victoria Police to charge for breach of parole. That 100 per cent increase will ensure that prosecutions are not time barred simply because they are out of time. As I have already outlined, that will be of significance in serious and complex matters. This change made by the bill is

important because some breaches are more difficult to detect and a criminal investigation may take time to evolve and be completed.

A parole breach is a serious offence, and it carries a sentence of up to three months in jail. Some parole breaches might involve drugs or other serious offences such as sex crimes and therefore take longer than others to investigate. Breaches may be part of a series of offending behaviours. Such breaches need to be considered in the aggregate and investigated and determined by the adult parole board, having regard to all the circumstances at the time.

On this point, the bill provides the adult parole board with better powers to gather evidence. It re-enacts, codifies or consolidates the existing practices of the board. To go directly to what Mr O'Donohue said in his contribution in relation to transparency of the functions of the adult parole board, the bill improves the accessibility to and transparency of the board's functions and its powers and procedures in the discharge of its duties. The new powers would primarily and ordinarily be used for third-party witnesses, including witnesses who are of an expert nature or people with particular information that the board needs to consider in coming to its determination, for example. That might also require evidence to be provided under oath or affirmation, and that could be facilitated by the use of a video link.

The adult parole board does need the resources to discharge its obligations, which are serious in nature and which require a very careful balancing of the primacy of community safety on the one hand and individual rights and liberties on the other. The Adult Parole Board of Victoria is not a court, so it is not bound by the rules of evidence or the rules of natural justice. To that end it is also exempt from the Charter of Human Rights and Responsibilities. As parolees do not have explicit rights to a lawyer in these hearings, it is again important to strike the right balance. Current practices under parole conditions relating to interviewing parolees continue without change, so there is nothing affected by this bill that would alter that circumstance. That might include the giving of evidence under oath or by video link, for example.

The bill also helps to modernise the function and actions of the adult parole board. On a related matter, prisoners and parolees do not have a right to legal representation at parole hearings under the Corrections Act 1986, and the adult parole board may in certain circumstances be required to act quickly and decisively to address any concern about community safety and protection. This is an issue that is at the forefront of the

mind of parole board members and at the top of their list of priorities in relation to the way the board conducts its affairs. It is also a highly emotive consideration in the broader law and order debate and one about which we have heard an awful lot in this place and more broadly in the last couple of years.

The adult parole board may inform itself as it sees fit, and it is this general discretion to take various matters into consideration that is ultimately designed to make sure that it is best equipped to make informed decisions that balance the competing priorities as close to equilibrium as possible on a case-by-case basis. The giving of these modernised powers to the adult parole board will also ensure that it is able to discharge these obligations.

There are various administrative changes to the parole board composition and the way in which an authorisation can be given by the Secretary of the Department of Justice and Regulation to an employee to perform the role of secretary of the adult parole board. It would be intended that a senior public servant could fulfil that position. The bill also enshrines the role of parole officers and makes it clear that community safety is paramount and further that parole is a privilege and not a right. Decision-making at the adult parole board is affected by this bill in relation to the way questions of law are determined by the board and other issues around quorum and housekeeping amendments. Electronic monitoring is also affected, as the bill inserts an offence of tampering with electronic monitoring equipment, such as — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Members on both sides of the house would be devastated to know that Ms Shing's time has expired.

**Ms PENNICUIK** (Southern Metropolitan) — The Corrections Legislation Amendment Bill 2015 makes several amendments to the Corrections Act 1986 in relation to the parole system and the prison system, most of which the Greens broadly support and a few of which raise some concerns for us. The main provisions of the bill clarify when there would be an automatic cancellation of parole due to a prisoner receiving a sentence of imprisonment either inside or outside Victoria and for offences committed either before or during a parole period. The bill updates the powers and procedures of the Adult Parole Board of Victoria in relation to obtaining documents, compelling attendance before the board and the giving of evidence, including at parole hearings.

Most of those practices already occur and are being encoded in the legislation. In fact those powers of the

adult parole board are quite strong, as they should be, and they are being encoded into the act. The Greens would like to see some balance — Ms Shing talked about balance — in terms of the rights of parolees faced with those powers of the parole board, some of which I will go to later, which also have penalties attached for non-compliance.

The bill also clarifies provisions authorising information use or disclosure by the board, including for law enforcement purposes. It increases the time limit for Victoria Police to lay a charge for a breach of parole, irrespective of the seriousness of the breach, from the current 12 months to 2 years for all offences. The Greens have some concerns about this particular clause in that it does not make a distinction between less serious breaches or summary offences and more serious breaches or indictable offences.

The bill also permits the Secretary of the Department of Justice and Regulation to authorise departmental officers to exercise the powers and functions of a community corrections officer or a regional manager and to provide for the employment of parole officers, and it permits the secretary to authorise an employee to perform the functions of the secretary of the adult parole board. That particular provision regarding the secretary being able to authorise an employee to perform the functions of the secretary of the board does not specify that the person should be a senior employee, and we think it should specify that.

I have had amendments prepared in relation to that particular provision and some other provisions, which I am happy to have circulated.

**Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.**

**Ms PENNICUIK** — The bill also provides an explicit power for a prison governor to require a prisoner to be electronically monitored for any period each day, including for 24 hours of each day, if the governor thinks it is necessary for the security or good order of the prison or the safety and welfare of the prisoner or other persons. That is said to be an implicit power that the governor of a prison already has under the act, but the bill makes it an explicit power. There are some concerns about this clause which I will return to later, and I will also have some questions for the minister in the committee stage with regard to this clause.

The bill also updates the list of organisations and persons whose correspondence may not be read or

censored by prison staff, subject to inspection or disposal on safety grounds by the prison governor, and it also makes some more housekeeping-type amendments to the Corrections Act 1986, including to validate certain past parole order transfers made under the national scheme.

The minister reported that the bill had been introduced following consultation with Victoria Police and the adult parole board. We carried out our own consultations with some other stakeholders, who raised some concerns with us, which I will go to during my contribution.

We should note that considerable controversy has surrounded Victoria's adult parole system in recent years due to serious offences being committed by parolees. In September 2011 Professor Ogloff, in partnership with the Office of Correctional Services Review, produced a report entitled *Review of Parolee Reoffending by Way of Murder*, which makes a number of recommendations to improve the parole system. It is a very sobering report to read.

Later, in July 2013 and following the rape and murder of Jill Meagher, former High Court Justice Ian Callinan, AC, provided his review of the parole system in Victoria. That review includes 23 recommendations to improve the parole system and to restore public confidence in it, and the Greens supported the majority of those recommendations and the legislation that was introduced at that time. There has been community distress and concern regarding failings of both the parole system and the bail system with regard to serious violent offenders, and recent events point to justification for those concerns.

I made the point even before the reviews of former Justice Callinan and Professor Ogloff that the adult parole board should treat parole applications by serious violent offenders differently from those of other classes of prisoners — for obvious reasons. We know that those among the prison population who have served their full non-parole period now have to apply to have a decision made about whether or not they can be granted parole and they are not automatically reviewed by the board, as was the case in the past. Now prisoners are required to apply for parole. I agree with Mr O'Donohue that this reform was made in order to change the culture and to make sure that parolees treat parole seriously and understand that it is a serious issue. Usually conditions are attached to parole, and it is a serious responsibility for parolees to comply with the conditions of their parole.

On the other hand, it is the responsibility of the corrections system to adequately supervise and adequately support people who are released on parole. While a lot of the focus has been on serious violent offenders and what has happened with inappropriate releases on parole, we need to recognise that the parole system applies to all prisoners, the vast majority of whom are not serious violent offenders. We need to ensure that the system does not become too harsh or unfair for less serious offenders, thereby jeopardising their prospects for rehabilitation, which in the end is not in the public interest.

We need to recognise that our prison system has become very overcrowded. Report after report tells us that the system is underresourced in rehabilitation, education and training, and mental health programs. Serious problems concerning prisoner and staff safety have been highlighted in Ombudsman reports in recent years. We also know that the prison population has jumped by some 44 per cent in the last 15 years, since the year 2000.

We are faced with serious and complex issues to deal with in relation to a growing prison population, and a lot of that is due to harsher sentencing, the abolition of home detention and the abolition of suspended sentences. The sorts of changes that were made under the previous government have resulted in some people who would probably have done better out of prison on other orders, on suspended sentences or in home detention now not having those options open to them and the courts not having those options either. Together with the introduction of baseline sentencing and other measures, we are now seeing the cumulative effects of those issues. That is the context in which this bill appears.

I would also like to say that while welcoming the changes that were made in terms of the composition of the Adult Parole Board of Victoria, the extra resourcing that has gone towards it and other changes that have been made, I note there were many other issues raised by Justice Callinan such as the ratio of parole officers to parolees and the types of offenders that some parole officers were having to deal with when they perhaps did not have the experience to deal with those offenders. I hope that the issues raised are being addressed by the adult parole board.

However, while mistakes were made by the parole board, Justice Callinan also pointed out that it was terribly underresourced and people were doing their best without the resources necessary to carry out the task that was put in front of them. We should never lose sight of the fact that it is necessary to resource the

parole board and Corrections Victoria properly, making sure that prisoners are appropriately engaged in rehabilitation and training programs when they are incarcerated and that when they are released on parole they are properly supervised and supported to bring about a safer community.

Some issues raised about the bill related to clause 3, one of the major clauses in the bill, which provides for the automatic cancellation of parole. I understand that clause came about due to a court case in which the court was unclear whether parole should be cancelled in a circumstance where an offence was committed outside Victoria before the parole period. Some legal stakeholders in the community have raised concerns about that particular clause and it has been clarified. We spent quite a lot of time toing and froing with the department on this issue and we are satisfied that it is appropriate given the new system of parole. If a person receives a sentence imposed by a court for another offence, their parole is automatically cancelled because they cannot serve a sentence and be on parole at the same time.

A question was also raised about appeal and the answer is that the sentence would be stayed but it would still be up to the parole board to decide whether or not a prisoner could be released. Even if the appeal was successful it would still be up to the parole board to decide whether a person would or would not be released.

Clause 6 amends section 71 of division 2 of the Corrections Act 1986 by substituting new sections 71 to 71K, and codifies a number of the powers of the adult parole board with regard to the taking of evidence and the responsibility of parolees to answer questions and supply documents et cetera. The amendment to the bill that the Greens are proposing is to balance the powers of the adult parole board with some rights for parolees, bearing in mind, as I said earlier, that parole covers everybody who is in prison.

As we know, many people in prison have mental health or literacy issues, and without assistance they may find it difficult to understand some of their responsibilities under the legislation. Under similar New South Wales legislation, when a prisoner appears before the parole authority they are entitled to have legal representation and/or a support person. The Greens amendment provides for a model similar to that of New South Wales to allow, with the agreement of the parole board, a person to have that representation or support when appearing before the board. This would assist them to understand their obligations under the principal act. Without that assistance, they might not understand and

therefore might not comply with their obligations. We feel that this provision is fair, and it is a model that already exists in a similar jurisdiction.

The increase in the time allowed for Victoria Police to lay a charge for breach of parole under clause 21 raises concerns. For example, for a summary offence police have 12 months to bring charges against a person, while for an indictable offence they have unlimited time. We query why a parole offence would be different from a non-parole offence. We asked the department what sort of offences would require the increase from 12 months to 24 months. This is an issue which, for example, the law institute has raised with us as being of concern. The examples of offences that were given to us by the department fell under the category of indictable offences. In terms of the provision under clause 21, we agree with the law institute that there should be a distinction between summary offences, or less serious offences, and more serious offences, similar to what exists for non-parole offences.

Another provision that causes some concern is the explicit power for electronic monitoring of prisoners under certain circumstances. This particular explicit power has also been raised with us by stakeholders. It has been noted that there is a more general power under the act under which a prison governor may order electronic monitoring of prisoners, but we need to be careful with these types of provisions. Some of the concerns that have been raised with us include that this could lead to greater use and overuse of electronic monitoring, particularly since the grounds for its use can be broadly interpreted. The use of electronic monitoring of prisoners needs to be overseen — in particular in private prisons but in all prisons — to make sure that prisoners rights are not abused.

Recently the press has reported problems with the electronic monitoring of Victorian prisoners that is being used as a stopgap measure to deal with prison overcrowding. It could also undermine prisoner rehabilitation given the added anxiety and stigma that can be caused by electronic monitoring. A question arises around whether that prison is being run properly and is properly resourced. I would have thought the governor and prison officers should know where prisoners are without electronic monitoring, but the government is putting forward an argument that this is needed so the governor and prison officers know where prisoners are.

There may be circumstances where electronic monitoring is viable, but I hope the Office of Correctional Services Review, for example, keeps an eye on this because sometimes when powers are given

they can be overused and abused. We would not want to see a fallback position being overused and a lot of prisoners being subject to electronic monitoring when it is not really needed. That is an issue, and I would like to ask the minister some questions about it, particularly about the problems of implementation that have been raised in the press regarding this issue.

Clause 18 allows the Secretary of the Department of Justice and Regulation to authorise an employee to perform the functions of the secretary of the Adult Parole Board of Victoria. This is another issue where concerns have been raised with us, and I have prepared a small amendment to add the word 'senior' before 'employee' so that the secretary can authorise a senior employee to perform the functions of the secretary of the adult parole board. It is a senior position and a position of great responsibility, so we need to make sure it is a senior and experienced employee of the department who undertakes that role.

They are the main concerns and queries we raise about some of the provisions in this bill. We have prepared amendments to address three of the concerns. Two amendments apply directly to clauses of the bill, and the third is the addition of a clause to provide prisoners who appear before the board with the right to legal or other support to assist them in fully understanding their obligations when appearing before the board. They are our comments and remarks on the bill, and I look forward to the committee stage of the bill.

**Mr RAMSAY** (Western Victoria) — In the less than 10 minutes I have for my contribution, thanks to the Greens turning into bush lawyers, as they always do with these simple and slight amendments, I will use the time as best I can. It gives me pleasure to speak on the Corrections Legislation Amendment Bill 2015, and I note that Mr O'Donohue indicated that the opposition will not oppose the bill. However, he foreshadowed some amendments, as have the Greens.

I will take us back four years and remind the chamber that the Baillieu government introduced strong law and order legislation and was the first government to introduce a ministerial appointment for crime prevention. I take the opportunity to acknowledge the Honourable Andrew McIntosh, who was the first Minister for Crime Prevention in this Parliament, and thank him for the work he did, particularly on an issue close to me — that is, the Hopkins Correctional Centre, known as the Ararat jail, for which Labor ventured into a public-private partnership and stuffed it up in its own truly inimitable style. It was left to the coalition to fix, and fix it it did, to a point where the centre now houses over 790 beds, employs over 350 staff and, if Labor

continues on its way, will meet maximum load very shortly, given what we have seen in some other institutions in the past month or so.

I also congratulate Mr Ed O'Donohue, the former Minister for Crime Prevention, on the work he did in introducing a lot of good crime prevention policies. It is disappointing to see that the government has basically shed most of the great initiatives that came out of Mr O'Donohue's office when he was minister. I also want to remind the chamber of the coalition's commitments from the start of its first term of government to provide 1700 extra police officers and to put protective services officers on railway stations, which had never happened before. We met those commitments in the last year of our term; in fact I think we provided more than 1900 extra police. Labor has somehow managed to incorporate some of those figures into its own estimates for the increase in on-ground police and protective services officers.

Putting that aside, I also mention some of the other work Mr O'Donohue did in his role as Minister for Crime Prevention, which was to implement the 23 recommendations following the review undertaken by the former High Court judge Ian Callinan. They were very important recommendations that strengthened not only the Adult Parole Board of Victoria but legislation in relation to law and order.

As Ms Shing has indicated and as Ms Pennicuk indicated in a more extensive contribution, this bill is fairly simple. I sometimes wonder why we need to speak at considerable length on tidy-up amendments to a bill that had already been implemented in this chamber by a previous government. Nevertheless, that is what has happened with the introduction of this bill, which only makes a number of minor changes to the parole and corrections system in Victoria.

In summary the bill amends the Corrections Act 1986 to clarify the conditions of the automatic cancellation of parole due to reimprisonment in or outside Victoria for offences committed either before or during a parole period. It updates the powers and procedures of the adult parole board in relation to taking evidence, including at parole hearings. It clarifies prosecution procedures including increasing the time limit for Victoria Police to lay a charge for breach of parole from within one year to two years of the date of the alleged offence. As has been mentioned, it will also permit the Secretary to the Department of Justice and Regulation to authorise departmental officers to exercise the statutory powers and functions of a community corrections officer or regional manager and confirms the new position of parole officer. It will also permit the

secretary to authorise departmental officers to fill the position of a secretary or acting secretary of the board. These are all minor amendments to the act.

One amendment I want to identify, which Mr O'Donohue raised in his contribution, is that apart from clarifying provisions that authorise information use or disclosure, including for law enforcement purposes, it updates the list of bodies and persons whose correspondence may not be read or censored by prison staff subject to inspection or disposal on safety grounds by the prison governor. By amendments and by regulation-making power, the amendments add independent oversight bodies: the Independent Broad-based Anti-corruption Commission, the Victorian Inspectorate, the Freedom of Information Commissioner, the legal services commissioner, the mental health complaints commissioner, the commissioner for privacy and data protection, the Victorian Equal Opportunity and Human Rights Commission and persons acting on their behalf. The proposed regulation will add other persons or bodies such as royal commissions from time to time and some equivalent bodies interstate.

Ms Pennicuik has identified clause 3, which has raised some flags for the Scrutiny of Acts and Regulations Committee (SARC), but I expect that will probably be dealt with in the committee stage or in a future debate in relation to amendments. I want to identify the issue around electronic devices, which I will get back to in a minute.

There are a couple of issues I want to raise in relation to crime prevention. In the previous Parliament I played a role in three inquiries conducted by the Drugs and Crime Prevention Committee, including an inquiry into locally based approaches to community safety and crime prevention. While we notice there is an escalation in crime at the moment, particularly in regional areas, and that obviously many of our prisons are at capacity, the work in the crime prevention area is vital. I invite the chamber to look at the work that was done by the committee into community safety programs, including Neighbourhood Watch, as well as the work it did around security in emergency departments of hospitals and crime prevention through environmental design.

I ask Ms Shing not to go to sleep. I am getting to the very interesting part of my contribution.

**Ms Shing** — I am just oxygenating myself in anticipation.

**Mr RAMSAY** — *The Inquiry into the Application of Safer Design Principles and Crime Prevention*

*through Environmental Design* was an excellent report that talked about good environmental practice and modelling new suburbs to reduce crime. I suspect it just sits in a filing cabinet now and collects dust, but I encourage this government to make sure that new developments are referred to the Crime Prevention through Environmental Design principles which hopefully will create a safer environment for our communities.

In relation to electronic devices, currently a prison governor can require any prisoner to be electronically monitored in reliance on the general powers of officers under section 23 of the Corrections Act to give an order to a prisoner for the security or good order of the prison or the safety or welfare of the prisoner or other persons. However, other potential uses for electronic monitoring include to monitor the movements of selected prisoners in certain areas of the prison or to keep them separated. It may also be used to monitor the health of prisoners, irrespective of their security rating, to assist in a medical response if the electronic monitoring indicates that they are not moving.

The second-reading speech notes:

... it is an offence punishable by up to three months imprisonment to fail to comply with conditions such as tampering with the device or equipment. A consequential amendment is made to the Surveillance Devices Act to exempt persons, such as Corrections Victoria staff, from liability for installing a tracking device for electronic monitoring.

When the bill reaches the committee stage I expect questions to be asked about those inclusions, and I look forward to that debate before making any further comment. In summary, the bill makes a number of minor amendments. It builds on part of a bill that was passed by the former government. I congratulate the government on any initiatives to improve the legislation. As I indicated, there have been some concerns raised by SARC regarding a couple of clauses and, as I said from the outset, the opposition will not oppose this bill.

**Mr ELASMAR** (Northern Metropolitan) — I rise to make a brief contribution to the debate on the Corrections Legislation Amendment Bill 2015. The bill deals primarily with the issue of parole. However, there are several important changes which when implemented will make our state safer and more secure for the community.

Parole is earned and must not be breached. Currently if parolees abuse or breach their parole conditions, there is very little the justice system can do that is effective and timely. The bill seeks to put in place mechanisms to

allow for the automatic cancellation of parole due to re-imprisonment and increased time limits for the prosecution of breaches of parole. It increases the power of the Adult Parole Board of Victoria in relation to taking evidence, particularly with regard to evidentiary tools, which will enable the board to require the production of documents and attendances of witnesses.

**The ACTING PRESIDENT (Mr Finn)** — Order! It being 10 o'clock I must interrupt the proceedings of the house and ask the minister a question.

**Business interrupted pursuant to standing orders.**

**Sitting extended pursuant to standing orders.**

**Mr ELASMAR** — I can take my time now, Acting President. The board may also require evidence to be provided on oath or affirmation and may also use a video link. In the past the parole board has been the subject of much media criticism. The community was outraged by what it perceived to be a lack of strength or understanding by parole board members of their solemn duty to ensure that the safety of the community was their priority and that it was paramount in their decision-making process.

In some cases justifiable fear and anger played a large part in the exhibition of community frustration. Too often we read of horrific crimes committed by criminals who are on bail or on parole. The bill before us provides the parole board with the proper tools to enable a sound decision. The bill also contains powers to enable the prison governor to require any prisoner to be electronically monitored. This is a sensible precautionary measure designed to prevent prison violence. It is more for the protection of prisoners, and it should not be regarded as a punishment. This measure will ensure good governance and best practice in our prisons. The bill's provisions are a practical move, and they mirror similar requirements for electronic monitoring of parolees and those on community corrections orders.

The bill also seeks to update the list of persons and bodies whose correspondence may not be read or censored by prison staff, subject to inspection or disposal on safety grounds by a prison governor or by a regulation-making power.

We are tasked with ensuring that the community's safety is paramount within the decision-making process or deliberations of the parole board. These amendments are designed to assist in delivering a safer environment both within the prison system and in the broader community. I commend the bill to the house.

**Ms CROZIER** (Southern Metropolitan) — I am very pleased to be able to rise to make a brief contribution on the Corrections Legislation Amendment Bill 2015. As others have highlighted to the chamber this evening, this bill makes a range of administrative amendments and minor amendments to the Corrections Act 1986 and amends the Parole Orders (Transfer) Act 1983, which will validate particular past parole order transfers under the national parole order transfer scheme.

I know that others have gone through the major points of the bill in detail. The point I want to make in my contribution is that this bill is building on reforms made by the former government in this area. There were a number of issues with the parole system when the former government came to power in 2010. I commend, as others have done, the former Minister for Crime Prevention, Andrew McIntosh, and his successor, Mr O'Donohue, who continued to implement the reforms of the coalition government.

While researching this bill I came across an article in the *Herald Sun* of 20 June 2011 that highlights the state of crisis in the parole system at that time. It outlines the major concerns that police had in relation to a number of individuals who had committed offences while on parole, and it looks at the Victoria Police LEAP database, which we know had significant problems — yet another bungled project implemented under the previous Labor government that we found ourselves fixing up when we came to power. According to this article, police approached the government in 2002 about problems in accessing parole information, but that request was refused. It states:

Senior police were warned of the potential ramifications of the computer deficiency as long ago as 2007.

In fact when it was rectified it was at a cost of just \$50 000. The article refers to a leaked police report revealing that seven murders had been committed by people on parole who would have had their parole cancelled had police known they were on parole, and that:

... the 7 were among 11 parolees charged with murder in Victoria between 1 July 2008 and 17 November 2010.

It was clear that the parole system needed significant reform, and that is exactly what the former government implemented. Minister O'Donohue and the former government as a whole undertook some excellent reforms to clamp down on some of these areas. A new parole system was announced following on from the Callinan report, which was the result of a very thorough

inquiry in response to the terrible circumstances faced by our community.

I would like to briefly mention a number of the changes that were made. They included that serious violent offenders and sex offenders would be categorised and dealt with differently, risk assessment and identification of treatment programs would occur from the start of a sentence, serious violent offenders and sex offenders must complete required treatment and be of good behaviour in prison before being considered for parole, serious violent offenders and sex offenders would face a two-tier process to gain parole, all offenders with sentences of more than three years must apply for parole, all offenders who reoffend while on parole must serve at least half the remaining parole period in prison before being reconsidered for parole and community correctional services would be expanded and strengthened to improve supervision of serious offenders on parole.

These were significant reforms, and there is no doubt that they were much needed. I will not go into the detail of the Callinan report; however, it provided significant guidance and made a number of recommendations that the former government was working to implement. The legislation before us today tidies up the parole system and allows for some minor technical changes that will further enhance the parole system reforms undertaken by the coalition government.

**Mr HERBERT** (Minister for Training and Skills) — In summing up the debate on the Corrections Legislation Amendment Bill 2015, I thank all the speakers who have made contributions. I think there is fairly widespread agreement about the need to strengthen the provisions of our parole system. Of course we will have a debate in the committee stage around some of the amendments, and we will probably have a few disagreements in that part of the debate, but I appreciate the genuineness and the desire for good legislative reform that has come from the speakers today.

This bill is part of a raft of legislative reform in regard to corrections, particularly in regard to provisions aimed at better protecting our society and members of our society from those who seek to do harm. The laws balance civil liberties with the right of people to be protected from those who really are criminals and who seek to harm others.

I will not say much in summary; it is getting late. Whilst much of this bill is procedural in nature, it implements very serious reforms of the Adult Parole Board of Victoria. It is part of an ongoing reform, part

of which has been made previously, and it will go further. It strengthens our parole system and makes it work better. It protects citizens from people who are on parole and who seek to endanger and do damage to others whilst out of jail. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed next day.**

## ADJOURNMENT

**Ms PULFORD** (Minister for Agriculture) — I move:

That the house do now adjourn.

### Shepparton youth foyer

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Housing, Disability and Ageing. The former government invested in the construction of a third Education First Youth Foyer, to be located in Shepparton. We also allocated \$5 million in the 2014–15 budget for four years of operating costs. Under the former government the foyer was on track for completion in the spring of 2015, and the breakdown of operational funding allowed for the appointment of an operator in the first half of 2015 to prepare for the intake of young people.

I drive past the youth foyer regularly to check on its progress, and I have been dismayed at the extremely slow progress of construction of the building. Unfortunately the Andrews Labor government's inability to manage projects has seen the construction of the Shepparton youth foyer fall behind schedule, and the tender process to appoint an operator does not appear to have even commenced. The action I seek from the minister is to provide me with a precise time line that includes the expected dates for completion of the building, opening of the tender process to select an operator, appointment of the operator and tenancing of the building, including the date the first tenants will move in and the time period over which the foyer will move to full tenancy.

I am particularly passionate about the Education First Youth Foyer program, as it is a policy I wrote and implemented as the Minister for Housing in the Liberal government. Shepparton has a significant problem with disengaged youth, and our community is particularly excited about the opportunities this facility will provide

for young people to stay connected to education and to build better lives for themselves.

The Shepparton youth foyer is strategically located in Fryers Street, opposite GOTAFE, and it will provide secure accommodation for up to 40 young people aged 16 to 24 who want to study but who for various reasons can no longer live at home. The foyer experience offers young people individual self-contained units, as well as an extensive support service. Youth foyers are staffed 24 hours a day, seven days a week, to ensure that support is always there when the young people need it.

Youth foyers are proven to improve engagement with young people who are homeless or at risk of homelessness and ensure that their education, employment and training needs can be met. In the UK 75 per cent of people who participate in foyer programs leave engaged in employment or further education. With Shepparton's youth unemployment figures being among the worst in the nation, this foyer will be a vital asset.

It is clear that the Andrews Labor government's inability to manage this project is delaying young people in Shepparton accessing this fantastic facility and program, placing many of them at risk. The action I seek from the minister is for him to provide me with a precise time line that includes the expected dates for completion of the building, opening of the tender process to select an operator, appointment of the operator and the tenanting of the building, including the date the first tenants will move in and the time period over which the foyer will move to full tenancy.

### Public holidays

**Mr EIDEH** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Tourism and Major Events, the Honourable John Eren. Recently Victorians saw Labor once again deliver on one of the commitments it made before the last election. Victorians have seen the government deliver on its commitments to provide funding for schools, hospitals and important infrastructure. Now we have invested in the Victorian tourism industry by making grand final eve a public holiday. The new public holiday will deliver important benefits across the state. It will boost regional tourism and give Victorians more quality time to spend with their families and friends.

Being a footy fanatic myself, I am sure that many share in my opinion that this day will provide the opportunity for Victorians in metropolitan Melbourne to really immerse themselves in this important day on the footy calendar. This public holiday will ensure that families

can have the chance to attend the AFL parade together on the Friday before the match. I ask the minister: what will be the predicted economic benefits of the public holiday for both metropolitan Melbourne and regional Victoria?

### Local government rates

**Mr DAVIS** (Southern Metropolitan) — My matter tonight is for the attention of the Minister for Local Government. It concerns matters around the rate capping regime that has been introduced belatedly, despite the government's promise that rates would be capped at the CPI. That was not the case this financial year. Aside from that point, I draw the minister's attention in particular to the submission of the Victorian Local Governance Association to the Essential Services Commission (ESC) as part of this particular process. The association makes seven key points, but I want to draw the minister's attention to the first, under the heading 'The cost of administering the rate capping framework by the ESC must be borne entirely by the state government'. I will quote from this point, because it provides useful background. It states:

The estimated saving of rate capping for the average ratepayer must be balanced against the cost of running a rate capping framework, along with any negative impact on service provision and community infrastructure for residents and ratepayers. System costs should not, themselves, add significantly to pressure for rate increases and/or should not require funds to be diverted from resources earmarked for other important programs (including programs to promote effective and efficient local government). The cost of administering the rate capping framework by the ESC must be borne entirely by the state government.

I note that the policy Labor released before the election did not have costings for the administration of the scheme. I note also that in its submission to the Essential Services Commission the Municipal Association of Victoria stated at point 6 on page 24 that:

The costs of the ESC should not be recovered from local councils. This is a state initiative that provides no additional benefits to councils.

I seek an action from the Minister for Local Government that she meet with relevant local government organisations and rule out the possibility that the cost of administering this scheme will be recovered from local government. My concern is that an attempt by the government to recover the administration costs of the scheme from local government will simply add to cost pressures at the local government level. So you have a process where you have rate capping, you have some significant cost shifting from the state government to local government

and you also have the inevitable and normal pressures around infrastructure and service delivery. Anything that imposes additional costs on local government will inevitably see less services or less infrastructure provided. I want the Minister for Local Government to rule out additional costs being applied and to meet with councils to ensure that that does not occur.

### **Public transport regional network**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Public Transport, and it is in relation to the regional network development plan consultation process that is currently making its way through my electorate. The regional network development plan will set out priorities for regional public transport services, infrastructure and investment for the next 20 to 30 years. As the minister stated in her announcement in April 2015, the regional network development plan will for the first time set out a plan for better public transport in regional Victoria in the short, medium and long term. This plan will have strong input from those who matter most, and that is the community, through a whole range of community workshop processes.

On Monday evening there was a community workshop at Portland where the community got their chance to have a say on local transport needs. The workshops will continue next week at Warrnambool on Tuesday, 8 September, at Colac on 9 September, at Geelong on 10 September and at Torquay next Friday, 11 September. I know many members are looking forward to participating in these workshops. They appreciate that this is a process about short, medium and long-term strategies, not just ad hoc service improvements.

The action I request is for the minister to provide me with a report on the outcomes of the consultations following each session and also to outline Labor's strategy for improved public transport in my electorate.

### **Custody officers**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. As I mentioned in the debate that preceded the adjournment debate tonight, the minister in his press release of 5 May said the custody officers that the then opposition, now government, promised prior to the election would begin to be rolled out, using his language, this year. Since that press release it has become apparent, both through the minister's public comments and in correspondence from him that I am in receipt of, that the promise to have custody officers deployed at some

locations this year has been broken and that the first custody officers will not be deployed until early next year.

What I seek from the minister by way of action is for a more precise time line for when the first custody officers will be deployed, particularly the month of commencement. Up until this point the minister has been particularly vague in identifying a time. We are now in September, and the legislation has yet to be introduced and details of the training have yet to be announced. The minister must have a clear idea by now about when the first deployments will take place, and I ask him to share that with me.

### **Princes Highway**

**Mr PURCELL** (Western Victoria) — The matter I raise tonight is for the Minister for Roads and Road Safety. South-western Victoria is one of the prime agricultural regions and an important economic driver in Victoria. Currently it has about \$6 billion worth of investment either commenced or on the books, but unfortunately it also has the worst roads in Victoria. VicRoads' reports say that the region has the worst roads and that something like \$220 million is required to upgrade the road network to make it equivalent to that in the rest of the state, or the next worst to the rest of the state.

The Princes Highway west is a major corridor that services 34 towns and 350 000 people, and the condition of the road is disgraceful. It is such a danger that the government's *Princes Highway West AI Corridor Strategy* reveals that the road accident rate in this region is greater than anywhere else in the state, particularly from Colac to Warrnambool and from Portland to Heywood. South-western Victoria is growing and, as I said, there is \$6 billion worth of new investment in the Great South Coast region alone.

I ask the minister to travel through to the South Australian border via the Princes Highway to gain firsthand experience of the dire state of this road and then to allocate sufficient funding to upgrade the Princes Highway west.

### **Ferrars Street primary school**

**Ms FITZHERBERT** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Education, and it concerns the Ferrars Street primary school. Yesterday the minister and the member for Albert Park in the other place called an event at the Ferrars Street site. I see from a press release that it was described as an opportunity for people to 'review the

school's interim master plan'. I was interested to see this and to see what the government might announce in terms of what it is going to do with the site, but I was sadly disappointed.

In the press release there is mention of the work being done by the council concerning streetscapes and so on, and there is a reference to the \$5 million already committed for contamination removal works, which I note was done by the previous government, but it is not clear to me what the government itself is doing. The Minister for Education criticised the former government for failing 'to provide any funding to build a school'. What the previous government did was spend some \$11 million buying a site, and it then allocated \$5 million for site preparation, which as I count it is about \$15 million more than the government has contributed to this school.

The action I seek from the minister is clarification of the time line for work and an indication of when capital funding will be available as part of this time line. I look forward to him answering those questions, because so far what we have seen in media releases like this one and in the photo opportunities yesterday is nothing but spin. I also note that a number of school principals were requested to come along to this meeting yesterday — to leave their schools at 11 o'clock on a Monday morning — to receive absolutely no news from the government. I look forward to receiving the clarification and the information I requested from the minister.

### Healesville freeway reservation

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Environment, Climate Change and Water. Lisa Neville is an excellent minister who has implemented a lot of initiatives in a short time, and she should be congratulated. One of those initiatives is the Labor election commitment to keep as open space a beautiful piece of land — the Healesville freeway reserve — in the Assembly seat of Forest Hill. The previous government planned on plonking a lot of townhouses and multistorey houses onto this piece of open space, but thankfully the Andrews Labor government came into power with a commitment to keep this open space for residents to continue to enjoy into the future.

The action I seek from the minister is an update on how the transfer of this land between VicRoads and her department is progressing. I understand it is progressing very well, but I want to pass on the complete details of where it is at to excited residents who are very happy

that bulldozers and all sorts of other digging equipment are not on their beautiful piece of land.

### China-Australia free trade agreement

**Mr RAMSAY** (Western Victoria) — My adjournment matter tonight is for the Premier, and it is in relation to the current negotiations for the free trade agreement (FTA) with China. I am speaking and pleading on behalf of Victorian farmers right across this wonderful state for the Premier to use whatever influence he can on the unions, particularly the Construction, Forestry, Mining and Energy Union (CFMEU) in relation to its very strong political position of opposing the free trade agreement. It is doing so by scaremongering and spreading rumours in relation to racism and other things. It purports that we will lose Australian jobs, but this agreement —

**The PRESIDENT** — Order! In the context of the adjournment debate it would not be appropriate to ask the Premier to influence the CFMEU, because that is outside government administration as such. I ask Mr Ramsay to tweak his matter so that it comes back to an aspect of government administration in terms of the free trade agreement.

**Ms Pulford** — Express the Victorian government's support for it.

**Mr RAMSAY** — I thank Ms Pulford for her assistance. Yes, that is true. The Andrews government has publicly come out and supported the China free trade agreement, and I congratulate the Premier on doing so. I also acknowledge that a past Prime Minister, Bob Hawke, Simon Crean, John Brumby and Bob Carr have all indicated support for the China free trade agreement. There does appear to be, certainly in Victoria, very strong bipartisan support for the free trade agreement. It means many billions of dollars of potential export value for our Victorian farmers. The critical timing of this is that there are actually two tariff cuts built into the FTA, which will become effective next June, in 2016.

The matter I want to raise with the Premier is to ask that he, in the negotiations with his federal Labor counterparts in the Council of Australian Governments, have the federal opposition support the ratification of the China-Australia free trade agreement to allow and open up potential new exports in China. Former Premier John Brumby has indicated that sustained exports to China are, in essence, the same as creating about 200 000 jobs. I hear jobs are a top priority of both the federal opposition and the current government here. It is in the policy format that I request that the Premier

do whatever he can in relation to his federal colleagues in supporting the China free trade agreement and the ratification thereof, so that Victorian farmers can benefit from this restructure and rebuilding of the Chinese market.

### **Regional and rural gas supply**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Energy and Resources. It is a matter that I have raised in previous Parliaments, and I am going to give it another go tonight. It concerns the desperate need for a natural gas pipeline in the township of Bulla. The minister might not be aware of where Bulla is, but it is a 2-minute drive from Melbourne Airport, it is about 7 or 8 minutes from Sunbury, and from where I stand at the moment I could jump in the car and be home in 25 minutes. I should point out that I live in Bulla as well, so I declare my interest there to begin with.

Over an extended period of time we have had a need for natural gas in Bulla. We have watched a number of towns across Victoria — towns all over the north, south, east and west — get natural gas, and we have sat there.

*Honourable members interjecting.*

**Mr Davis** interjected.

**Mr FINN** — There is no bull in Bulla, and certainly he has not done anything for us. We have watched from Bulla as all these little towns around Victoria have had gas connected. But poor old Bulla does not get a thing. It is still served by individual gas canisters on each property and is at the mercy of the gas companies. Just recently ours was not the only house to run out of gas because there was a truck shortage and the company could not fill up the gas bottles. You can imagine what that does to a family in the middle of winter. The natural gas is very much needed.

I should add that Bulla is a delightful place. We have the Black Horse Hotel in the main street there — and a great feed it puts on for lunch or dinner — and we have the service station, the Country Fire Authority station, the community and sports centre and the Bulla Hill Railway once a month, but that is about it. One thing that we are certainly lacking, as I have mentioned, is natural gas. I ask the minister to use her influence and her power and whatever she may have at her fingertips to facilitate the connection of natural gas to the township of Bulla. It is ludicrous that a town so close to the city of Melbourne and to gas pipelines has no gas itself.

### **Bolwarra Primary School**

**Mr MORRIS** (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Education, Mr Merlino, and it relates to a school in my electorate of Western Victoria Region, Bolwarra Primary School, a school located just to the north of the great regional city of Portland.

We know how important schools are, and as a former teacher I have a strong affinity with all of the schools in my electorate. That is why I was so incensed when I heard from members of the Bolwarra Primary School community that a relocatable classroom currently located at the school and used by the students is due to be repossessed by the Department of Education and Training.

The Bolwarra Primary School community is entirely against this occurring, as am I, as this would force students into classrooms from the 1960s, which have poor heating and which would require significant upgrades to make them comfortable for students.

I note in a media release of 5 May this year the Minister for Education is quoted as having said:

You can't get a first-rate education in a second-rate classroom.

Actions speak louder than words. The action I seek from the minister is that he immediately stop the removal of Bolwarra Primary School's portable classroom and provide an assurance to the Bolwarra Primary School community that the portable classroom will not be removed.

### **Oakleigh South development**

**Mrs PEULICH** (South Eastern Metropolitan) — The matter that I wish to raise is for the attention of the Minister for Planning, Mr Wynne. It is in relation to concerns that have been raised with me by the Friends of 1 Beryl Avenue, Oakleigh South, indeed matters raised with me by Mr Peter Foley.

It is in relation to a resident action group which has been campaigning against the development plan currently lodged with the City of Monash for the site at 1 Beryl Avenue, Oakleigh South. It is a former Department of Education and Training site in the city of Monash, and the group is campaigning against the plan because it believes the density proposed for this particular residential neighbourhood is too great. The surrounding road infrastructure is inadequate given there will be additional traffic and parking overflow. This will create dangerously overcrowded situations for

school pick-ups at local schools, one of which is Oakleigh South Primary School, with 900 students, and another is South Oakleigh Secondary College, which has 400 students and is likely to grow over the next five years. There is also a busy childcare centre opposite.

The density of the proposed development is 57 two-storey and three-storey townhouses on tiny allotments, plus 60 apartments in a three-storey central block. The community group believes it is more suitable to a high-activity zone rather than a residential neighbourhood, which is poorly served by public transport. It is 2.5 kilometres from the nearest train station and a 600-metre walk from the nearest shopping facility.

Apparently the development does not comply with the conditions imposed on the site by the department's standing advisory committee via schedule 5 to the development plan overlay and a condition of the tender.

The people in the area are very upset. Even though the area is poorly served for public open space, most people accepted that the site would be redeveloped and trusted the advisory committee process established by the Napthine government to produce a fair and reasonable compromise between developer ambition and the character and amenity of the area.

However, it appears now that this process has not eventuated. More than 700 written objections have been lodged with council in just four weeks, and it is expected that there may be as many as 1000. I am asking the minister to meet with the Friends of 1 Beryl Avenue to discuss their concerns so that we can try to find a compromise that is workable for the community and that is consistent with the development overlay as well as the aspirations of the local community. I am more than happy to facilitate that meeting and to help Mr Peter Foley and the Friends of 1 Beryl Avenue to find a resolution that the entire community can live with.

### Responses

**Ms PULFORD** (Minister for Agriculture) — I have 12 matters that members have raised in the adjournment debate this evening.

Ms Lovell raised a matter for the Minister for Housing, Disability and Ageing in relation to the youth foyer at Shepparton and sought some precise information about the time line for this project.

Mr Eideh raised a matter for the Minister for Tourism and Major Events about the economic benefits of the grand final Friday holiday.

Mr Davis raised a matter for the Minister for Local Government in relation to rate capping, and the action that he sought from the Minister for Local Government was that she meet with local councils to discuss the administrative costs arising from the implementation of Labor's election commitment to cap council rates.

Ms Tierney raised a matter for the Minister for Public Transport and sought from her a report on the outcome of consultations on the development of the regional network development plan, particularly as they relate to her electorate of Western Victoria Region.

Mr O'Donohue raised a matter for the attention of the Minister for Police seeking a precise time line on the deployment of custody officers.

Mr Purcell raised a matter for the Minister for Roads and Road Safety in relation to the condition of Princes Highway west, and the action he sought from the minister was that the minister travel to the South Australian border along Princes Highway west, make some observations and allocate funding according to those observations.

Ms Fitzherbert raised a matter for the Minister for Education in relation to Ferrars Street Primary School and sought information around the time line for works and funding.

Mr Leane raised a matter for the attention of the Minister for Environment, Climate Change and Water seeking an update on information around the transfer of land between her department and VicRoads.

Mr Ramsay raised a matter for the attention of the Premier in relation to the free trade agreement with China. I assure Mr Ramsay that the Victorian government is very supportive of the free trade agreement with China. I am visiting China next week, and the Premier is visiting later this month. Enormous opportunities can flow to the Victorian economy from strong relationships with China, and these are opportunities that we will work hard to seize. We will take every opportunity to do so. I also refer Mr Ramsay to the Premier's response to a question asked in question time by the Leader of The Nationals, the member for Murray Plains, in the lower house today. I am sure that the Premier would quite like the opportunity to respond to Mr Ramsay and to provide an assurance about our support for an ongoing free trade arrangement with China from which there will be many benefits for Victoria.

Mr Finn raised a matter for the Minister for Energy and Resources, Ms D'Ambrosio. It is nice that Mr Finn thinks all of the towns that were promised a natural gas

connection by the former government have actually been connected. This is not the case at all, but I note that Mr Finn's matter was specifically in relation to natural gas to Bulla, and I will pass that on to the minister. We will be working hard to deliver on the former government's promise to connect those towns to natural gas.

Mr Morris raised a matter for the attention of the Minister for Education in relation to Bolwarra Primary School and specifically sought that the minister intervene to stop the removal of a portable classroom and that he provide assurances that that portable classroom will not be removed in the future.

Mrs Peulich raised a matter for the Minister for Planning. She outlined a matter in Oakleigh South that had been brought to her attention by Mr Peter Foley.

I also have written responses to adjournment debate matters raised by Mr Melhem on 23 December 2014; Mr Davis on 6 May; Ms Dunn on 24 June; Ms Dunn, Mr Eideh, Mr Leane and Mr Mulino on 4 August; Ms Bath, Ms Lovell, Mr Melhem, Mr O'Donohue and Mr Ramsay on 5 August; and Ms Bath, Mr Finn, Ms Lovell, Ms Shing and Ms Wooldridge on 6 August. There are 17 responses in total.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.43 p.m.**

