

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**TUESDAY, 10 SEPTEMBER 2019**

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The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

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Cabinet Secretary . ....	Ms M Thomas, MP

## Legislative Council committees

### Economy and Infrastructure Standing Committee

Mr Barton, Mr Elasmarr, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Ms Terpstra.  
*Participating members:* Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips and Ms Wooldridge.

### Environment and Planning Standing Committee

Mr Atkinson, Ms Bath, Mr Bourman, Mr Hayes, Mr Limbrick, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra.  
*Participating members:* Ms Crozier, Dr Cumming, Mr Davis, Mrs McArthur and Mr Quilty.

### Legal and Social Issues Standing Committee

Ms Garrett, Dr Kieu, Ms Lovell, Ms Maxwell, Mr Ondarchie, Ms Patten, Dr Ratnam and Ms Vaghela.  
*Participating members:* Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Grimley, Mr Limbrick, Mr O'Donohue and Mr Quilty.

### Privileges Committee

Mr Atkinson, Mr Bourman, Ms Crozier, Mr Elasmarr, Mr Grimley, Mr Jennings, Mr Rich-Phillips, Ms Shing and Ms Tierney.

### Procedure Committee

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

## Joint committees

### Dispute Resolution Committee

*Council:* Mr Bourman, Mr Davis, Mr Jennings, Ms Symes and Ms Wooldridge.  
*Assembly:* Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

### Electoral Matters Committee

*Council:* Mr Atkinson, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell and Mr Quilty.  
*Assembly:* Ms Blandthorn, Ms Hall, Dr Read and Ms Spence.

### House Committee

*Council:* The President (*ex officio*), Mr Bourman, Mr Davis, Ms Lovell, Ms Pulford and Ms Stitt.  
*Assembly:* The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

### Integrity and Oversight Committee

*Council:* Mr Grimley and Ms Shing.  
*Assembly:* Mr Halse, Mr McGhie, Mr Rowswell, Mr Taylor and Mr Wells.

### Public Accounts and Estimates Committee

*Council:* Ms Stitt.  
*Assembly:* Ms Blandthorn, Mr Hibbins, Mr Maas, Mr D O'Brien, Ms Richards, Mr Richardson, Mr Riordan and Ms Vallence.

### Scrutiny of Acts and Regulations Committee

*Council:* Mr Gepp, Mrs McArthur, Ms Patten and Ms Taylor.  
*Assembly:* Mr Burgess, Ms Connolly and Ms Kilkenny.

## Heads of parliamentary departments

*Assembly:* Clerk of the Legislative Assembly: Ms B Noonan

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

*Parliamentary Services:* Secretary: Mr P Lochert

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**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

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**Deputy President**

The Hon. WA LOVELL

**Acting Presidents**

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The Hon. GW JENNINGS

**Deputy Leader of the Government**

The Hon. J SYMES

**Leader of the Opposition**

The Hon. DM DAVIS

**Deputy Leader of the Opposition**

Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Meddick, Mr Andy	Western Victoria	AJP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Melhem, Mr Cesar	Western Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip <sup>1</sup>	Southern Metropolitan	ALP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Davis, Mr David McLean	Southern Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Erdogan, Mr Enver <sup>2</sup>	Southern Metropolitan	ALP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Finn, Mr Bernard Thomas C	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SA	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Taylor, Ms Nina	Southern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Limbrick, Mr David	South Eastern Metropolitan	LDP	Vaghela, Ms Kaushaliya Virjibhai	Western Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

<sup>1</sup> Resigned 17 June 2019

<sup>2</sup> Appointed 15 August 2019

**Party abbreviations**

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;

FPRP—Fiona Patten's Reason Party; Greens—Australian Greens; Ind—Independent;

LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals; SA—Sustainable Australia;

SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party



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**Tuesday, 10 September 2019**

**The PRESIDENT (Hon. SL Leane) took the chair at 12.03 pm and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The PRESIDENT (12:04):** On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

**Condolences**

**MAXWELL JOHN MCDONALD**

**The PRESIDENT (12:04):** I advise the house of the death, on 28 August 2019, of Mr Maxwell John McDonald, member of the Legislative Assembly for the electoral districts of Evelyn from 1982 to 1985 and Whittlesea from 1985 to 1992.

I ask members to rise in their places as a mark of respect to the deceased.

**Members stood in their places.**

**Bills**

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2019**

**PROFESSIONAL ENGINEERS REGISTRATION BILL 2019**

*Royal assent*

**The PRESIDENT (12:06):** I have a message from the Administrator, as the Governor's deputy, dated 3 September:

The Administrator, as the Governor's deputy, informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Acts of the present Session presented to her by the Clerk of the Parliaments:

**25/2019** Births, Deaths and Marriages Registration Amendment Act 2019

**26/2019** Professional Engineers Registration Act 2019

**ENVIRONMENT PROTECTION AMENDMENT BILL 2019**

**FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2019**

**PUBLIC HOLIDAYS AMENDMENT BILL 2019**

*Royal assent*

**The PRESIDENT (12:06):** I have a message from the Governor, dated 10 September:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

**27/2019** Environment Protection Amendment Act 2019

**28/2019** Flora and Fauna Guarantee Amendment Act 2019

**29/2019** Public Holidays Amendment Act 2019

Before we move on to question time, as a precedent we have set this term, I would like to let everyone know it is our fantastic Clerk's birthday today.

*Members interjecting.*

**The PRESIDENT:** Mrs McArthur said, 'No, no, don't mention me'. Therefore I should! It is her birthday today too.

**Questions without notice and ministers statements**

**ROYAL CHILDREN'S HOSPITAL NURSES**

**Ms CROZIER** (Southern Metropolitan) (12:07): My question is to the Minister for Health. Why are Victorian nurses on the Platypus ward at the Royal Children's Hospital working 18-hour shifts?

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:08): I thank the member for her question. I can advise the house that all of our nurses and our doctors—in fact all the staff working in our hospital system—are absolutely dedicated to the task of supporting Victorian patients, and I particularly take this opportunity to thank them for the incredible work that they do each and every day and the dedication that they bring to the task. I have had the opportunity now to visit many of the wards in the Royal Children's Hospital, and I have been very impressed with the incredible work that our nurses are doing at the Royal Children's. I know that they have been absolutely supportive of the families whose children have had to have medical treatment at the Royal Children's, and I have been really privileged to have had the opportunity to meet so many of them.

What I would say also to the member is that we as a government have been very supportive of our dedicated nurses and midwives right across our health system, including at the Royal Children's. This is why as a government we enshrined nurse- and midwife-to-patient ratios in legislation to protect their working conditions—in fact in direct response to what Ms Crozier and Mr Davis were doing—

**Ms Crozier:** On a point of order, President, the minister has not gone anywhere close to answering my question, which related to why nurses on Platypus ward, which she has not even referred to, are working 18 hours.

**The PRESIDENT:** I believe the minister has been giving some context, but I will call the minister back to the question.

**Ms MIKAKOS:** I know it is difficult for Ms Crozier to accept that we actually enshrined into law nurse- and midwife-to-patient ratios, a direct response to what Mr Davis and Ms Crozier were seeking to do during the nurses enterprise bargaining agreement dispute that occurred when the Liberals were in government, where they sought to whittle away their conditions—

*Members interjecting.*

**The PRESIDENT:** Order! Minister! I also call the people to my left to order during the minister's contribution.

**Ms Crozier:** On a point of order, President, the minister has 30 seconds left. She has not even gone close to answering this question except to attack the former government. I ask you to bring her back to answering the very simple question that I asked: why are nurses working 18-hour shifts on Platypus ward at the Royal Children's Hospital?

**The PRESIDENT:** I uphold the point of order and ask the minister to come back to the question.

**Ms MIKAKOS:** We are very proud as a government that we back our nurses. We know Ms Crozier was very happy to take a pay increase when she was working in the profession. She was not prepared to back her former colleagues, but she was happy to take the pay increase. We have

supported our nurses through enshrining the ratios into legislation, giving them fair wages and conditions—

*Members interjecting.*

**The PRESIDENT:** Order! Mr Finn!

**Mr Davis:** On a point of order, President, we are now 13 seconds from the conclusion of the answer. She has mentioned the Royal Children's Hospital once in passing and has not mentioned Platypus ward at all. She needs to answer the question.

**Ms Shing:** On the point of order, President, perhaps the points of order that are being raised would have a little more currency if there were not constant interjections and catcalls from across the chamber that have significantly broadened the scope of what the minister was going to.

**The PRESIDENT:** Thank you. I am prepared to give weight to both of those points of order. It is very difficult for me to hear the minister's answer. There is provision for me, if the question is not answered, to call for a written response. I call the minister back to the question.

**Ms MIKAKOS:** I know it pains those opposite for us to remind them of their record when it comes to waging war with our nurses and midwives in this state. We back our nurses and midwives. This is why we have made sure that they are paid fairly and that they are protected through nurse-to-patient ratio legislation as well.

**Ms CROZIER** (Southern Metropolitan) (12:13): I note the minister did not mention Platypus ward and those nurses on that ward once during the answer to my question. The supplementary I ask, again a very simple question, is: Minister, will you confirm nurses on Platypus ward, who are looking after some of Victoria's most vulnerable patients, have been forced to work 18 hours because the hospital was unable to afford agency staff due to your savage budget cuts?

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:13): I can advise the member for the umpteenth time that there have been no cuts. The only cuts that have been inflicted upon Victorian hospitals have come from your mates in Canberra—\$305 million clawed back from Victorian hospitals. We support the nurses on Platypus ward. We support the nurses on every ward at the Royal Children's and in fact across Victoria. This is why we have backed our nurses. Whilst you were prepared to cross the picket line, we have backed our nurses each and every single time.

### BUSHFIRE PREPAREDNESS

**Mr BOURMAN** (Eastern Victoria) (12:14): My question today is for the Minister for Energy, Environment and Climate Change, represented by Minister Jennings. The rain pattern in Victoria these last few months is uneven, and whilst there are areas of Victoria with plenty of rainfall, there are others, such as East Gippsland, which are still in severe drought conditions, as they have been for the last couple of years. Large parts of East Gippsland have both national parks and state forests, which will be in a bone-dry state shortly. I truly hope this coming bushfire season comes and goes without a major fire in East Gippsland, but hope alone is not going to achieve anything, so my question is: what has the government been doing specifically in East Gippsland to prepare for the coming fire season?

**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:15): I thank Mr Bourman for his question, and I will refer his question to the Minister for Energy, Environment and Climate Change, who is responsible for her agencies dealing with the substantial part of the fuel reduction burning and preparation for the fire season. As Mr Bourman would clearly understand, the majority—the vast majority—of fuel reduction burning that takes place in the Victorian landscape takes place in autumn. Autumn is the season when most fuel reduction burning takes place. A reduced program is always available in spring, and virtually no fuel reduction burning takes place ever in any year in

winter months. So whilst there is acuity in the landscape, whilst there are dry parts of the landscape, the winter rains have not affected that program. Ultimately there are other measures that take place in terms of fire lines and tracks that are placed within the forest not only to protect human and community assets but also to protect forests values. So there can be some activity in that form that takes place during the course of those months, but again that would be impacted by the prevailing weather conditions. Within that general description of how fire preparation works, I will ask my colleague to augment in a more specific way what I have indicated to you.

**Mr BOURMAN** (Eastern Victoria) (12:16): I thank the minister for his answer. My supplementary question is a little at odds with one of the statements the minister just made. Even fuel reduction efforts—it was about two or three weeks ago—have not escaped the interference of activists, with some getting in the way of the fuel reduction burn. How will the government deal with situations to ensure that whatever fuel reduction burns or other fuel reduction methods it needs to do will be carried out on time?

**The PRESIDENT:** The minister is to answer that in relation to East Gippsland. Then that will be supplementary to Mr Bourman’s original question.

**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:17): Thank you for your guidance, President. Mr Bourman was there waiting. I think the example that you may have given may give rise to the minister providing you with some explanation, but I stick by my substantive answer that virtually very little of the fuel reduction burning program has ever taken place during the course of winter. But I will allow her to augment my answer.

#### MINISTERS STATEMENTS: MONASH MEDICAL CENTRE

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:17): I rise to inform the house on the progress of the Andrews Labor government’s commitment to redevelop the Monash Medical Centre emergency department. It was a real pleasure to join the Premier, the member for Clarinda, Ms Taylor and other Labor members across the south-east in Clayton this past Sunday to officially mark the start of construction of what is an import investment for Melbourne’s growing south-eastern suburbs. The \$76.3 million project will deliver an expanded emergency department, doubling the number of treatment spaces, and will also include a dedicated children’s emergency department as well as a separate mental health hub for patients with mental health and drug- and alcohol-related issues.

Once open in 2022 the bigger and better emergency department will allow an extra 46 000 emergency department presentations each year and will support 220 construction jobs at the peak of construction. We know that emergency departments can be stressful and intimidating places for all of us but particularly for our littlest Victorians. This new children’s emergency department will reduce the anxiety for younger patients by creating an area for children separated from adult patients, providing a calmer, more compassionate and less clinical environment.

I am sure it will be of a great deal of interest to members on this side of the house—and I can see Mr Davis and Ms Crozier are studiously avoiding what I am saying here, but they might be very interested to know—that when the Monash Children’s Hospital was being designed by the previous Liberal government they decided to cut the children’s emergency department from this project despite the huge numbers of children presenting to emergency. We stepped in and we provided funding for a children’s emergency department to ensure that sick kids can be treated more quickly. The children’s emergency department at the Monash will be one of seven that we will be building right across Victoria. We are building children’s emergency departments at Casey, Frankston, Geelong, Maroondah, the Northern and Sunshine. It is just one of the projects funded as part of the Labor government’s unprecedented \$3.8 billion pipeline of hospital projects to ensure patients get the very best care when they need it most.

**PRIMARY CARE PARTNERSHIPS**

**Ms CROZIER** (Southern Metropolitan) (12:20): My question is again to the Minister for Health. Minister, why has the Andrews Labor government decided to cut in 2020 funding to Victoria's primary care partnerships (PCPs)?

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:20): I thank the member for her question. I do recall that in fact it was only a few sitting weeks ago that Ms Crozier came into this house during question time and was urging me to cut funding to Community Chef. The only person who has come into this house during this term of the Parliament and actually urged for a cut in my portfolio is in fact Ms Crozier. She came into this house and she said that we are throwing taxpayers money at Community Chef, a kitchen that provides meals for the vulnerable.

**Mr Davis:** On a point of order, President, the minister is clearly debating the question. Community Chef has nothing to do with primary care partnerships. Can she just answer the question on primary care partnerships rather than debating.

**The PRESIDENT:** The minister has only been speaking for 30 seconds, and I believe she is trying to give some sort of context, but I call her back to the question.

**Ms MIKAKOS:** I am making the point to the member that she is the only person who has come in here and called for cuts. We know that she has not stood up for Victorian patients in terms of standing up to her Liberal mates in Canberra. Come on, stand up for Victorian patients.

**Ms Crozier:** On a point of order, President, the minister is clearly debating. This has got absolutely nothing to do with the question I asked. I ask you to draw her back to the very simple question that I asked: why is the Andrews Labor government cutting the budget to the primary care partnerships?

**The PRESIDENT:** I call the minister back to the question.

**Ms MIKAKOS:** The point that I am making is that we as a government are making the investment that is necessary in our health services. We are making sure that patients get access to record operational funding to run our hospitals—\$2.5 billion in this year's budget. That is a record, and we are doing so in a challenging environment, at a time when we have had retrospective funding cuts coming from Canberra. We have had a very severe flu season this winter as well; it came very early. We are making the investments—

**Ms Crozier:** On a point of order, President, the minister is deflecting the question, talking about Community Chef. She is talking about everything else but the cuts to the primary care partnerships. I ask you to draw her back to the very simple question that I asked: why have they cut the budget to the primary care partnerships?

**The PRESIDENT:** I think the minister was going to some context, but I call her back to the question.

**Ms MIKAKOS:** The point I am making is that we are focused on clinical care and patient care. We are making the investments that are necessary to ensure patients get access to the clinical care they need when they need to go to their hospitals. We have seen pressure on our system. I am giving the broader context because we have got a number of issues that relate to a lack of action from Canberra that are having a direct impact on patient care in Victoria.

Another issue that I would encourage the member to do some advocacy to her mates in Canberra on is around the fact that we are losing regional GPs across Victoria in our primary care system as a direct result of the freeze on Medicare payments. They are leaving regional Victoria in droves, and that is having a direct impact on the emergency departments in our regional hospitals. So if you have an interest in patient care, then they are the issues to focus on, Ms Crozier.

I am making sure that our taxpayer funding is well utilised and is directed to patient care. That has got to be the key focus. We want to make sure that patients get the support they need and that we provide the funding into our hospitals that is necessary. That is my priority. That is what we have delivered—a record \$2.5 billion in the budget this year. We have got \$3.8 billion of infrastructure projects in the pipeline as well. We are making the investments that Victorians need to ensure a world-class health system.

**Ms CROZIER** (Southern Metropolitan) (12:25): I note that is the third question the minister has not answered appropriately or not answered at all in this question time. Minister, your denial of what is happening with the primary care partnerships is in direct and stark contrast to those on Labor's backbench that have privately expressed concern regarding these cuts, so I ask: will you now provide the house with a breakdown table on the specific funding for each of Victoria's 28 PCPs from 1 January 2020 and for each calendar year across the forward estimates, yes or no?

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:25): Well, it is interesting that Ms Crozier is now purporting to represent the views of people on this side of the house, who are fighting each and every day to make sure that their health services get the funding that they need from Canberra. And they are not getting the funding that they need from Canberra. We are providing record funding as a government to make sure patients get the care that they need. We will continue to advocate for a better deal from Canberra. We are focused also on addressing the primary care issues—if the member is interested in primary care—by making sure that Minister Hunt and the federal government do more for GPs in regional Victoria. That is what primary care is about—making sure people can get access to GPs, not networks. It is about making sure people can get access to primary care when they need to see a GP, and that is an issue across regional Victoria that you are taking zero interest in, Ms Crozier. You are taking absolutely zero interest in that. So we will continue to make the investment that is necessary in clinical care to make sure people get the support that they need.

#### DJAB WURRUNG SACRED TREES

**Dr RATNAM** (Northern Metropolitan) (12:26): My question is to the Minister for Aboriginal Affairs. It has become abundantly clear that the processes the government undertook to receive cultural and heritage approval for the Western Highway project were fundamentally flawed. Serious concerns have been reported about the behaviour of VicRoads and their dealing with the Martang Aboriginal corporation, including VicRoads's potential involvement in the Martang Aboriginal corporation's purchase of land subsequent to the 2013 cultural heritage management plan being approved. Djab Wurrung women and elders have also raised questions about the Eastern Maar Aboriginal Corporation's purported agreement to the proposal. Given these concerns, will the government now concede too many mistakes have been made and it can no longer rely on the consultations with the Martang Aboriginal corporation or the Eastern Maar Aboriginal Corporation, and will it now meet directly with the Djab Wurrung women and elders, who have never given their consent to the project, to understand that the significant cultural and spiritual heritage of the area should be protected and must not be destroyed?

**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:27): I thank Dr Ratnam for her question. One thing I will not do is criticise any member of the Aboriginal community in relation to their connection to country, their legitimate concern about protecting cultural heritage and their track record of doing that. I can say to you that I would implore you in the future to join me in that spirit of not building up some members of the Aboriginal community at the expense of others.

Let us take an opportunity to reflect on appropriate responsibility and a continuity of connection to country, and who speaks for country is an important issue in relation to cultural heritage protection. And the people who have determined who speaks for country are not the Victorian government. The Aboriginal Heritage Council is responsible for doing the due diligence about people who, through the

course of their lifetime, identify with the traditional lands of their heritage and through their lifetime acknowledge, in this case, their Djab Wurrung connections. I would encourage you and anybody else who participates in this debate to look at the continual connection of cultural heritage and their continual connection to speak for this country. And if you do that, then you may not make assertions about the legitimacy of those who have participated in this process.

You will then reflect on the appropriate, enduring nature of traditional owners' status and who speaks for country in a respectful way. I will not criticise any individual in the Aboriginal community in relation to their desire to protect cultural heritage or their desire to participate in the inclusionary decisions of traditional ownership of this land in question, but I do question the knowledge and the motivation of some people who support the accusations that you have made and the conclusions that you reach through insufficient due diligence on those matters that I draw to your attention.

And when you do that, then the nature of our discussion may be very, very different in relation to what you put on the public record in relation to that question and what you allege about the legitimate activities of people who have a right to speak for country and an enduring connection and who act in a way that is totally consistent with the law and their obligations as traditional owners in this matter. I do not want to take a step backward in protecting their interests, which are legitimate, in this matter.

**Dr RATNAM** (Northern Metropolitan) (12:30): Thank you, Minister. I share in your sentiment that all who participate in these processes should be afforded respect, but my actual question was about engaging in genuine consultation, which you did not answer. This kind of situation has clearly demonstrated that the existing processes of consent for cultural and heritage matters are inadequate and flawed, which in the context of future treaty negotiations is deeply concerning. So my question is: will the government commit to an independent inquiry into traditional owner approvals, including but not limited to this road project, the operation of registered Aboriginal parties and how the Victorian community can be confident that in the future genuine consultation is undertaken and traditional owners and elders connected with the land are providing free, prior and informed consent?

**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:31): I think that Dr Ratnam has not listened to one word that I uttered in relation to my substantive answer—not one word—because the construction of her question and what she has read as a preprepared question does not in any shape or form demonstrate that she has heard one thing that I said. I have no doubts in terms of the law of Victoria and in terms of providing protection for traditional owners about the continual participation of traditional owners in the processes that have led to the consideration of the cultural heritage management plan in relation to this. What I implore her and others to do is look at the continual connection of people who make allegations such as the ones she has made or the conclusions that she has reached in relation to the way in which cultural heritage is managed and to reflect on their own knowledge base and the legitimate ways in which they can pursue that into the future.

#### MINISTERS STATEMENTS: SMALL BUSINESS LOTE SUPPORT

**Mr SOMYUREK** (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:33): I am pleased to update the house about the work the government is doing to support small business owners whose first language is not English. Language should not be a barrier to growing your small business, and for many new Australians our regulatory framework is different to that which they are used to back home. The government has recently released translated fact sheets and videos, offered by the Victorian Small Business Commission, in simplified Chinese, Arabic, Vietnamese—so far we have got three members who speak those languages in this house—Turkish, Spanish and Dari. These outline business owners' rights and responsibilities when settling disputes under the Retail Leases Act 2003. This is in addition to translating information on public holidays and long service leave in order to ensure business owners know their rights and their responsibilities. And for small business owners who need extra support to run or grow their small businesses, we have also provided workshops and training sessions in languages other than English. The languages prioritised

by the commission reflect those with greatest needs. This is another way that this government is making Victoria the best state to grow your small business.

### MILLEWA DROUGHT

**Ms BATH** (Eastern Victoria) (12:34): My question is for the Minister for Agriculture. Minister, you recently told ABC *Country Hour* listeners you thought you were doing a good job because you had checked your diary and counted that you had attended 73 events in regional Victoria over the last 250 days. Minister, if attending events outside of Melbourne is an indicator of whether or not you are doing a good job, why did it take you so long to visit the drought-affected farmers in the Millewa?

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:34): I thank Ms Bath for her question—slightly taken out of context in relation to the assessment of how I described my job. The question was, ‘How often are you out in country Victoria?’, and I was able to demonstrate that I have attended 73 events in regional Victoria, which is probably a lot less than the amount of time that I have spent in regional Victoria and the amount of towns I have visited and meetings I have had. This was literally around events. It was to demonstrate that the Andrews Labor government, through many members of the government, whether they are in a ministerial portfolio or not, are always out and about listening to the interests of regional Victoria. As the Minister for Regional Development, Minister for Agriculture and of course Minister for Resources, I have three portfolios that bring me to all areas of regional Victoria quite often. I enjoyed my visit to the Millewa last week, although of course it was quite sombre. I have been to Mildura several times, and I make every effort to get to every corner of the state in my responsibilities in the three portfolios that I hold.

**Ms BATH** (Eastern Victoria) (12:36): I note the minister’s response, and my supplementary is as such: Minister, after your visit to the Millewa you admitted during your subsequent ABC *Country Hour* interview that conditions are, to quote you:

... devastating. I’m looking at the BOM radar every time it rains and it’s not raining in the right spots ...

Now that you have seen and heard firsthand the challenges in the Millewa, will you do more than just look at the Bureau of Meteorology radar and actually introduce the additional drought support measures that farming families are pleading for?

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:36): Ms Bath, that supplementary is highly offensive. Of course I am not going to drought-affected areas and saying that I am looking at the BOM, okay? I am actually giving credit to the people rather than making attempts at political pointscoring out of people that are suffering from dry and drought conditions. What our government is doing is providing more than \$50 million in drought support packages, and a lot of that has been taken up by people in the Millewa. More than half of the farmers in the Millewa have accessed our infrastructure grants to put infrastructure on their farms to deal with the conditions that they are facing. In addition to the infrastructure grants that people are accessing, there are six workshops that have been rolled out in the Millewa, attended by over 60 farmers.

**Ms Bath** interjected.

**Ms SYMES**: Do you want the accurate information or not, Ms Bath? We have had workshops in the Millewa—60 farmers. We have got rural financial counselling services on the ground. Agriculture Victoria is on the ground providing support. I have met with Millewa farmers. There is still money available, there is still support available and I encourage all ministers— (*Time expired*)

### PRESCRIPTION MEDICATION SUPPLY

**Mr LIMBRICK** (South Eastern Metropolitan) (12:38): My question is for the Minister for Health. What is the minister doing to ensure the supply of the drug Parnate for patients? The weekend before

last I was contacted by a member of the public regarding a shortage of the drug tranylcypramine sulfate, sold as Parnate, which is used to treat certain psychiatric conditions. The person that contacted me told me that she had been taking Parnate for 20 years, as it was very effective for her condition, but was unable to fill her latest prescription. She had visited numerous pharmacies in her area. After investigation she learned that there was a national shortage of the drug and also a shortage of a similar drug called Nardil. She had less than 11 days supply left. Other Victorians are in a similar situation. I contacted the minister with an urgent communication last Monday and have as yet received no satisfactory response, despite follow-up. The consequences of suddenly going off this drug are severe and can be catastrophic, including self-harm. The clock is ticking.

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (12:38): I thank the member for his question. My understanding is that correspondence was referred to Minister Foley as the responsible minister; it sits with the mental health portfolio. But I do make the point to the member that issues around drug availability do actually sit with the commonwealth. It is a matter, of course, that I will follow up with Minister Foley to ensure that this patient is able to be contacted by someone with some advice around the particular medication that they are requiring.

**Mr LIMBRICK** (South Eastern Metropolitan) (12:39): It is not just one patient; it is a number of patients. I have been investigating on internet forums, and there are lots of patients who are concerned about this. Today is World Suicide Prevention Day. Considering the serious potential harm that could be caused by this drug running out, would the minister consider sending someone on a plane to the US to purchase supplies, as apparently there are still supplies in the US and Canada? Could I humbly suggest reallocating some of the \$300 000 that has been earmarked in the budget for free mobile phone charging stations at train stations if you do not have the money. I would volunteer to go personally if you cannot find staff to do this; this is more important than Parliament.

**The PRESIDENT:** The minister's answer was that she would pass that on to the mental health minister—

**Ms Mikakos:** President, I have nothing further to add.

**The PRESIDENT:** I was going to offer that maybe that comment can supplement what she sends to the minister.

#### MINISTERS STATEMENTS: GLOBAL TABLE

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:40): Last week was a massive week for agriculture in Melbourne as we welcomed Global Table to the showgrounds. There were food and agribusinesses from across the globe making trade links and discussing the biggest food challenges facing the world. We hosted over 2700 delegates from 25 countries, making it officially Australia's biggest food and agribusiness conference. Key discussions at the four-day Global Table conference centred on reducing global food waste, kickstarting the Australian native food industry, adapting to the challenges of plastics through innovation, and disrupting climate change. I have already heard of international businesses making great connections out of Global Table, with businesses from Asia and beyond already signalling their intention to buy Victorian beef and some of our native Indigenous ingredients.

Making up 27 per cent of all Australian food and fibre exports, Victoria is the country's largest exporter in the sector. The Labor government has set a target to grow the state's \$14.1 billion agricultural exports to \$20 billion by 2030, and events like Global Table are helping us along this ambitious path. I saw Sallie Jones from Gippsland Jersey and Julie Kos from Breakwater's Smoked Egg Company within hours of the conference opening, and they were so excited to report the many positive connections that they had already made for their businesses. Our inspiring keynote speakers at the event included former US Secretary of State John Kerry, chief agricultural officer at Mars Incorporated Dr Howard-Yana Shapiro and food technology entrepreneur Shama Sukul Lee, who led

insightful discussions on the future of food for earth's population and highlighted the roles we can all play in ensuring a sustainable future.

It was fantastic to see so many young people getting involved in the food and discussions on how we can make agriculture more sustainable, and Global Table featured lots of teenovators who shared their bright ideas with delegates. It seems to me that the future of food is in very safe hands. In its inaugural year, Global Table has been a huge success. I would like to thank my predecessor, Jaala Pulford, for her leadership in bringing Global Table to Victoria, and I am sure next year it is going to be bigger and better.

### NORTH EAST LINK

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:42): My question is for the Minister for Local Government. Minister, I refer to the environment effects process being undertaken into the government's North East Link Project and to the advice of Andrew O'Brien, a leading expert on freeway design, on behalf of the cities of Boroondara, Whitehorse and Banyule. He said that:

Without the East West Link, the North East Link would not be able to achieve the slated benefits.

He said that chronic queuing at Hoddle Street would also worsen. He also said that:

One of the underlying assumptions not stated in the Environmental Effects Statement documentation is that the Hoddle Street queues are mitigated by another major infrastructure project ... the East West Link.

I therefore ask: Minister, given the critical impact of the North East Link Project on their communities, have the cities of Boroondara or Whitehorse or Banyule raised their submissions on this project with you, and if so, have you conveyed their position to central government?

**The PRESIDENT:** There were two questions. Minister, you can answer one if you like.

**Mr SOMYUREK** (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:44): No.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:44): President, I take the Minister's answer at its value, and I ask him: will he inquire of these councils to understand the impact of this project on their communities?

**Mr SOMYUREK** (South Eastern Metropolitan—Minister for Local Government, Minister for Small Business) (12:44): This really should be a question to Minister Allan in the other place, and there is also an environment effects statement process underway at the moment, as we speak. The councils have not raised any objections with me themselves. My idea of being a good minister, be that Minister for Local Government or Minister for Small Business, is that I am there to listen and I am accessible. So if these particular councils have a problem that they want to speak to me about, I am happy to listen to them.

### MILLEWA DROUGHT

**Ms MAXWELL** (Northern Victoria) (12:45): On a hot topic today, my question is to the Minister for Agriculture, Ms Symes. As one of her fellow members for Northern Victoria Region, I commend her for her decision to expedite a visit to the Millewa region last week to inspect the effects of the crippling, successive droughts there. The government has also recently announced that there is still financial support available for farmers through the on-farm drought infrastructure support grants and the pasture recovery and management grant program and that the application period for the farm business assistance program will now be extended. Following on from Ms Bath's question, in that context—of money available—I ask the minister if she could provide me with a clarification on how much money is still available to assist those farmers in the Millewa region.

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:46): I thank Ms Maxwell for her slightly more empathetic question in relation to those doing it tough in the north of our state today. It was, as I said in my previous answer, a sobering but great visit to the Millewa to meet with farmers there. James O'Day was my host. Agriculture Victoria and the Victorian Farmers Federation were also with me, and a lot of people came out to talk to me about the conditions that they are suffering. Farmers in the north-west are incredibly resilient people. They are accustomed to failed seasons, but in facing a second failed season it was described to me as being worse than the 1940s drought that they had experienced. So it is without doubt that it is quite dire in the Millewa.

We are providing funds for farmers through the \$5000 on-farm drought infrastructure support grants, and they have been extremely popular in this region, with around half of the farmers having accessed those. There are still more funds available for the grants, and I would encourage everyone to look at those. I can assure you that we have extended the application period. What happens in situations of drought like this is that people, when they are right in the midst of it, can sometimes find it difficult to access the services, so making sure that they are available when people can come up for air and think about their next steps is really important. So it was important to me to make sure that there is no cut-off date that is going to cut people out from accessing those.

As I was wanting to detail in greater detail on Ms Bath's question, there is a lot of effort being dedicated to the north-west. We have had six workshops attended by over 60 farmers, and they have covered topics such as decision-making in dry conditions and financial planning. Agriculture Victoria are providing one-on-one consultations to provide tailored advice and ensure support and referral to the appropriate agency where issues are identified. The Rural Financial Counselling Service is providing support to both farm businesses and local businesses in the region as well. Of course we know that the impact of drought does not stop at the farm gate; there are businesses that are reliant on the productivity of our farmers.

Importantly we are wanting to make sure that the information is getting out there. When you are in a challenging time, sometimes it can be difficult to know what support is there, so we have mailed out a booklet which details all the support services that are available to farmers in the region along with the local community to ensure that everybody that needs support is directed to the appropriate place. Thank you for your question, Ms Maxwell. I can assure you that there are sufficient funds available to provide all of that support and the continuation of the grants that have been accessed by people in that region.

**Ms MAXWELL** (Northern Victoria) (12:48): Thank you, Ms Symes, for your in-depth answer. As my supplementary question, and given the urgency and desperation of the current situation in the Millewa, I ask: has the minister made, or will the minister make, representations to her counterpart in Canberra, Minister Littleproud, to consider bringing forward potential federal government assistance? I ask this in light of the fact that farmers, including in the Millewa, are currently not able to access payments under the federal government's flagship Future Drought Fund program until 1 July next year.

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:49): I thank Ms Maxwell for her supplementary question. I agree, I think it is critical that all levels of government play a part in supporting our farmers through drought and dry conditions. The number one issue that was actually raised by farmers in the Millewa last week with me was access to low-interest loans, and that is obviously a federal government program, which, it appears to me, is perhaps not exactly hitting the target that it needs to hit. Agriculture Victoria, working with the federal department, started those conversations. I have had an informal reach-out to Minister Littleproud, and we will connect when our departments have had some discussions about access to those loans and making sure that there are no barriers getting in the way.

In relation to the Future Drought Fund that the federal government continue to talk about, of course I would welcome that those funds be made available earlier. The Leader of the National Party, the

Leader of the Liberal Party, Suzanna Sheed and the Premier have written to the Prime Minister asking for those funds to be made available earlier this year. I will continue to advocate for those funds to be made available.

**MINISTERS STATEMENTS: BOAT RAMPS**

**Ms PULFORD** (Western Victoria—Minister for Roads, Minister for Road Safety and the TAC, Minister for Fishing and Boating) (12:50): I rise to update the house on the government’s commitment to abolish fees for launching and parking at boat ramps right across Victoria. I am delighted to report that as of today almost all of Victoria’s boat ramps are free thanks to our government’s election promise to make boating cheaper, easier and safer.

Last Friday I had the opportunity to visit two now fee-free ramps—at Kananook Creek in Frankston and at Rhyll on Phillip Island—and I thank the members for Frankston and Bass in the other place for hosting me in their electorates on Friday. They are outstanding local members and know very well how important this reform is to boaters and their families, both their own constituents and people who travel from further afield to come and spend time, and indeed spend money, in their communities. Queenscliff and Mordialloc are now the only public boat ramps that continue to charge parking and launching fees, and I can update the house that Better Boating Victoria is having positive discussions with both the Borough of Queenscliffe and Kingston City Council about removing those last few fees as soon as possible.

As well as congratulating Bass Coast shire on scrapping fees on their four public boat ramps, Friday was an opportunity to inspect the Rhyll boat ramp and indeed to talk to a couple of gentlemen who were off to try their luck at the end of the pier with their fishing rods. But the Rhyll boat ramp is one of six around Victoria that will be upgraded as part of our government’s \$47.2 million investment into boating. AW Maritime has now been contracted to develop a concept design for the upgrade, and Phillip Island locals can look forward to contributing to the development of the design over the coming weeks. This will be finalised by November. As the weather does warm up, there has never been a better time to be a boater in Victoria or indeed an angler, as all anglers know. All the boaties in Victoria can rest assured that our government has their stern.

**WRITTEN RESPONSES**

**The PRESIDENT** (12:52): As far as today’s questions go, I thank Minister Mikakos, who has committed to get further information from the Minister for Mental Health regarding Mr Limbrick’s question.

**Ms Mikakos:** On a point of order, President, just to correct the record, because Mr Limbrick did assert that he had not heard from my office, the advice that I have had is that my office contacted his electorate office on Friday and advised his staff that this matter had been referred to the Minister for Mental Health.

**Mr Limbrick:** We contacted you.

**Ms Mikakos:** But you had that advice on Friday. You did claim that there had been no contact. That is not correct.

**The PRESIDENT:** I am not too sure if that is a point of order, but I do thank the minister for her commitment to follow up with the mental health minister.

To the Leader of the Government, thank you for committing to get a written response in line with the standing orders for Mr Bourman’s question to the Minister for Energy, Environment and Climate Change. I ask the Minister for Health if she could please get written responses as per the standing orders to Ms Crozier’s substantive and supplementary questions for the second question she asked and also to the substantive question for the first question that she asked around, I believe, the Royal Children’s Hospital.

**Ms Crozier:** On a point of order, President, thank you for reinstating both of the questions I asked for the second question, and the first question I asked in question one, but I would also ask that the minister respond to the issue that I asked in the supplementary regarding that they were forced to work 18 hours due to the inability of the—

**The PRESIDENT:** I am sorry, I might have got that the wrong way around. The second question, in my recollection—and correct me if I am wrong, Ms Crozier—was around cuts, and the minister responded that there were no cuts. But I am happy—

**Ms Crozier:** Yes, but she continues to respond that there are no cuts, President, with all due respect. The first question was around the Royal Children's Hospital, with the Platypus ward—why nurses were working 18 hours—and the second part of that question was in relation to the agency staff not being put in place because of budget cuts. So you are right. The second question I asked was also around the cuts to the primary care partnerships—both first and second—which she did not answer.

**The PRESIDENT:** I actually have asked the minister, in regard to your second question, both the supplementary and the substantive, if she will give written responses in line with the standing orders. I am happy to check the tape on the supplementary for your first one and get back to you. But I do believe the question was around cuts, and I believe the minister answered that there were no cuts.

**Ms Mikakos:** On the point of order, President, I clearly responded to this matter. There have been no cuts. In fact there has been a 29.2 per cent funding increase for the Royal Children's Hospital since we have been in government. So the member can assert whatever she likes. The fact is there has been a 29.2 per cent funding increase and there have been no cuts.

**The PRESIDENT:** That was my recollection, Minister. I will not be inclined to ask for a written response on that supplementary, but I will give the house the commitment to review it and get back to the house as soon as possible.

### Questions on notice

#### ANSWERS

**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (12:56): There are 85 written responses to questions on notice: 40, 387–9, 400–1, 404–7, 410, 413, 415, 419–21, 424–5, 431–2, 486–7, 516, 522, 526, 528, 530–4, 536–8, 543–4, 546–9, 551, 553, 555, 579–80, 587, 590–7, 601–4, 613–18, 621–2, 632, 644, 670–3, 693–5, 699, 702–4, 707, 747, 750–2, 758.

**The PRESIDENT** (12:56): We have a former member in the gallery, Mr Daniel Young. Welcome. Before we move on to constituency questions, I just want to alert the house that I have received a written request from Mr Rich-Phillips seeking reinstatement of five questions on notice directed to the Minister for Transport Infrastructure. I have reviewed the responses and I have ordered that questions on notice 471, 474, 477, 480 and 483 be reinstated in full.

### Constituency questions

#### EASTERN VICTORIA REGION

**Mr O'DONOHUE** (Eastern Victoria) (12:57): My constituency question is to the Minister for Road Safety and the TAC. I have had contact from a constituent who suggested to me that in the Dandenong Ranges area, because there is significant fog during the day on many occasions and there are many dangerous roads and tight corners, a program that exists in the Macedon Ranges be emulated whereby motorists are encouraged to leave their lights on during the day on all occasions. As I understand it from my constituent there is signage to that effect in the Macedon Ranges. She advised me that that has been a success and has sought that I raise with you the prospect of that successful

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program being replicated in the Dandenong Ranges, given the similar issues that exist and the road safety challenges that are pertinent to both the Macedon Ranges and the Dandenong Ranges.

### WESTERN METROPOLITAN REGION

**Ms VAGHELA** (Western Metropolitan) (12:58): My constituency question is directed to the Minister for Energy, Environment and Climate Change and Minister for Solar Homes, the Honourable Lily D'Ambrosio. My question to the minister relates to her portfolio responsibilities of energy, environment and climate change. Following the collapse of SKM Recycling the issue of waste has been at the forefront for nearly 33 councils since last month. The Andrews Labor government is tackling the ongoing waste management issues and has announced a \$10 million loan to SKM's receivers, KordaMentha, to help clean up SKM sites and resume waste processing, as well as beginning the process to overhaul kerbside recycling. The news is welcomed by the councils affected in my area of Western Metropolitan—that is, Wyndham, Brimbank, Moonee Valley and Hobsons Bay councils. My question to the minister is: can the minister outline the support that would be available for the councils in my electorate of Western Metropolitan Region?

### NORTHERN METROPOLITAN REGION

**Mr ONDARCHIE** (Northern Metropolitan) (12:59): My constituency question is to the Minister for Transport Infrastructure. It concerns stage 2 of the Plenty Road upgrade and the five extra traffic lights that will be installed between South Morang and Mernda. Part of that is in my electorate of Northern Metropolitan Region. Minister, the recent works on Dalton Road in Thomastown and Epping left many motorists angry at raised speed humps at intersections with traffic lights. I have raised that issue here in the past. These added traffic lights will bring a total of 13 traffic light intersections between McDonalds Road and Bridge Inn Road. As these works are about to begin, could you advise me, so I can advise my constituents: will there be any raised intersections or speed humps on any of the new or current intersections on Plenty Road between McDonalds Road, South Morang, and Bridge Inn Road in Mernda?

### EASTERN METROPOLITAN REGION

**Mr BARTON** (Eastern Metropolitan) (13:00): My constituency question is to the Minister for Transport Infrastructure, and again I am asking: what will become of the small business tenants in the Bulleen industrial zone? I direct it to Minister Allan in the hope that she will answer. Previous planning questions such as those directed to the Minister for Planning have bounced back to me unanswered. It appears the forward button is missing from some ministerial email accounts. On a recent tour of the Bulleen industrial zone I met with Raymond Capaldi from Monster Pies. I have since been back on a pie run for my Doncaster office, and I highly recommend a visit. In late 2017 Mr Capaldi took on a lease in the Bulleen industrial zone and fitted out a commercial kitchen to produce his range of gourmet pies. He is armed with a solid business plan, good contracts and big plans. He has built up a team of bakers who are all committed to his business. Investment in this current location would be wasteful. Staff who commute to work want to live locally, but where will that be if Monster Pies must move? So I ask the minister: what compensation or relocation options are available for Bulleen industrial zone tenants like Mr Capaldi and his team?

### WESTERN METROPOLITAN REGION

**Mr FINN** (Western Metropolitan) (13:01): My constituency question is to the Minister for Roads. The people of Albion have been fighting hard for some years now for traffic lights on the corner of Ballarat Road and Perth Avenue in Albion. Given my personal knowledge of the danger of that particular intersection, I have given that campaign my wholehearted support. We thought victory was at hand when VicRoads announced some two years ago that traffic lights would be installed. It is extraordinary that locals are still waiting for these lights to be installed. Many in fact are now of the view that this government is strongly of the view that the lives of people living in Melbourne's west

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do not matter. Minister, will you prove them wrong and direct that these traffic lights be installed and operational immediately?

### WESTERN VICTORIA REGION

**Mr MEDDICK** (Western Victoria) (13:02): My constituency question today is for the Premier, the Honourable Daniel Andrews, and is raised on behalf of and with the permission of Uncle Rob, elder of the Peek Woorroong people of the Eastern Maar. Some months ago I delivered at Uncle Rob's request a message stick to the Premier and an invitation to join with him and other elders on country to discuss their wish that racehorse training be banned from Levys beach, Hoon Hill and other sensitive and sacred areas. This invitation required the Premier to meet with them and to bring the message stick with him by 31 July. I understand that the Premier has many demands on his time, but given that this date has long passed, will the Premier make arrangements to honour both the message stick and the invitation—an invitation Uncle Rob tells me has never before been accorded to a non-Indigenous leader in Victoria's history?

### NORTHERN VICTORIA REGION

**Ms LOVELL** (Northern Victoria) (13:03): My question is for the Minister for Roads and Minister for Road Safety and the TAC. In May this year I asked the minister to instruct Regional Roads Victoria to implement additional safety measures around the school crossing on the Goulburn Valley Highway at Kialla West Primary School. My calls came in response to a horrific collision in September 2018 involving a young mother and her three daughters when their vehicle was hit by a truck whilst waiting at the crossing at school pick-up time. In her reply the minister indicated that some minor safety improvements had been made, and I thank the minister for providing that information. The minister also stated that Regional Roads Victoria were continuing to meet with school reps and Greater Shepparton City Council to develop a longer term proposal for a pedestrian underpass at the school. Minister, considering it has been 12 months since the disastrous collision, will you provide me with an update on the planning for a pedestrian underpass at Kialla West Primary School and a time line for its implementation?

### NORTHERN METROPOLITAN REGION

**Ms PATTEN** (Northern Metropolitan) (13:04): My question is to the Minister for Roads and Minister for Road Safety and the TAC. Recently I met with a group of concerned traders called Revitalise Nicholson Street. They are a passionate group from local businesses who are attempting to ensure that the popular and bustling Nicholson Street in Carlton North keeps innovating and upgrading to ensure the future success of all traders. One of their main concerns is that there is a 60-kilometre-per-hour speed limit in the area of Nicholson Street between Scotchmer and Park streets. It seems out of step with other 40-kilometre-per-hour precincts in the surrounding parts of Nicholson Street. The traders would like to know why other high-foot-traffic zones of Nicholson Street are 40 but their section of the road remains dangerously high.

### EASTERN VICTORIA REGION

**Ms BATH** (Eastern Victoria) (13:05): My question is for the Minister for Resources. In May this year I furnished the minister with the contact details of the Prospectors and Miners Association of Victoria (PMAV). This group, which has branches in mid and East Gippsland, has multiple concerns, including recommendations being considered by government to lock up more public land as well as their growing frustration in navigating the complex red tape in the department of earth resources. Specifically the PMAV are seeking to discuss problems with licensing arrangements and frustrating delays. For example, one application process that should be taking only three months is taking 18 months and considerable cost. In over three months the PMAV have had no contact despite a personal commitment from the minister to meet with them. Members of the prospecting and mining community, including Ken Whittaker from Tanjil South, want and deserve the right to detail their

concerns. When will the minister keep her promise and meet with the members of the Prospectors and Miners Association?

**WESTERN VICTORIA REGION**

**Mrs McARTHUR** (Western Victoria) (13:06): My constituency question is to the Minister for Education, and it refers to accurate language definitions in our schools. Having consulted my eminent friend of 135 years, Mr Oxford, I can attest that emergency is defined as ‘a serious, unexpected and often dangerous situation requiring immediate action’. Given that the CSIRO records Australia’s climate has only warmed by 1 degree Celsius since 1910, ‘climate emergency’ clearly does not fit this Oxford definition. Notices about raging bushfires in New South Wales and Queensland would fit the emergency definition. This alarmist misuse of language should be unacceptable to the minister given the NAPLAN results. My question to the minister is: what is he doing to correct a language definition which, if misused, is clearly designed to frighten rather than educate Victorian students, especially in Western Victoria region?

**The PRESIDENT:** I am sorry. I know it is your birthday, Mrs McArthur, but I cannot see any way that can be a constituency question. I will give you a go at rephrasing it. I will call Mr Davis first.

**SOUTHERN METROPOLITAN REGION**

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (13:07): My question is to the Minister for Transport Infrastructure, and it concerns the matter that has been discussed heavily today: the evidence of Andrew O’Brien, a leading expert on freeway design on behalf of the cities of Boroondara, Whitehorse and Banyule, who has stated in the environment effects process on the North East Link Project that:

Chronic queuing at Hoddle Street would also worsen ...

...

One of the underlying assumptions not stated in the Environmental Effects Statement documentation is that the Hoddle Street queues are mitigated by another major infrastructure project—[in other words] the East West Link ...

Of course Blind Freddy could see that if you send tens of thousands of cars screaming down the freeway, they come to a screeching halt at Hoddle Street. That is a big problem for congestion. So I ask the minister to review the project and to put the east–west link back on the table and in doing so be prepared to negotiate to take the \$4 billion of federal money to build the east–west link.

**The PRESIDENT:** And that affects your constituents how?

**Mr DAVIS:** It runs through the middle of Southern Metropolitan Region, and the North East Link Project evidence has been put in by three of my councils—a submission on Boroondara, Whitehorse—

**The PRESIDENT:** That is enough; you have won me over.

**WESTERN VICTORIA REGION**

**The PRESIDENT:** Mrs McArthur, would you like to have another try?

**Mrs McARTHUR** (Western Victoria) (13:09): Thank you, President. Perhaps I could ask the minister: given all the complaints I have received from my constituents in Western Victoria Region about children being asked to leave school on a Friday to go to climate emergency rallies, will he clearly define what ‘emergency’ means for the children in Western Victoria Region?

**The PRESIDENT:** It is your birthday, but I feel that probably the last bit was unnecessary about defining dictionary definitions. I think the question was around whether students should be leaving school to attend environmental rallies. That is a pretty good one, I reckon.

**Mrs McARTHUR:** I will leave it with you, President.

**Joint sitting of Parliament****SENATE VACANCY**

**The PRESIDENT** (13:10): I have a message from the Assembly:

The Legislative Assembly has agreed to the following resolution—

That this House meets the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Mitch Fifield, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 11 September 2019 at 6.15 pm—

which is presented for the agreement of the Legislative Council.

**Mr JENNINGS** (South Eastern Metropolitan—Leader of the Government, Special Minister of State, Minister for Priority Precincts, Minister for Aboriginal Affairs) (13:11): I move, by leave:

That the Assembly's message be taken into consideration forthwith.

**Motion agreed to.**

**Mr JENNINGS:** I move, by leave:

That:

- (1) this house meets with the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Mitch Fifield and, as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 11 September 2019, at 6.15 pm;
- (2) standing and sessional orders be suspended to the extent necessary to provide that on Wednesday, 11 September 2019, the order of business will be:

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At **12 noon** Questions

Answers to Questions on Notice

General Business (continues)

At **5.15 p.m.** Statements on reports, papers and petitions (30 minutes)

At **5.45 p.m.** Adjournment (up to 20 members); and

- (3) a message be sent to the Assembly informing them accordingly.

**Motion agreed to.**

**The PRESIDENT:** A message will be sent to the Assembly informing them of the Council's resolution.

**Petitions****Following petitions presented to house:****CONTAINER DEPOSIT SCHEME**

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the serious issue that Victoria does not have a container deposit schemes. Litter is a serious environmental and community issue that needs to be addressed. South Australia is leading the way with its recycling programs which are putting millions of dollars back into communities. This money can be used by families to buy groceries, community gardens to buy sustainable equipment and local schools to invest in children's education. Surely we want to do the same in Victoria. It is estimated that at the current rate of production, oil

will run out in approximately in 2068. In 49 years, unless we start to 'Reduce, Reuse, Refuse, Rethink and Recycle', there will be no plastic.

The petitioners therefore request that the Legislative Council call on the Premier and the Minister for Energy, Environment and Climate Change to fund initiatives, like a container deposit scheme, throughout metropolitan and regional Victoria.

**By Mr HAYES (Southern Metropolitan) (370 signatures).**

**Laid on table.**

### UPFIELD RAIL LINE DUPLICATION

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the existing single track between Gowrie and Upfield Stations on the Upfield railway line is severely limiting that line's capacity to have more frequent services. Currently the service is only running every 18–20 minutes in peak periods.

The petitioners therefore request that the Legislative Council call on the Government and the Minister of Public Transport, the Hon Melissa Horne MP, to urgently duplicate the single train track between Gowrie and Upfield to allow the Upfield railway line to run more frequent services, reduce the number of late running services, and prevent trains from being terminated at Coburg station when services are unexpectedly delayed.

**By Ms PATTEN (Northern Metropolitan) (763 signatures).**

**Laid on table.**

### UPFIELD RAIL LINE DUPLICATION

**TO THE LEGISLATIVE COUNCIL OF VICTORIA**

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the existing single track on the Upfield railway line between Gowrie and Upfield is severely limiting the ability to allow more frequent services on the line, currently 18 to 20 minutes including in peak periods

The petitioners therefore request that the Legislative Council bring to the attention of the Government and the Minister of Public Transport that **there is an urgent need to duplicate the Gowrie to Upfield section of the line** in order that:

1. More frequent services can operate on the Upfield line;
2. Trains will not be terminated at Coburg station when services are unexpectedly delayed;
3. Services can be more quickly returned to schedule when delays occur;
4. The number of late running services can be minimised.

**By Ms PATTEN (Northern Metropolitan) (3129 signatures).**

**Laid on table.**

### Bills

#### ROAD SAFETY AMENDMENT (MEDICINAL CANNABIS) BILL 2019

##### *Introduction and first reading*

**Ms PATTEN** (Northern Metropolitan) (13:15): I move to introduce a bill for an act to amend the Road Safety Act 1986 to provide that prescription medicinal cannabis that does not impair driving is to be treated in the same manner as other prescription drugs and for other purposes, and I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ms PATTEN:** I move:

That the second reading be made an order of the day for the next day of meeting.

**Motion agreed to.**

### CRIMES AMENDMENT (TRESPASS) BILL 2019

#### *Introduction and first reading*

**Mr BOURMAN** (Eastern Victoria) (13:15): I move to introduce a bill for an act to amend the Crimes Act 1958, the Sentencing Act 1991 and the Summary Offences Act 1966 to create offences relating to trespass on land with intent to undertake activities that interfere with activities involving animals, and for other purposes, and I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Mr BOURMAN:** I move:

That the second reading be made an order of the day for the next day of meeting.

**Motion agreed to.**

### Committees

#### SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

##### *Alert Digest No. 11*

**Mr GEPP** (Northern Victoria) (13:16): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 11 of 2019 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

**Motion agreed to.**

### Papers

#### OMBUDSMAN

##### *OPCAT in Victoria: A Thematic Investigation of Practices Related to Solitary Confinement of Children and Young People*

**The Clerk:** Pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, I lay on the table a copy of the Ombudsman's report titled *OPCAT in Victoria: A Thematic Investigation of Practices Related to Solitary Confinement of Children and Young People*, September 2019.

### PAPERS

**Tabled by Clerk:**

Melbourne City Link Act 1995—

City Link and Extension Projects Integration and Facilitation Agreement Twenty-sixth Amending Deed, pursuant to section 15B(5) of the Act.

Melbourne City Link Thirty-eighth Amending Deed, pursuant to section 15(2) of the Act.

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

Banyule Planning Scheme—Amendment C114.

- Boroondara Planning Scheme—Amendment C266.  
Cardinia Planning Scheme—Amendment C242.  
Glencelg Planning Scheme—Amendment C95.  
Greater Dandenong Planning Scheme—Amendment C218.  
Greater Geelong Planning Scheme—Amendment C389.  
Hume and Kingston Planning Schemes—GC137.  
Knox Planning Scheme—Amendment C173.  
Mitchell Planning Scheme—Amendment C128.  
Whittlesea Planning Scheme—Amendment C237.  
Yarra Ranges Planning Scheme—Amendment C166.
- Statutory Rules under the following Acts of Parliament—  
Children, Youth and Families Act 2005—No. 75.  
Parliamentary Salaries, Allowances and Superannuation Act 1968—No. 74.  
Residential Tenancies Act 1997—No. 72.  
Supreme Court Act 1986—No. 73.
- Subordinate Legislation Act 1994—Documents under section 15 in respect of Statutory Rule Nos. 70 and 73 to 75.

### Business of the house

### NOTICES OF MOTION

#### Notices given.

### NOTICES OF INTENTION TO MAKE STATEMENTS

#### Notices given.

### GENERAL BUSINESS

**Dr RATNAM** (Northern Metropolitan) (13:25): I move, by leave:

That precedence be given to the following general business items on Wednesday, 11 September 2019:

- (1) order of the day 3, second reading of the Wildlife Amendment (Protection of Birds) Bill 2019;
- (2) order of the day made this day, second reading of the Crimes Amendment (Trespass) Bill 2019;
- (3) order of the day 1, resumption of debate on the second reading of the Racial and Religious Tolerance Amendment Bill 2019;
- (4) the notice of motion given this day by Mr Quilty in relation to the Murray-Darling Basin plan;
- (5) order of the day 2, resumption of debate on the second reading of the Public Administration Amendment Bill 2019;
- (6) notice of motion 147 standing in the name of Dr Ratnam in relation to the Western Highway duplication project;
- (7) notice of motion 114 standing in the name of Mr Barton in relation to proposed amendments to the standing orders;
- (8) the notice of motion given this day by Ms Patten referring matters relating to petitions to the Procedure Committee; and
- (9) the notice of motion given this day by Ms Lovell in relation to the *Shepparton Education Plan*.

#### Motion agreed to.

**Members statements****CONTAINER DEPOSIT SCHEME**

**Mr HAYES** (Southern Metropolitan) (13:26): Victoria is one of only two Australian states that have not implemented a container deposit scheme, despite an SBS report stating that 84 per cent of Victorians support the introduction of this. The introduction of a container deposit scheme is also backed by industry experts, with Deakin University recycling expert Mr Trevor Thornton saying that:

South Australia's deposit system, introduced more than 40 years ago, had been highly successful in collecting bottles and cans. It really has brought those items out of the waste stream fairly significantly and reduced litter as well.

The South Australian Environment Protection Authority stated in 2017–18 that almost 603 million containers had been recycled through their scheme. Whilst it would not solve the Victorian recycling crisis by itself, it would play a vital role in reducing litter to landfill and ocean pollution by encouraging recycling. This government must show the community its commitment to a circular economy. Residents would support the implementation of a container deposit scheme as an urgent priority.

**VICTORIA ROAD PRIMARY SCHOOL**

**Ms SHING** (Eastern Victoria) (13:28): I am delighted to congratulate the students of Victoria Road Primary on achieving three ResourceSmart stars in a recent accreditation ceremony. These students have in fact reduced the overall resource costs by \$244 000 since participating in the ResourceSmart Schools program. Congratulations to principal Lisa Branch and to everybody else in the school community who have worked so hard to continue the momentum behind better sustainability initiatives at this wonderful school.

**WORLD SUICIDE PREVENTION DAY**

**Ms SHING**: I rise today to acknowledge World Suicide Prevention Day. As the World Health Organization notes, every 40 seconds around the world somebody will take their own life. This is something that here in Victoria we are doing so much to turn toward and to have difficult conversations about, including through a royal commission. But what I would want to do on a day like this is to acknowledge all of the grief and loss that is left behind when someone takes their own life as well as to encourage anybody who is having a tough time and who is considering self-harm or has suicidal ideation to seek help from the numerous supports and resources that are out there. It is always possible to keep going. The trick is to make sure that you have the people around you and the resources, support, care and love to give you what you need at a time of personal struggle.

**CHRISTOPHER 'CHRISTIE' JOHNSTONE**

**Mr O'DONOHUE** (Eastern Victoria) (13:29): Eighty years and one week ago the then Prime Minister, Robert Menzies, said:

Fellow Australians, it is my melancholy duty to inform you officially that, in consequence of the persistence of Germany in her invasion of Poland, Great Britain has declared war upon her, and that, as a result, Australia is also at war.

And we know the tragic consequences that flowed and the enormous loss of life that the world suffered as a result of that war.

I want to highlight the sacrifice of a now-deceased constituent, Christopher James 'Christie' Johnstone, OAM, a local of Flinders, who enlisted in the Second World War. I had the privilege of reading a book by Bill Clancy, AM, on Christie Johnstone's life and particularly his service in the Second World War. He grew up on a dairy farm in Flinders, and this is a window into the history of the Mornington Peninsula in fact. He went on to be a stretcher-bearer, serving in North Africa, particularly in the Battle of El Alamein, and in Papua New Guinea. He saved hundreds of lives in his service, including enemy combatants, and he went on to serve as secretary of the Flinders RSL for decades. I congratulate the

Flinders District Historical Society for their publication of this book and the Flinders RSL for their support of veterans on that part of the Mornington Peninsula, in particular president Tony Stafford and the executive.

### SEX WORKER FINANCIAL DISCRIMINATION

**Mr LIMBRICK** (South Eastern Metropolitan) (13:31): I rise to point out the disgraceful discrimination by some banks towards sex workers. A number of banks and financial entities refuse to provide services to anyone involved in sex work, even someone who, for example, works part-time selling adult products. There have been cases recently where sex workers have received a letter from their bank notifying them they need to look elsewhere for banking services, as their accounts will be closed. I condemn these policies, which effectively amount to corporate slut-shaming. It is amazing to think that people in the banking industry think they have any moral high ground in this regard. I am reliably informed by good people that the absolute worst hypocrites are NAB, who simultaneously claim all kinds of virtues in their human rights, diversity and inclusion policies while treating sex workers like lesser human beings. I will continue to publicly shame NAB until they change this disgraceful policy.

### DIWALI AND ANNAKUT EXHIBITION

**Ms VAGHELA** (Western Metropolitan) (13:32): Yesterday I had the pleasure of attending the inauguration of the Diwali and Annakut exhibition organised by the BAPS Swaminarayan mandir at Parliament House in Queen's Hall. This three-day exhibition is currently on display in Queen's Hall until this Thursday. The exhibition is to provide members of Parliament, staff and visitors an opportunity to broaden and deepen their understanding of the two most important Indian and Hindu festivals. These festivals are Diwali, the festival of lights, and Annakut, the festival of gratitude.

Diwali is one of the most coveted festivals in the Hindu calendar and celebrates the win of good over evil. Annakut, the mountain of food, is a testament to Hindu spirituality, where offerings of food are given to deities. Thousands of Swaminarayan mandirs and centres around the world celebrate Annakut. I congratulate and thank BAPS Swaminarayan mandir and the 19 participating associations for showing leadership in organising this significant exhibition at Parliament House.

Actual Diwali and Annakut festivals will be celebrated in October, but this exhibition is an excellent opportunity for MPs to gain knowledge about these festivals ahead of time. This will assist MPs to better engage with Indian associations and participate in the Diwali events in their own electorates in October. I would strongly encourage all my parliamentary colleagues to visit the exhibition in Queen's Hall. I look forward to attending the upcoming Diwali and Annakut celebrations in October of various Swaminarayan organisations. I am thankful to all Swaminarayan organisations in Victoria, as they do commendable community work and strengthen multiculturalism.

### DANNY 'SPUD' FRAWLEY

**Ms LOVELL** (Northern Victoria) (13:33): Yesterday Victoria and the AFL community lost one of its favourite sons. Danny 'Spud' Frawley was a legend amongst legends and a terrific bloke who made everyone around him laugh and feel special. He was a true champion of the game, having played 240 senior games for St Kilda and captained the Saints for 177 games from 1987 to 1994. He was the club's best and fairest in 1988 and was also selected for the All Australian team in that same year as well as playing 11 times for Victoria. Danny was also inducted into the St Kilda Football Club Hall of Fame and made an AFL life member. Following his career as a player, Danny went on to be an assistant coach at Collingwood and senior coach for the Richmond Football Club from 2000 to 2004, coaching the Tigers to a preliminary final in 2001.

It was during his time at Richmond that I got to know Danny, who was loved by the players, the staff and the supporters at Tigerland. He always had a smile on his face and a story to tell. One of the stories that I loved was the story of a trip to training with his mate Tony 'Pluggger' Lockett. Danny told me

that they were travelling down from Ballarat to Moorabbin and as they got to St Kilda they thought they would just pop into Luna Park for a few rides. A few rides turned into quite a few rides and they never reached training. Having rung the club to make some excuse, the pair were exposed the following day when a photo of them riding the Great Scenic Railway roller-coaster appeared in the paper. Danny went on to have a long career in the football media. He truly touched every aspect of the game and was loved by all associated with it.

My deepest condolences to his wife, Anita; his daughters, Danielle, Chelsea and Keeley; his extended family; and to all who knew and loved Spud. Vale, Danny Frawley.

### OUTSIDE THE LOCKER ROOM FOUNDATION

**Mr GRIMLEY** (Western Victoria) (13:35): I rise today to recognise the work of the Outside the Locker Room Foundation. During the last sitting week, I had the pleasure of meeting the CEO of the foundation and former AFL player, Jake Edwards. We discussed the need for affirmative action in the area of mental health and how mental health services can best support Victorians living regionally.

The Outside the Locker Room Foundation is a not-for-profit organisation dedicated to supporting sporting clubs, schools and workplaces with their welfare and education requirements across Australia. Focusing on areas such as mental health, drugs, alcohol, gambling and domestic violence, the program educates and brings awareness to these topics together through sport and open discussion. Jake and his team have visited nearly 400 sporting clubs and 200 schools to not only educate people but also promote the foundation's phone app, which provides a safe, secure and private welfare platform for individuals to access mental health support 24/7 in times of need.

The Western Australian state government has committed funding for the program to service areas of rural and regional Western Australia. Jake and his colleagues have also been in discussions with the federal government about funding, citing remarkable outcomes for those who are struggling. Whilst one foundation may not be able to resolve all of the mental health issues facing Victorians, it can definitely work towards it. I look forward to facilitating a discussion between the Minister for Mental Health and the foundation in order to secure long-term funding for the program, which helps so many.

### MANNINGHAM TABLE TENNIS CLUB

**Ms TERPSTRA** (Eastern Metropolitan) (13:37): Just a few short weeks ago, in August this year, my office was pleased to see Table Tennis Victoria CEO Ritchie Hinton at the Manningham Table Tennis Club for the unveiling of their two new wheelchair-friendly table tennis tables. The tables were acquired through the Victorian Labor government's active clubs grants. This has allowed them to introduce social table tennis opportunities for children and people with disabilities, with a focus on participation and enjoyment. Almost \$3000 was granted to the club for the purpose of purchasing these new wheelchair-friendly tables. The grant was a part of the wider \$750 000 VicHealth funding to make it easier for Victorians to get active. The club's successful application was under the category 2 funding, supporting social and modified sport for less active Victorians.

The Manningham Table Tennis Club aims to encourage greater participation in table tennis activities within the Manningham community. The club hopes to achieve this by improving and expanding the range of social, competitive and coaching programs that they currently offer. Players of all ages, experience, background and abilities are welcome at the club. In the future the club hopes to expand its activities by making table tennis more accessible to players of all abilities. I commend the Manningham Table Tennis Club for their inclusive aims and wish them every success in growing their sport.

### GEORGE DEVINE TRELOAR

**Mrs McARTHUR** (Western Victoria) (13:38): I rise today to recognise the incredible humanitarian efforts of local Ballarat soldier and philanthropist George Devine Treloar. On Sunday I attended the unveiling of a spectacular statue in Sturt Street, where a large crowd paid tribute to this local Ballarat soldier, war hero and saviour of Pontus-region displaced refugees. George Treloar was

a major in the British Coldstream Guards, serving in France during the First World War and later as a Tsarist army colonel fighting the communists in the Russian Civil War. Descendants of the hundreds of thousands of Greek refugees from Asia Minor resettled by George Treloar were present at the ceremony.

The sculpture, designed by artist Lis Johnson, depicts a life-size figure of George Treloar with a young girl, symbolising the countless refugees whom he supported. George Treloar's son, David Treloar, whose likeness to his famous father is remarkable, spoke emotionally about how much the recognition of his philanthropic father meant to the Treloar family. Mayor Samantha McIntosh detailed the extraordinary fundraising and organisational efforts by Litsa, who brought the memorial to fruition. I congratulate all involved in this worthy commemoration of George Devine Treloar, a local and international hero, especially for those refugees.

### ANGLESEA MINE REHABILITATION

**Mr MEDDICK** (Western Victoria) (13:39): On Friday, 30 August, I attended the G21 forum at the RACV resort in Torquay, along with the Premier and several members of the government, including Minister Tierney from this house. It was fantastic to once again hear the presentation of Mr David Harland, CEO of Eden Project International, who are deep into a partnership with Alcoa with a proposal to rehabilitate and turn the now-redundant Anglesea mine into an incredible interactive ecotourism experience, although that description does it little justice. The end result will be an environment that brings back all manner of native wildlife and creates a stunning example of what collaborative restoration can achieve.

I have been working for a long time now with the project behind the scenes, with the Surf Coast shire and with the various ministers and departments that are necessarily involved in such an ambitious project that will not only rehabilitate a big hole in the ground but create an estimated 300 jobs for the local community and an additional 1400 in the construction phase and ongoing supply. The community have been part of the consultation, and the overwhelming majority are right behind it. I am proud to be working with the Eden Project, and I sincerely hope that the government can work its way through the administrative hurdles and bring this extraordinary vision to reality.

### WEST GIPPSLAND VEHICLE RESTORERS CLUB

**Ms BATH** (Eastern Victoria) (13:41): I rise today to warmly congratulate the members and friends of the West Gippsland Vehicle Restorers Club (WGVRC). This is a small club with a very big heart, for over the weekend they held a car rally and fundraiser lunch and auction and they raised almost \$4500. Special congratulations to Donna and Ben Nieuwenhuys, Katie and Gareth Foster, the inimitable Gerry Marvin and his lovely wife, Sheryl, and Joe and Nola Baldachino, who did a tremendous job organising the event. Also, thank you to Ben for inviting me to be his navigator as we traversed the wonderful hills of Jindavick, Neerim South and Bona Vista.

But the key driver was who it was going to. The funds were going to Lifeline Gippsland, and we had Lisa and Alicia come in and give us a talk around the wonderful work Lifeline Gippsland does and how, importantly, every day they intervene in crisis management and support people in great need. On this day, which happens to be World Suicide Prevention Day, we thank Lifeline Gippsland, their counsellors and all the volunteers at their wonderful seven op shops for doing such an amazing job to support people who need it most. Congratulations to the WGVRC for their great work.

### POLITICIANS CLAY TARGET SHOOT

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (13:42): Last week I was pleased to participate in another successful politicians clay target shoot hosted by Field & Game Australia at Willowmavin in central Victoria. The relaxed contest between political parties was a great way to introduce recreational shooting to members of Parliament and local councillors. The competition was followed by a light lunch, which showcased game meats and local Victorian wines.

Recreational hunters have long been Victoria's original conservationists, preserving and restoring natural habitat and exhibiting skill, commitment and respect in practising sustainable game hunting. The event was a great opportunity to showcase some of those skills. It is important that members of Parliament have an understanding of traditional Australian cultural pursuits like recreational shooting and hunting, and therefore it was great to see four political parties represented at the event, with the Liberal and National parties each having teams and the Labor Party and the Liberal Democrats all attending and participating. Congratulations to Field & Game Australia on providing parliamentarians with a great opportunity to better understand the contribution that recreational shooting and hunting makes to our great state.

**The PRESIDENT:** I acknowledge in the gallery a former member of the Parliament, Mr Roger Prescott.

### CHANNEL 31

**Mr ATKINSON** (Eastern Metropolitan) (13:44): Channel 31 in Melbourne and Geelong has been a significant broadcaster of free-to-air television services for the community since the 1990s. It has done some remarkable work showcasing many of the multicultural communities, community organisations, sports groups and so forth while also providing a very valuable training vehicle for young producers, journalists and technicians associated with Channel 31.

There is a concern at this stage about the transmission licence for Channel 31 going forward, due to the federal government looking at broadband width and new technology. The spectrum that is available for that broadband width is not yet adequate to actually implement the government's policy or ambition in respect of moving broadcasters to the digital space, and Channel 31 is caught in the middle because it needs to have its transmission licence extended beyond June 2020, which is when it will expire at this point. In Victoria's interests I am hoping to see that the minister actually supports that extension of the transmission licence because of the vital role that it plays, particularly for multicultural communities.

### CHANNEL 31

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (13:45): I want to endorse that last matter raised, because it is a very important part of our multicultural community, and to see that Channel 31 is protected.

### NORTH EAST LINK

**Mr DAVIS:** The point I want to make today relates to the submission by the cities of Boroondara, Whitehorse and Banyule and their leading expert on freeway design, Andrew O'Brien. He has stated in evidence to the environment effects process on the North East Link Project a number of key points. He said:

Without the East West Link, the North East Link would not be able to achieve the slated benefits.

He said it will result, if there is no east–west link, in 'chronic queueing' at Hoddle Street also worsening. He said:

One of the underlying assumptions not stated in the Environmental Effects Statement documentation is that the Hoddle Street queues are mitigated by another major infrastructure project ... the East West Link.

The community understands that Daniel Andrews tore up the contract, squandered \$1.3 billion and has repeatedly refused to take \$4 billion from the federal government to build this road. In fact it would be built now if he had just let that process go on—the construction that had begun. Now, bizarrely, he wants to heritage list part of the end of the Eastern Freeway. Blind Freddy can see that a huge North East Link Project will funnel massive traffic to the end of the Eastern Freeway, and the need for the east–west link will grow. The government needs to get over itself. It needs to take a step back. It needs to recognise that it has got this seriously wrong—*(Time expired)*

**GLOBAL CLIMATE STRIKE**

**Dr RATNAM** (Northern Metropolitan) (13:47): The courageous young people who are bringing the world together on 20 September for the Global Climate Strike want three things: one, no new coal, oil and gas projects, including the Adani mine; two, 100 per cent renewable energy generation and exports by 2030; three, fund a just transition and job creation for fossil fuel industry workers and communities. These young people are pleading with us to protect the earth that they will inherit, because the world looks set to be trashed by the current generation in charge, including many of those sitting in this chamber today. Queensland is reeling from catastrophic fires that have begun in spring, burning through rainforest. Hurricanes have ripped through Central America, and the world is starting to join the dots. These weather extremes were predicted by climate scientists over a decade ago. They warned us that if we did not bring down carbon emissions this is the future we would face.

These young people are right to strike. They want to mobilise like we have never seen before because their futures and their lives are at stake. Imagine facing a world of rising temperatures that will affect all life, where rising sea levels will wipe out whole island countries, where mass extinction events will risk over a million species of plant and animal life, where cities will become unlivable heat islands. Imagine knowing that the adults in charge did nothing to stop this. Imagine knowing instead that those same adults pandered to the fossil fuel lobby and their corporate mates as they shouted down the young people who dared to care. Step into their shoes for a minute and you will get it. All power to you, climate strikers. You are our hope and our future, and I will see you next Friday.

**Business of the house****NOTICES OF MOTION**

**Ms STITT** (Western Metropolitan) (13:49): I move:

That the consideration of notices of motion, government business, 127 to 141, be postponed until later this day.

**Motion agreed to.**

**Bills****CHILDREN LEGISLATION AMENDMENT BILL 2019***Second reading***Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

**Mr O'DONOHUE** (Eastern Victoria) (13:49): I am pleased to rise on behalf of the opposition and indicate, as we did in the Legislative Assembly, that the opposition will support the Children Legislation Amendment Bill 2019. This is indeed a very important piece of legislation, an omnibus piece of legislation that does a number of things, as it says in the bill, with the principal objective of protecting children and improving child protection and justice outcomes for child abuse victims.

Before I get to the bill itself in detail or go through the components that make up, as I say, what is an omnibus bill, I just want to talk briefly about a book I recently read called *Blood on the Rosary* by Sue Smethurst and Margaret Harrod. I read the book initially after seeing some reviews of it and because I know Sue Smethurst as a constituent, a resident of Gippsland and someone who is involved in the tourism industry and has a long connection with Gippsland. I have known Sue now for some time. The book is a remarkable account of a most courageous, strong and persistent woman, Margaret Harrod, who was a nun for a period and whose brother was a Salesian priest, and the horrific experiences that she suffered and the courage she had to call out the child sex abuse committed by her brother—her twin brother. One can only imagine the courage that took.

Her book describes her situation but a situation that tragically we have heard of on so many other occasions, not just from the church but from a range of religious organisations and a range of non-religious organisations, about how abuse, once identified or brought to the attention of senior officials, was either dismissed or dealt with in a cursory way. The pattern of behaviour that led to the serious offending was not addressed and the perpetrator was able, after a period, to continue committing these horrific crimes.

I want to pay tribute to Ms Harrod, who I do not know, for her courage and for telling her story, which I know has cost her, as she describes, personally, with family relationships and the like. She describes in her book how the turning point for her came in 2004 when a former student alleged that he had been sexually assaulted by her brother in 1993. As I say, the book goes on to detail the challenges that she encountered in trying to get the church to confront these allegations and to put a stop to that offending.

It is so tragic and so wrong that with an institution such as the Catholic Church, which has done so much good in so many different ways—you just have to look literally a few hundred metres up the road from here to the amazing St Vincent's Hospital to see an example of the remarkable good that the church has done in the community for so long—it has taken stories like this, stories such as those told at the Royal Commission into Institutional Responses to Child Sexual Abuse and indeed stories told through the Betrayal of Trust inquiry that this Parliament commissioned to really get to the bottom of the horrific offending that was taking place, that was not addressed and that led to so much pain and suffering. One would say that if the institutions where this abuse took place had actually confronted it, so many lives would have been saved, so much grief and pain and trauma would not have taken place. Again, I just want to congratulate Sue Smethurst and particularly Margaret Harrod for this remarkable book, which I think gives a very tragic example of one of the reasons we are here today debating this legislation.

Also by way of introduction I want to reflect on the Betrayal of Trust inquiry and the work it did. When Premier Baillieu tasked a parliamentary committee to undertake that investigation there was scepticism, including from the now Premier, Daniel Andrews, about the capacity of a parliamentary committee to conduct such an enormous task and such an important task. But I think what that inquiry—chaired by Ms Crozier of this place with the deputy chair, Mr McGuire, the member for Broadmeadows in the other place—demonstrated is that the Parliament has, when it works across party lines and in the interests of the community, almost a unique capacity to get to the bottom of issues with the powers it has and also the authority that it commands when working in a bipartisan or multipartisan way. It is now a historical fact that the Betrayal of Trust inquiry led to significant legislative change—started by the Napthine government and then continued by the Andrews government—to better protect children and to address the horrific offending that had taken place in far too many places. We know that following the Betrayal of Trust inquiry the royal commission was called, and that as well has led to some changes. Indeed some of the recommendations from the royal commission are relevant to the bill today.

With that introduction, let me move to the bill itself. The purpose of the bill is to improve child protection and justice outcomes for child abuse victims by requiring persons in religious ministries to make mandatory reports of child abuse and harm, removing the religious professional privilege exemption in court proceedings relating to child abuse or the failure to make a mandatory report, limiting the right of serious offenders and alleged serious offenders to appeal to VCAT for a working with children check and amending the statute of limitations for historical child abuse judgements and settlements as well as some other matters.

The bill amends section 182 of the Children, Youth and Families Act 2005 to require persons in religious ministry through the course of their work to make mandatory reports to the Secretary of the Department of Health and Human Services if they believe a child needs protection from abuse or harm. These changes are consistent with the Betrayal of Trust inquiry and the recommendations of the Royal

Commission into Institutional Responses to Child Sexual Abuse 2017. Indeed recommendation 7.1 of the royal commission is:

State and territory governments that do not have a mandatory reporter guide should introduce one and require its use by mandatory reporters.

Recommendation 7.2 is:

Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice ...

Recommendations 7.3 and 7.4 go on to also talk about the mandatory reporting recommendations. The change will bring religious ministries in Victoria into the same reporting requirements as other professionals who deal with children, including teachers, doctors, nurses and police, and it will bring Victoria in line with South Australia and the Northern Territory, where religious ministers are already mandatory reporters. I note that Tasmania and Western Australia have flagged legislative change in this space as well.

The bill will amend the Crimes Act 1958, the Evidence Act 2008 and the Children, Youth and Families Act to provide that the exemption for religious confessions will no longer apply for the failure to disclose an offence, whereby adults must report information about sexual abuse of a child under 16 to police. The religious confession privilege will no longer apply in proceedings relating to failure to make a mandatory report or disclose information relating to a sexual offence involving children, and mandatory reporters are not exempt from reporting requirements under the religious confession privilege. It is worth noting, on the confessional seal or the religious confession privilege, that that mandatory reporting will only apply to child sex offences and the privilege will continue to apply in respect of all other offenders, so it is a very narrow class of offending which requires that mandatory reporting. Changes to the application of the religious confession privilege, as I said, were considered in the Betrayal of Trust inquiry and the royal commission.

There have been some concerns. As I said, the opposition supports the bill, but I just want to run through some of the areas of concern that have been raised with my colleague Mr Wakeling in the other place and me and other members of the opposition. Some say that the change to religious confession privilege will force people in religious ministries to break the seal of confession in regard to a proceeding brought before the courts and that this is an attack on religious freedom.

Archbishop Comensoli, the Archbishop of Melbourne, has spoken at length about this both on Melbourne radio and in an opinion piece in the *Melbourne Catholic* magazine, where he outlines the concerns that he has about this legislation. I will quote from his piece dated 17 August, and I note, notwithstanding his concern about this legislation, his preparedness to acknowledge the issues that lead us to have this debate today and have this bill before us. He said:

It grieves me daily to know that young, and now adult lives, have been devastated and destroyed through multiple failures by the Catholic Church. We failed to hear, to believe, and to act on credible information regarding child sexual abuse. There is no stepping aside from this fact ...

That very frank and up-front statement, I hope, reflects the changes that the church has made and the steps it has taken to protect young people going forward. That is a concern that has been raised by the archbishop.

I also note that several other religious leaders actually support these changes. Father Kevin Dillon would be well-known to many Melbourne and Geelong residents for his previous regular opinion pieces in the *Geelong Advertiser*, his appearances from time to time on 3AW and other media, his preparedness to speak openly about these issues and his support for this change. I also note that the moderator of the Uniting Church synod of Victoria and Tasmania has spoken out in support of making it mandatory for ministers of religion to report child abuse. That was reported in the publication

*Crosslight* from the Uniting Church. I think it is worth noting that opposition to these provisions is not universal from faith leaders and that indeed many faith leaders support them.

I think it is worth noting for the record that the Catholic community were advised that they would be given a chance to look at the legislation before it was tabled and that that did not actually occur—the bill was presented to the other place and the Catholic community were not given the opportunity to have input into it or consultation on it prior to it entering this place.

It has been put to me by some members of the Victorian Bar that elements of the bill may be unconstitutional, but I am yet to see any evidence to support that assertion. I note that, as I said, provisions such as these have been implemented in other Australian jurisdictions.

Moving on from that issue, I wish to now talk about the working with children check changes that the bill contemplates. There have been some very concerning examples of category 1 offenders—that is, sex offenders, murderers, the most serious offenders—making applications to VCAT on appeal to have decisions reviewed where they have not been provided with working with children checks, which obviously are a prerequisite for a whole range of volunteer and work activities that involve working with children. The *Herald Sun* on 14 August gave some examples of these category 1 offenders who have been given working with children checks. They refer to:

**A PAEDOPHILE** who met his 13-year-old victim while working as a clown at a childcare centre ... was granted a permit to allow him to work in patient transport;

**A MAN** training in the disability care sector who molested a 14-year-old boy in a toilet;

**A FOOTY** umpire with a history of sex offending ... whose appeal was supported ...

**A JUNIOR** basketball coach who raped a woman outside a nightclub in a random attack.

This bill seeks to remove that appeal right to VCAT for category 1 offenders. It is something which the Liberal-Nationals support very strongly. Indeed last August—on 13 August 2018—Matthew Guy and John Pesutto, the then Leader of the Opposition and the then shadow Attorney-General, released a policy to do just that. I quote from the media release of that day, which says:

**A MATTHEW Guy Government** will strengthen the law to stop dangerous sex offenders from obtaining Working with Children Checks (WWCCs).

Currently, a loophole exists that has allowed violent sex offenders to obtain a WWCC.

The Liberal Nationals believe this poses an unacceptable risk to the safety of our children and must be fixed.

So we welcome this change. I do note, however, that support for this is not universal. The Victorian Bar has expressed its opposition to this element of the bill. I quote from the president of the Victorian Bar, Dr Matthew Collins, AM, QC, who wrote to me on 28 August following my request for feedback on the bill. He said:

In the Bar's view, the proposed amendments to the *Working with Children Act 2005*, in particular those that seek to restrict appeal rights, are objectionable.

The experience of the Bar is that the current system operates effectively. It allows for each applicant to be considered and scrutinised on a case by case basis, and a careful examination of the diversity of individual circumstances and the variety of instances that may arise to take place. As a result, in appropriate cases, the working with children check ... may be granted, upon review, without compromising the safety of children.

Dr Collins went on to provide some VCAT examples of where appeals have been granted. So whilst the opposition respectfully disagrees with the Victorian Bar on that point, I perhaps note the concern they are making about administrative decisions and the opportunity for review. It is something as a principle that we support, but in this narrow set of circumstances that the bill contemplates we believe that principle should be overridden.

The bill also proposes to set aside deeds of settlement in certain circumstances. The amendments cast aside compensation agreements, including deeds of release, whilst setting a very serious precedent in terms of overriding case law, including contract law and longstanding legal convention. But again the

circumstances in which these amendments come about is often where victims of very serious abuse have signed deeds of settlement that waive their rights for future compensation, often without legal advice, often in a state where they do not fully appreciate their rights and where perhaps they are traumatised by the abuse they have suffered and they have, in very many circumstances, settled for very small, modest monetary compensation or indeed for as little as some counselling services— noting the enormous impact of the types of abuse that people have suffered can often lead to dramatic loss of income, long-term impacts on their lives and significant costs with regard to ongoing health expenses and the like. So we believe it is appropriate that in this circumstance the provisions in the bill include setting aside previous deeds. However, I do note the concern expressed by the Law Institute of Victoria, and I flagged with the minister earlier that I will ask some questions about this issue in committee.

This bill mirrors legislation in Queensland and Western Australia that has established a just and reasonable test for a court in determining whether to set aside a previous deed of release or settlement. The words ‘just and reasonable’ are indeed very vague and open-ended, and sometimes it is appropriate for the Parliament to give the courts that sort of discretion and ability to interpret cases on a case-by-case basis. That sort of general discretion is a good thing. However, given that the class of people we are talking about here are victims of historical abuse who have probably been through extensive processes already to achieve modest monetary settlements, it would appear to me that there is benefit in a more precise and clearer meaning to limit the prospect of future litigation and long-running disputes about exactly what ‘just and reasonable’ means in a very complex set of fact circumstances.

The law institute’s president, Stuart Webb, said, again in correspondence to me in response to my request for their input on the bill:

Two decisions allude to the need for clarification of “*just and reasonable*” as a requirement for the court’s exercise of discretion: “TRG” and “JAS”, under Queensland legislation and Western Australian legislation respectively. Common to both acts are the words “*just and reasonable*”; yet in neither act are the words defined nor are criteria listed which a judge would be required to take into account.

In ‘TRG’, the Judge read down the provision and ‘purpose’ of the legislation, in deciding that the deed should not be set aside. This decision potentially makes any like provision unworkable in all but the most extreme cases ... where arguably deeds could already be set aside at common law without the necessity of specific legislation.

The Court found that the limitation period did not play a specific role in the applicant’s settlement ...

It is concerning that no doubt there will be victims of abuse who are looking to the passage of this legislation as an opportunity to receive appropriate compensation, but that I think may well be a matter for a court at another time in applying a test for what is just and reasonable.

I want to thank members of the law institute who sat down with me a month or so ago, those who act for applicants and respondents in these matters. There were many common themes out of that meeting. One of those was clarity and certainty, both for the institutions that will need to find resources as a result of these changes and, more importantly, for applicants, many of whom are now aged and are looking for a speedy resolution to these issues. The term ‘just and reasonable’ may unfortunately not give that speedy resolution.

I also just wish to flag that there is correspondence I have received concerning what the bill will do for victims who had signed deeds between 2015 and 2018. I have received representations from some lawyers who practise in this area and are concerned about people who within that time period may have signed up for modest amounts of compensation but will not be able to have their deeds set aside as a result of the passage of this legislation. So that is perhaps something that I will explore with the minister during the committee stage as well. As I say, I have received representations about this from practitioners as late as this morning.

The bill also does some other things. In the few minutes I have left—the bill extends the capacity of Aboriginal organisations that deal with children to include in family groupings non-Aboriginal children, and again I have some questions about the oversight of those organisations which I will ask the minister in committee.

In summary, as I say, the opposition supports this legislation. There are very important issues being addressed in this bill. Whilst we respect those who have issues with it or who are opposed to it or elements of it, ultimately for us the protection of children is the top priority, and when there is a choice to be made, the choice for us will be on the side of legislating to increase protections for children in Victoria. That particularly must be the case in light of some of the examples that the community is well aware of and indeed that I have become recently aware of as a result of, as I mentioned, the courage of Margaret Harrod and Sue Smethurst in telling Ms Harrod's remarkable personal story and her courage in confronting her twin brother. With those words the opposition wishes the bill a speedy passage.

**Ms TERPSTRA** (Eastern Metropolitan) (14:18): I rise to make a contribution today in regard to the Children Legislation Amendment Bill 2019, and I might just commence my contribution by saying that I am pleased to hear that the opposition is supporting this bill, because there can be no more important issue to show bipartisanship on than child protection. These changes are critically important to ensuring that we strengthen our child protection laws here in Victoria. In terms of what this bill will do, it will require people in religious ministry to join other mandatory reporters such as police officers, registered medical practitioners, registered teachers, school principals, out-of-home carers and psychologists to report a reasonable belief of child physical or sexual abuse to child protection authorities without exemption for religious confessions. Those provisions are contained in the Children, Youth and Families Act 2005. It will remove a current religious confessions exemption from the offence of failure to disclose sexual abuse of a child under 16 to police, which is currently contained in the Crimes Act 1958, and it will also allow a court to set aside past judgements and previously settled causes of action relating to child abuse which concluded after a limitation period had expired where it is just and reasonable to do so. That is contained in the Limitation of Actions Act 1958. I will return to that last point a bit later on in this contribution.

It is obvious to all of us that child abuse is unacceptable, and child safety is everybody's responsibility. We want all organisations to have child safety at the forefront of their thinking, and we want to embed that thinking in their organisational culture. Victoria already has legislation and schemes in place which strengthen the protection of children, and these include the child-safe standards and the reportable conduct scheme. Religious organisations are already expected to comply with both of those. But the changes we are bringing to the Parliament today in the Children Legislation Amendment Bill 2019 not only acquit a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse but also are the logical next step to further strengthen the protection of Victorian children, our most vulnerable Victorians, and it is important that these changes occur.

This bill adds people in religious ministry as mandatory reporters in line with the recommendations of the royal commission, as I said. There is clear evidence that some people in religious ministries have been in a position to take action to protect children and have failed to do so. This is about requiring churches to step up and protect children. Religious leaders will join a long list of mandatory reporters, as I spoke about earlier, and this means there will be a requirement for people in religious ministries to report a reasonable belief of child physical or sexual abuse. What is most important is to shift attitudes, and protecting children must come first.

The bill introduces a legal requirement that people in religious ministry report that belief regarding the physical or sexual abuse of children to child protection, and everyone is expected to comply with the law. No-one is above the law. We know that mandatory reporters can sometimes feel uncertain about their obligations, but we will provide information and implementation support to religious and faith-based groups to assist their understanding of and to support their compliance with the legislation.

Currently when someone makes a disclosure during confession about child sexual and physical abuse the church is not mandated to report it, and there is no penalty and no consequences for failing to disclose it. That is going to change with this legislation. We will be removing that special treatment given to churches. Any adult with information that leads them to form a reasonable belief that another adult has committed a sexual offence against a child under 16 years of age must disclose that information to police as soon as it is practicable to do so. It is already the law for all Victorians. We are just removing the exemption that exists for confessionals, because the protection of children must come first.

There is a maximum penalty of three years imprisonment which will apply to this offence of failure to report, and eight people have been charged with this offence since it commenced in October 2014. We know that this has to happen and that there has been too great a cost to our children, our youngest and most vulnerable Victorians. They need our protection, and that starts now. There has been too much pain and tragedy, dreams shattered, families and relationships torn apart, trauma—and sometimes intergenerational trauma—and lives lost. It cannot continue, and the introduction of these changes to the law will give greater strength to protecting our youngest Victorians.

The second point I mentioned in my introduction was about changes to the Evidence Act 2008. This will close off any loopholes by amending the Evidence Act 2008 as well so that religious confession privilege will not apply in court proceedings for failure to disclose an offence under the Crimes Act 1958 or the offence of failure to make a mandatory report under the Children, Youth and Families Act 2005. That means that a religious minister accused of either offence will not be able to refuse to give evidence by claiming the religious confessions privilege. However, religious ministers accused of any offence will still be able to rely on the privilege against self-incrimination, and the religious confessions privilege will still apply to offences other than the failure to disclose and failure to report offences.

I will come back again to the issue of deeds of release a bit later. I will just talk for the moment about the consultation steps that the state government has taken in regard to consulting religious ministries about the content of this amendment bill. The primary amendments in this bill are clear. There were election commitments and recommendations from the royal commission, so there are no surprises there. I am also aware that the Attorney-General and the Premier have had conversations, and there is also a standing invitation from the Minister for Child Protection to meet. In terms of the exposure draft bill, if more information is required about that, religious ministries could go to the existing legislation on mandatory reporting and they will see their group added to the list in the Children, Youth and Families Act alongside others mentioned above, so it is simply adding an additional group to the list that already appears in the act. For the removal of religious confessions they will simply see the exemption removed from the Crimes Act for the failure to disclose offence, and the other respective acts will remain the same. Religious organisations have had ample opportunity to contribute to the royal commission; the royal commission did indeed present an extensive consultation process. In addition to this, there has been extensive public debate on these issues. The wide canvassing of this bill and views over recent years has informed the preparation of this bill.

Just before I go on to talk about some of the other technical amendments in regard to this bill, just in regard to the deeds of release provision, the bill fulfils the government's public commitment to remove barriers to civil litigation faced by survivors of institutional child sex abuse. Just by way of background, the key point in regard to this is that it will abolish time limits for child abuse actions. The unjust product of those time limits was survivors accepting inadequate settlements and releasing the institution from future liability by signing deeds of release. In 2015 Victoria became the first jurisdiction in Australia to completely remove the statute of limitations for civil claims founded on child abuse through amendments to the Limitation of Actions Act 1958 of Victoria. Before this reform, time limitations were one of the major barriers faced by victims of child abuse who wished to pursue litigation. However, this reform did not deal with the unjust product of the previous time limits, as I said, which led to survivors accepting inadequate settlements.

Many survivors who released institutions from future liability by signing a deed of release had participated in an institution's internal redress scheme. The three largest schemes operated in Victoria were the Catholic Church's Towards Healing scheme, the Archdiocese of Melbourne's Melbourne Response and the Salvation Army's internal redress process. The *Betrayal of Trust* report found that survivors were often not provided with appropriate legal advice before signing a deed of release with religious organisations. The royal commission identified systemic issues in all of these schemes, including a lack of independence of the scheme from the institution, which meant the scheme risked becoming a vehicle to protect the institution from litigation; inconsistently applied criteria for validating claims; inconsistently applied criteria for determining redress amounts and insufficient payments that were well below what a civil claimant could expect if they were successful; insufficiently sincere apologies and involvement of senior officials; the crossing over of investigation and determination roles within those processes; inconsistent and often insufficient encouragement of legal advice and advice about other avenues for redress; and insufficient disciplinary action against the accused abuser. So you can see why these reforms are indeed necessary and critical to ensure that appropriate redress and the protection of children are paramount.

The additional changes brought into effect by this amendment bill, as Mr O'Donohue touched on in his contribution, include the working with children check amendments. The Working with Children Act 2005 will be amended to prevent people charged with and convicted or found guilty of the most serious of offences—which will be called category A offences for the purposes of the act and will include murder and attempted murder, rape and attempted rape, sexual offences committed by an adult against a child, child abuse material offences committed by an adult and bestiality, which is being inserted by this bill—from applying for a working with children check. The royal commission found that a person convicted of certain serious offences will always pose an unacceptable risk to children, and we agree.

I might just perhaps leave my contribution there and leave going through some of the other matters in regard to immunisation, perhaps, for following speakers. But I might just touch on one final point in the remaining time that I have. In terms of Aboriginal children in Aboriginal care, this makes it possible for siblings to be managed together where it is in their best interests to be managed together and the Aboriginal organisation agrees. The bill makes it possible for siblings, where one is Aboriginal and the other is not, to be part of the Aboriginal Children in Aboriginal Care program, ensuring better cultural and emotional outcomes for siblings in care, and there is a simple tidying up of the legislation to match the intent of the legislation there.

As you can see, the amendment bill that is being proposed today for passage through this house has been well thought out. There has been very ample and detailed consultation on the issues that are contained in this amendment bill. It is important to ensure that the protection of our youngest and most vulnerable Victorians, children, is at the forefront of everyone's minds. It is important that we ensure that through these changes child protection does indeed come first, and we need to make sure that various institutions also understand that child protection does come first and is not negotiable and that nobody is above the law. I commend the bill to the house.

**Mr BOURMAN** (Eastern Victoria) (14:32): It gives me no pleasure to stand here today—that we actually need to do something like this. I would have thought it would be second nature. We absolutely need to protect the children. I have been fairly lucky in my life in that up until fairly late in my life I did not know such evil existed. That was when I started in the police force and got to see it up close and personal. But unfortunately with that knowledge you notice other things in life; some things have happened over the term of my life that have been uncomfortably close. Either way, this issue goes to all sorts of organisations, and everyone should report anything that they suspect on reasonable grounds. There is no use in making vexatious complaints.

Obviously I am going to support this bill, but when this bill came up I was asked by a friend of mine, who I shall refer to as KH, to tell his story. Originally I was going to name the perpetrator, but I am

not going to because I do not want their name to be on the record, but it will not be hard for those that know to figure this out. KH was abused by someone from 1972 onwards at the Holy Spirit church in East Thornbury. He is now getting towards his late 50s. I have known this KH for quite a while now, from before politics, and he is the epitome of a great bloke. You would never guess what he has to deal with, and as part of telling his story I will go through some of it.

He is really good. He is helpful. He is—and now I know why—aggressively protective of children. He is so involved in community activities that he is everywhere; he is one of those people in his community who is everywhere. He has even donated part of his body to a complete stranger just to help them out. He is that kind of guy. He never reported what happened to him, much to his regret, because at the time he was afraid that he would not be believed and that it would cause more trouble than it was worth. His regret now is obvious, but it has shaped his life, and I think it is only part of his life. It is not who he is; it is just part of who he is.

KH had a vasectomy at 31, which is a strange thing to say but he did that because he could not trust society with his children. He could not trust in his mind that, because he could not spend every day with his children, they would not be abused. His family line will stop with him because of this, and that is a conscious decision. He is what you call a survivor; he is not a victim. It is not an issue that has created this; it is a conscious thought. It is one of those things he has been paying for. He put it to me—I am writing this; these are my words and his words—that that act might have happened in the 1970s but it happens every single night. Every single night he relives it. He will never get closure. With those survivors, this is part of what they are doomed to, and this is why I have my own personal reasons for hating paedophiles and people that support them and cover for them.

You think about these people—these people are evil predators and do not conform to our rules. No matter what we do, they will keep on doing this unless we find them, unless we put them away. That is part of what people believe is for us to do. That is why we have parliaments. That is why we have police forces. I do not care if we have to build another jail to house them all; it is the cost of doing business as far as I am concerned. We need these people removed.

Recently there was someone who had 56 conditions upon being paroled for murder. Fifty-six conditions and they never told anyone where the body is. This is unacceptable. I always carry on about needing a judicial review, but we need to think about who we are protecting. I really do not care about violent criminals. I certainly do not care about sex criminals. I am trying not to be too graphic in saying what I would like to do to them; let us say they would not enjoy it but that it would be too good to them, because the things they do to people last for a lifetime. It is not just the churches, even though that is a part of what this bill deals with; there are other organisations that have this issue. KH was part of one of them, and I am not going to name it. Until organisations start actively fighting these people, they will always be there. There should be no leeway and no mercy with these people because they show none to their victims. I think this is long overdue.

As I said, I am a little bit disturbed that it took a bit of legislation to do this. We have to protect our children. They are our future. The fact that this abuse went unreported goes to show that there are a lot more people that really would obviously like to change the past. They cannot, but we need to be able to change the future, and that is why I support this bill.

**Ms CROZIER** (Southern Metropolitan) (14:37): I am very pleased to be able to rise this afternoon and speak to the Children Legislation Amendment Bill 2019. I have just been listening to Mr Bourman's account here in the chamber, and I note that there are many people in the gallery here this afternoon who I had the great privilege of hearing from when I chaired the child abuse inquiry here in Victoria.

I want to refer to that inquiry because those people that are in the gallery here this afternoon, along with hundreds of others, were so incredibly brave in telling their stories, sometimes for the very first time. I am incredibly proud of what this Parliament did because it was the first time that an inquiry of

such significance had been undertaken and with such depth, before the Royal Commission into Institutional Responses to Child Sexual Abuse of course that was then conducted following the initiation of our inquiry. I want to just put that into context because I think it is important for those members of the chamber who were not in the previous few parliaments to understand that work. It was incredibly significant, and the people in the gallery here, as I said, were just incredibly brave in their accounts.

It was the former Baillieu government that initiated the inquiry which I had the privilege to chair in 2012. The committee had 578 submissions provided to the inquiry and held 162 hearings and 56 private hearings. We held sessions here in Melbourne and around the state, gathering evidence for what then became an enormous issue for our community, an enormous understanding of the issue by our community. From there we were able to undertake the significant work that I spoke of.

When I had the privilege of tabling the report in this very chamber in 2013—all those years ago; six years ago—there was a packed gallery that had come in to hear the findings of the inquiry. It was extraordinary to see how far we had come, and how far we have needed to come over the following six years or so. At that time I said:

Our recommendations are intended to provide an umbrella of protections from the consequences of the heinous crime of child abuse that people in positions of authority have facilitated either through their actions or their inaction. While we acknowledge we cannot repair the irreparable damage that has beset so many, our recommendations are designed to create an easier path for victims in their pursuit of justice.

In essence, the recommendations that we provided were not huge in number but were very extensive in what we were trying to achieve, giving a suite of recommendations that covered five areas around reforming the criminal law; failing to report to police or concealing knowledge of suspected criminal abuse of children; making it a criminal offence for people in authority to knowingly put a child at risk; and making it a separate offence to groom a child, their parents or others. That was really one of the areas around the criminal law that we were looking at.

We looked at this very issue that we are debating today; it was not as if we did not look at that issue. In our report—and you can see that I have a few pieces of paper sticking out from my copy of the report, because I have referred to it over subsequent years when we have debated various pieces of legislation—when we were talking about the confessional, we made it known that:

There is no superior canon law which binds the community or justifies non-compliance with the civil or criminal law by anyone.

So we made that very point—that it was absolutely the responsibility of people in authority to do the right thing, to report when this horrendous abuse occurs. The Evidence Act 2008, which we refer to in our report, talks about religious confessions. Section 127(1) states:

A person who is or was a member of the clergy of any church or religious denomination is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession made, to the person when a member of the clergy.

Subsection (2) states:

Subsection (1) does not apply if the communication involved in the religious confession was made for a criminal purpose.

So we did look at the Evidence Act, we did look at the confessional issue and we made those umbrella recommendations. I am very pleased, as Mr O'Donohue so eloquently laid out in his contribution, that we are speaking about this particular legislation today and about the action of the Napthine government, that instigated the laws. Within one month we had grooming laws introduced into the Parliament to deal with one of the criminal elements that I spoke of earlier.

This was an enormous issue for some people. People spoke to us about the seal of the confessional and raised their concerns about that. I am pleased that we have this bill before us to provide clarification

to anyone in doubt. As I said, no-one is above the law—not anyone. Not a politician, not a priest, not a union official—no-one—and it is incredibly important that everybody remembers that.

Ms Terpstra said there was extensive consultation undertaken for the drafting of this bill, but Mr O'Donohue made the point that the very people who this bill affects do not believe that they received the appropriate consultation they deserved. I would like to put that on record and say how disappointing again it is that the government fails to consult with the people its legislation will affect.

In saying that, there is absolutely no excuse for anyone to conceal the abuse of so many children. At the time when we were doing this inquiry it was very disappointing that the then Leader of the Opposition, Daniel Andrews, and the now minister, Ms Mikakos, never embraced our inquiry or its recommendations. They never publicly went out and said they would support the recommendations, but they are very quick to grab all the success now. So I think it is important to note the work of the committee—

*Members interjecting.*

**Ms CROZIER:** Well, I can tell you about playing politics, Ms Stitt, when the then deputy chair did not support it and went out and talked to the press the whole time and bagged what we were doing.

Can I say again that this is a very important piece of legislation that we are discussing today, as was the inquiry we conducted in 2012 and 2013. As I said, the lack of support at the time was disappointing. Nevertheless we are here to talk about this bill. The work that the committee did and the Parliament did set up the federal royal commission, The commission then took a lot of our work—and I am very pleased that they acknowledged the work of the committee—used our findings and recommendations and built on the work we had done. I think that is an important component to remind people of, because this inquiry quite often gets lost when people are talking about the royal commission. I can say that I doubt very much whether the royal commission would have taken place if this body of work had not gone ahead.

As Mr O'Donohue highlighted in relation to other areas around the intent of this bill, it also limits the ability of rejected working with children check applications to be heard at VCAT. It limits the right of appeal in that process. There are also the mandatory reporting components. The bill amends the Children, Youth and Families Act 2005 to require people within religious ministries to make mandatory reports.

I go back to the time lines. It does not feel like six years ago that I tabled the report, but it is six years, and it has taken this long to get to this point. Whilst the work of the royal commission was important—and I do understand that the government would have needed to see some of those findings from the royal commission to see how states and territories could work with their recommendations in relation to how state-based or territory-based laws would also apply—I think it is important that we have those mandatory reporting requirements as well to ensure that, as has been said by other members, some of the most vulnerable members of our community—children—are protected in any way they can be and that the people around them have faith in terms of understanding that they are going to be protected. Although we cannot always 100 per cent guarantee that they will not be at risk, at least we can put in these very strong laws around what is required to ensure that we protect them as far as possible.

As I said, I was very pleased to be able to undertake that work during the course of the Baillieu and Napthine governments, and I am very proud of that work. I think it is a great legacy of this state as to what we have done. I want to again acknowledge the hundreds of people, and especially those people in the gallery today, for sharing their stories with our committee and for just highlighting to the broader community the extent of what went on and acknowledge the enormous toll it has taken on you, your families and others. I want to lend my support to this bill and commend the bill to the house.

**Mr GEPP** (Northern Victoria) (14:50): I rise to make my contribution on the Children Legislation Amendment Bill 2019 and in doing so state that I will be supporting this bill. As has been mentioned by many of the other speakers, the bill has four main components to it. Firstly, it requires those within religious ministries to make mandatory reports of child abuse and harm, it removes the exemption for the confessional seal to mandatory reporting requirements, it strengthens our working with children checks through limiting VCAT appeal rights for serious and alleged serious offenders and it removes civil litigation barriers that confront survivors of institutional child abuse for unjust and inadequate judgements and settlements.

I want to, from the outset if I can, note that there has been some public comment, as has been referred to by previous speakers, from the Most Reverend Peter Comensoli, the Archbishop of Melbourne, about a perceived lack of consultation with the Catholic Church on the detail of this legislation. Notwithstanding that this claim is absolutely refuted by the government, surely none of what this Parliament is debating today can be of surprise to anybody. I suspect the real issue the church is having with this legislation is not whether it was consulted about it or not but the fact that it exists at all. To provide some context to this, on 26 August I received a four-page letter from church representatives, in my capacity as the chair of the Scrutiny of Acts and Regulations Committee, on this legislation. That correspondence acknowledged that it was focusing solely on the provisions of the bill which remove the reporting exemptions for religious confessions. In that letter there was one statement that really grabbed my attention, and I quote:

We wish to emphasise that the safety of children is and remains of paramount importance to us.

I found the use of the word ‘paramount’ interesting because, as we all know, it means to place something before anything else or, if you like, to give something primacy above all else. But the remainder of that letter then sought to unpick all aspects of this bill and how it would impact the human rights of others, such as a diminished right to freedom of religion. The letter then went on to claim that the bill would have no impact on the safety of children or, and I quote, ‘will actually make children less safe’. The letter was co-signed by a number of senior people of the church, including the Most Reverend Peter Comensoli, Archbishop of Melbourne; the Most Reverend Paul Bird, Bishop of Ballarat; the Most Reverend Patrick O’Regan, Bishop of Sale; the Most Reverend Leslie Tomlinson, apostolic administrator, diocese of Sandhurst; and the Very Reverend Associate Professor Shane Mackinlay, Bishop-elect of Sandhurst. This letter suggests to me that the Catholic Church still has a very long way to go in meeting the community’s expectations of them on this issue.

But this is not an exercise in church bashing, nor is it an exercise in diminishing the religious rights and freedoms of our citizens and nor does this legislation purport to lay all aspects of child abuse at the feet of religious organisations. In many respects it would be far simpler if it were quarantined to a few, but we know that crimes against children are unfortunately perpetrated by those from many quarters in our society. A decent society offers the legal frameworks, the legal systems and the humanity to protect and nurture the most vulnerable amongst us. Surely nothing is more vulnerable or precious to our community than our children, and when they are under attack we are compelled to act. This legislation is saying very loudly, very clearly and unequivocally that the safety, wellbeing and protection of our children is paramount and that nothing is more important to us than that.

As many have described here today, and in the other place when they debated this in the last sitting week, the origins of these reforms can be traced back to the spotlight that has been placed upon child abuse crimes by the thousands of brave and courageous survivors, their families and their advocates. They have told their stories, reliving their nightmares in the process, but never wavering in their quest for genuine reform. Without them, the work that was undertaken by the 57th Victorian Parliament, the Betrayal of Trust inquiry and subsequently the federal Royal Commission into Institutional Responses to Child Sexual Abuse, which reported in December 2017, may never have happened.

But to further illustrate how we arrived at this legislation, it is important to reflect on just a few statistics, and I will draw from the royal commission. This does not diminish the outstanding work of

the Betrayal of Trust inquiry, and I could of course recount many moments from that body of work if time permitted. During its five-year process the royal commission reported many key statistics, and they include: 16 953 people who within the royal commission's terms of reference contacted the royal commission; the royal commission heard from 7981 survivors of child sexual abuse in 8013 private sessions; there were a further 1344 written accounts of abuse; 2562 of those accounts were referred to the police for action; and 58.1 per cent of survivors reported that their abuse occurred in an institution managed by a religious organisation. I hope those numbers are front of mind when we come to vote later today, because they are shameful and they are stomach-churning.

No-one who followed either the Betrayal of Trust inquiry or the federal royal commission will ever forget the details of the sickening and vile crimes against those innocent children or the protection rackets that operated to provide a haven for the criminals who preyed upon those children. We of course also learned of the inadequate compensation offered by some of those organisations to the survivors and the remarkable and extraordinary lengths that they then went to to keep it all hush-hush and deny those survivors proper justice. That is where this legislation has come from. It is a response to the thousands of horrific stories that were told. It is a response to the thousands of children who have been let down by the legal frameworks and systems for far too long in this state and in this country. It is also a response to the thousands of stories that remain untold by the thousands of children who have not spoken about the crimes committed against them. Believe me when I say that for some it is too hard.

This legislation is about our children and their right to live a life free of abuse and to be protected, wherever we can, from the evils that lurk in our society. It is this Parliament and the people of Victoria forever saying that nothing is more important in our community than you, our children, and that they will never place anything before your welfare. That is paramount.

The greatest and most obvious failure of this bill, of course, is that it will not prevent further abuse of a child. But it never could, and it saddens and disgusts me, as I am sure it does all members of this Parliament, that try as we might, there will be more incidents of child abuse with the passage of time. How I wish that there was a bill that would prevent any further child abuse from ever happening again, but in the absence of that it is our duty to strive to eliminate it to the best of our ability and provide our kids, of now and the future, with better ways to protect themselves. We must enact laws that remove havens and protection rackets for perpetrators. We must enact laws that compel those in positions of privilege to accept responsibility when they suspect or become aware of abuse. We must enact laws that make it harder for those who would do our kids harm to be able to gain access to them, and we must enact laws that deliver real justice and real compensation for survivors. That is what a decent society would do, and we owe it to our kids.

Survivors have spoken so courageously of their own circumstances, the crimes committed against them and how lonely they felt and still feel and of wandering down a darkened path searching for answers to the questions that screamed so loudly in their heads—that never leave—‘Why me? Did I encourage him to do it? Am I a bad person? Will people think I'm disgusting if I tell? Will anyone ever believe me?’. And of course some victims never make it off that darkened path. They relieve their pain in ways that are heartbreakingly tragic and that most of us can never really imagine or understand but wish we could prevent. For those people and their families, as well as the survivors who are still walking today, this Parliament has the capacity to shine a light on those darkened paths, and we should. I implore this Parliament to show the courage and strength that those brave survivors have shown. I commend this bill to the house.

**Ms PATTEN** (Northern Metropolitan) (15:01): Thank you to all the previous speakers who have spoken on this piece of legislation, and in particular Mr Gepp. I think Mr Gepp has just so beautifully and eloquently illustrated why we are doing this, why we must do this and why this bill will not solve what has happened in the past and maybe will not solve what happens in the future. But it is acknowledging the pain. It is acknowledging the heinous crimes that have been committed. It is

acknowledging those brave people who came forward and spoke to those crimes. It acknowledges the people that never made it to speak out, and it acknowledges the people that still live with that knowledge but without the words or the ability to tell their stories. It is for all of them.

This bill, effectively, will ensure that religious and spiritual leaders will be forced to report child abuse to authorities, as they should be. They can no longer rely on the religious confession privilege to protect paedophiles, as it should be. It will see those in religious ministries added to the list of mandated reporters to child protection and the confessional seal lifted for suspected child sexual abuse, as it should always have been.

The bill will also create reforms to allow survivors of institutional abuse to apply to the courts to overturn historical compensation payments. Just on that point, I would like to echo some of the comments that Mr O'Donohue mentioned about what appears to be an unintended consequence of this legislation that may actually carve out a certain number of victims who had sought compensation in a certain period—after the statute of limitations had been removed but before the Ellis defence legislation had been passed. There are a number of victims that took what they could from the church and received very paltry sums not in recognition but to sort of toss them away, as it were. It appears that this legislation may, sadly, not capture those people and allow them to really seek the compensation that they so deserve. I think Mr O'Donohue will ask questions in committee, and I will be listening very closely to that.

I have a confession to make. I have never been to confession. But if I had and I had confessed to child abuse, I would have thought that I would not have been able to finish 20 Hail Marys and light a candle before the police arrived, cuffed me and carted me away. I would think that most Victorians would be of the same mind. Surely you cannot confess to horrific child abuse and have the clergy protect you. Seriously? Yet that has been the case, and that is what many members of the Catholic Church are still defending, which beggars belief. They have been doing it for hundreds of years but from today, because of this legislation, that changes in the state of Victoria, as it should.

It will come as no surprise to many of you in the chamber that this is an issue that I have been very passionate about. The Reason Party has been pursuing it. I personally have been pursuing this issue for nearly two decades. We published a book called *Hypocrites* in 2001 in which we revealed hundreds of child sexual abusers in the Catholic Church. Throughout that book we recognised that the ones that were in the courts were just the tip of the iceberg, and we called for a royal commission into child sexual abuse in the church. I was very pleased that the federal government undertook that work, and I have the pile of reports from that in my office; it reaches to my thigh. The work that they did was extraordinary. The numbers that Mr Gepp mentioned in his contribution are in the thousands, and we know that that is just an example of the suffering and the crimes that have been committed.

I would also like to acknowledge Ms Crozier and the work that she did in her really landmark report. They looked at these issues and I think it was a very brave report. It was something that the community had been longing for and people had literally been dying for for many years, for decades.

Under our current law Victorian teachers, police, medical practitioners, nurses, school counsellors, early childhood workers and youth justice workers must tell authorities if they develop a reasonable belief in the course of their professional work that a child has been abused, but until now priests and religious leaders have been exempt from mandatory reporting. Mandatory reporting is exactly that: it is mandatory. Everyone is required to report no matter what. Priests do not get a free pass because they sit in a sacred box. You do not hear Hindus, Muslims or Buddhists asking to be exempt from reporting horrible crimes, so why does the Catholic Church somehow think that their canon law trumps the law of the land, trumps the law that we all undertake to uphold?

Recently the Catholic Archbishop of Melbourne, Peter Comensoli, said that he would rather go to jail than report admissions of child sexual abuse made in his confessional. He said he would not break the Catholic tradition; he would break the law:

Personally, I'll keep the seal.

I just do not get it. I do not understand how someone with Christian and compassionate principles could think that their canon law, that their belief in their religion, trumps the protection and safety of a child. In whose world is that the case? It is an utter disgrace. But I suppose he is admitting now that he will be protecting paedophiles in their long-time tradition.

I was actually having a quick look at *Hypocrites* that we published, as I said, in 2001. At the beginning of it I just make a note about some of the material that we had used in it, and I would just like to quote:

In 1993, Brother Barry M. Coldrey wrote a secret report for congregation executives of the Christian Brothers. The report was known as Reaping the Whirlwind: Sexual Abuse from 1930 to 1994 ...

This was a secret report.

The report detailed abuses in WA orphanages which took the form of "sex rings" and a "sex underworld" in which brothers collaborated with one another and possibly shared the boys.

This report was tabled in the New South Wales Supreme Court and was quoted widely, but this sense of covering up and hiding and protecting can no longer go on. The fact that we have an archbishop, a senior leader of a religious organisation, saying that he will break the law and he will continue to protect paedophiles—I am outraged by this. The community is outraged by this. Perhaps the clergy should ask: what would Jesus do? I reckon Jesus would mandatory report. The Reason Party supports the bill and commends it to the house.

**Dr CUMMING** (Western Metropolitan) (15:11): In rising to support these amendments to this legislation I want to first say that obviously protecting our children is what Parliament should be all about and it should be the first thing in our minds at all times. Our laws need to protect our children. I do not believe paedophiles deserve any protection whatsoever. Paedophiles ruin children's lives and they ruin the lives of the families around them.

Consequently, listening to the debate today, I am sitting here and the mind boggles to think that parliament upon parliament have not really done much about a topic so important for the community. But this Parliament is actually trying to address it. We have heard Ms Patten's contribution, and we know that paedophilia is not a new thing; it has been around for so many years. But to know that only in 2012 did the Parliament have an inquiry and only in 2017 was there a royal commission does not sit well with me, and it would not sit well with my community to realise that there is still not enough done to protect our children. I do believe that this legislation strikes an appropriate balance between the freedom to practise one's religion and the need to protect children from abuse.

What I want to actually touch upon and what has not been picked up in a lot of the debate that I have heard so far is that there are many priests out there that want to protect children. Obviously, like in any institution or place, I feel that this will actually help them to feel okay about reporting that abuse. I feel that there are a lot of priests out there that want to go and report what they hear in confession, and now they will have permission to do so. There are a lot of priests out there that have to pick up the pieces after what paedophiles have done within their own communities—they have to repair the damage—and I do feel that this tool allows them to go and report some of the horrible and disgusting things that they must hear in confession, as they have probably wanted to do but have felt conflicted about over the years or even a little bit pressured by their own organisation about not doing so.

So I do hope that this gives those priests out there the confidence that the community wants them to report, as they are now going to be mandatorily made to do so. If anything, I feel that for everybody it should be mandatory to report such things when they hear them, rather than it being only for people who sit in positions of authority. Obviously we cannot do everything, but it is great to feel that this

government is going to force the reporting of child abuse by all authorities under this law to better protect the children of Victoria.

I think I will just leave my contribution at that, other than to say that in the Western Metro Region in my lifetime a lot of my friends and family have known of many such children. My school did not escape it in Braybrook, nor has the school that my children currently go to escaped it. To think that in my lifetime this was going on, as I was a child, and to know the torture that my family and friends go through is very confronting. When you are an adult it is mind-boggling to hear such things and to think that when I was a child, in such an innocent frame of mind and in an area that always felt very safe, this was happening around me. I was one of those children that was put on high alert by my father in regard to paedophiles. I knew all about them and what to be aware of, and I always felt safe within my own family to be able to have those conversations if something like that was occurring. But I know that that was happening to family, friends, brothers and the like. I only found out those things when we were adults, and I know that a lot of people that I knew did not make it—they committed suicide—and that others are dealing with it daily and struggling to talk about it openly, still.

I am now sitting in this Parliament, and to be able to do such a small thing as this gives me some level of comfort. But it gives me no comfort to know that there is so much more that we could actually do, that we currently have a legal system, not a justice system. People do not feel that there is enough justice out there, and we all as a community wish to protect our children with whatever tools and means that we can, but the laws in lots of ways fail the community currently, still. The community still have not much confidence in our legal system and do not feel that they get justice when they do report. We can do a lot more, and I hope that we do a lot more to protect our children, but yes, it is good to know that we are making these steps currently. I would think that these simple things should just be a given, that everyone should have to report such things once they know about them. But we know now that they are going to be mandatorily made to actually report.

But I still do not have a level of confidence that, even when reporting occurs, those people actually get the level of justice that they deserve. I still feel that the justice system fails those victims on numerous occasions, that the victims actually have a life sentence, but it is very rare that a paedophile gets a life sentence. I know that my community hopes the justice system listens and that it understands that they want paedophiles to get what the community wants, which is life sentences like they give their victims. I will leave it at that.

**Ms TAYLOR** (Southern Metropolitan) (15:20): I am really relieved that there is such a collective support of this bill today. That is the only way that we are going to be able to tackle child abuse over time—if we all act together. It cannot be a pointscore exercise, because we will miss important enabling factors. The whole point of this legislation, as I see it, is to reduce the enabling factors. That is why abuse persists—because there are avenues or vehicles by which people who ought to know better take advantage of the most vulnerable in our community.

Some of those enabling factors, such as secrecy, have been stated today. The fact of secrecy itself suggests that there is an inherent wrong in what has been done, because if it was right, we would be open about it. People do not want to conceal behaviour unless there is something inherently wrong with it, generally. Other enabling factors are turning a blind eye, which obviously came out in the royal commission; the cover-ups, which have been spoken to at length; and a lack of transparency or accountability and protections that are no longer justifiable, such as the confessional privilege, which within this context is no longer going to protect those who become aware of these heinous crimes.

Another enabling factor is that it is incredibly uncomfortable for people who are victims of abuse to have to speak about it. I was reading somewhere that it can take on average up to 22 years for a victim of abuse to find the courage or the pathway to be able to talk about their suffering. That makes perfect sense to me, because how do you find the words to explain that level of trauma? How can you verbalise what you have been through when somebody has invaded your personal space to that extent and shown no remorse, generally speaking? There is also a fear of how others will react if you speak up, when

those who have tried to come forth and reveal their pain and suffering have been let down generally and have not been shown the same respect in return.

I think among the great challenges of dealing with abuse are the physical scars and the memories, which many have spoken about, which never really leave; the invasion of privacy; and also the destruction of the natural pathway to adulthood, having to carry a burden that no-one should have to bear—a child having to process adult acts which have no place in their world, no place whatsoever. There is also the confusion, which Mr Gepp talked about, of the child who has to somehow interpret the very, very manifestly bad behaviour, try and make sense of that behaviour and understand whether it is their fault, which of course it is not. All these factors are the reasons why abuse prevails and why it is so hard to overcome it over time. Moreover it is not only the physical elements of the abuse but also the manipulative behaviour that is manifested to keep the abuse down. Having to reconcile and handle that manipulative behaviour would inevitably, I imagine, have a very destructive impact on one's self-esteem, because fundamentally it is wrong.

I will not name names today, but I am like probably everyone in this chamber and most people in the community, I would say, who has known at least one friend, relative or acquaintance who has been exposed to this manifestly inappropriate behaviour. The friends and the relatives who I know have been through this kind of horrendous behaviour were not all victims of clergy—let me make that clear—so today is not about condemning all clergy or just one part of the community, but it has to be said that to ignore what is blatantly obvious in terms of wrongs that have prevailed within religious institutions would be neglectful on our part. That is why it has to be referred to, that is the right thing to do and that was certainly revealed in the royal commission.

The prevalence itself is overwhelming. I listened to the statistics that Mr Gepp read out. In the many, many community groups that I have been involved in over many years I cannot think of any community group that I have been involved in where there was not at least one person and probably more who had been victims of abuse in one form or another. I was thinking back to some of my friends and relatives. I do not want to generalise, because every individual's experience is individual and how they manage those emotions is individual, but what I did witness as a child with those who had experienced abuse was an incredible level of suffering and—'inability' is the wrong word—a great challenge in being able to manage the complexity of those emotions. I witnessed friends and relatives who were overwhelmed and I did not know what to do with those emotions. I did not know that they had been through these terrible acts, so sometimes I would see some of their behaviour and I would try to discern it and try to be supportive, but as a child you are not necessarily equipped with the capacity and the knowledge to know how to be a comfort and how to be a true support in that situation.

It is over time that each one of those persons in my life has come to reveal why they had that suffering, and it is a relief. Probably they felt quite embarrassed in not wanting to talk about it, but it is actually a relief because now I know why they are suffering, and hopefully just allowing that process can let them heal or let them start the pathway to healing, which is so very vital.

Fundamentally what I hope this bill will do, in terms of reducing the enabling factors, is shift attitudes in the community and give those who are victims the knowledge that they have the right to speak up, that the courage to speak up will be honoured, that they are worth protecting and that they are believed, because I think the worst thing of all is not being believed. We believe you and we want you to be able to get all the support you need to heal.

**Ms MAXWELL** (Northern Victoria) (15:28): I stand today to support this bill and to say that the words from others in the chamber today have been extremely poignant. I am very happy to have the opportunity to speak on this bill, as Derryn Hinch's Justice Party have always been very strong advocates for the protection of children. Whilst I respect people's religion and beliefs, I also respect the needs of children first and foremost. They must be protected at every opportunity. I am not going to repeat things that have already been said in the chamber; I think people have spoken very eloquently and honestly and sincerely today.

We have many organisations and professions that are mandated to report child sexual abuse, and I see the church as being accountable to report also. I think it is a valuable investment in another step closer to protecting our children. We all know and understand that secrecy enables these heinous crimes to continue. On the secrecy of the confession box, whilst I did state that I respect religions, I think that we all have to also respect the need to protect our children. I believe that we should all stand in solidarity to protect children from abuse and ensure that we take a personal oath to speak up to prevent unspeakable acts being inflicted on our children. We are all encouraged to speak up and say no to family violence. Why should this be any different? Our children do not have a voice to be able to protect themselves, and it is up to every one of us as adults to protect and support those children and to be their voice, to teach them to have a voice. But as we know, they cannot always protect themselves.

There are probably other speakers who would like to speak, so I am not going to take up any more time. But I do just want to say that this bill does mean a lot to us as the Justice Party, and I thank everybody else in the chamber for their words today.

**Dr RATNAM** (Northern Metropolitan) (15:31): I rise to speak on and in support of the Children Legislation Amendment Bill 2019. The reforms in the bill address key recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. Significantly, the bill amends the Children, Youth and Families Act 2005 to add people in religious ministries, such as priests, to the list of mandatory reporters of child abuse. It also clarifies that mandatory reporters, including people in religious ministries, are not able to rely on any exemption for religious confession, meaning that Catholic priests must report any suspected child abuse even if they have received this information in confession.

These changes mean that priests and other religious ministers will now have the same mandatory reporting obligations as other professionals, such as doctors and nurses, teachers and principals, early childhood workers, psychologists and police officers. This is an important reform because historically, and as demonstrated by the Royal Commission into Institutional Responses to Child Sexual Abuse, religious organisations have manifestly failed in their responsibilities to protect children, and in particular the Catholic Church. It is time the standards that apply to others are applied to religious ministries, including the Catholic Church. For too long one set of rules applied to churches and another set of rules applied to everyone else. Whether it is taxation or anti-discrimination rules, the churches have always been exempt from behaviour expected of other individuals and organisations.

Nowhere is this more clear or more upsetting than when it comes to child protection. The royal commission found that many religious leaders were aware of allegations of child sexual abuse but failed to take any action. Whether it was dismissing allegations, ignoring them outright or actively trying to protect perpetrators from accountability, the church repeatedly and regularly turned a blind eye to the abuse that was happening to children under their care—abuse that happened in large cathedrals and small parishes, in schools, orphanages and confessionals. The extent of the abuse shows that the Catholic Church in particular was unable and unwilling to take any steps internally to remove perpetrators and to protect children, which means that it is high time for the church to be subject to the same rules as other professionals in positions of authority who work closely with children and have a duty under the law to report suspicions of abuse.

Nobody should be above the law when it comes to a heinous crime such as child abuse. No religious belief is an excuse for failing to comply with the law and no religious practice should be used as a way to cover up allegations of abuse. If a psychologist must report any suspected child abuse at all times, including if that suspicion arises from information disclosed during a counselling session, then so too should a priest, even if that information is disclosed through the confessional. The rights of a child must be paramount. While the Catholic Church through the confessional is of particular interest in relation to this bill, child sexual abuse has occurred in other religious institutions, which is why the Greens are glad that these new mandatory reporting laws will apply to all people in a religious ministry.

The bill also makes changes to our working with children check system, where an adult who has been charged with, convicted of or found guilty of a category A offence will no longer be able to apply to VCAT for a working with children check. These amendments extend beyond what was recommended by the royal commission by extending the limitation of appeal rights to charges as well as convictions and including a broader list of offences, such as murder of an adult as well as of a child. While the Greens acknowledge the seriousness of these types of offending, we also acknowledge the concerns of stakeholders such as Liberty Victoria and the Law Institute of Victoria that these changes go further than what the royal commission or the evidence recommends. Tough-on-crime policies do not always equal a better and safer society, so we would prefer to see the bill's changes to working with children checks adhere more closely to the recommendations of the royal commission. But the Greens support this bill.

In concluding, I would like to take the opportunity to acknowledge the bravery and strength of survivors who told their stories as part of the royal commission. Without the courage and resilience of these survivors to participate in the royal commission process, we would be much less likely to be here debating these reforms today. The mandatory reporting changes in this bill ensure that religious institutions have to comply with the same reporting laws as other similar organisations, and while we have a lot further to go, today represents an important step in ensuring that children interacting with our religious institutions are safe.

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (15:36): I want to begin my contribution by acknowledging those individuals and organisations who have led us on a very important journey in this state and in this nation. We would not have had a Betrayal of Trust inquiry and we would not have had a federal Royal Commission into Institutional Responses to Child Sexual Abuse but for the courage of many of the individuals who are here in this chamber today.

I want to particularly acknowledge Chrissie Foster and the late Anthony Foster. I want to acknowledge Leonie Sheedy and other members of the Care Leavers Australia Network. You mean a great deal to me. You are absolutely amazing people. To all the victim survivors who are here with us today, thank you so much for your courage and for shining a light on a really dark, dark chapter in this nation's history—a chapter that none of us really wanted to confront. It was very confronting to hear about people of responsibility abusing children, and yet you had the courage to speak about this and to insist that legislators and other people in a position of authority take notice. I want to express my deep gratitude to all of you for your courage.

It is also important that I acknowledge that there are many people who are no longer with us, for whom there was a great toll. Everybody who was abused, every child who was abused, suffered a great toll. For some the toll was so great they took their own lives, they took drugs, they became alcoholics, they suffered mental health issues—their lives were destroyed. We have to acknowledge that children's lives were destroyed because of the abuse they suffered. We are really standing on the shoulders of giants. You are the giants. You are the people who have shone a light on this dark, dark chapter.

You have forced so many reforms—child-safe standards, reportable conduct, duty of care for institutions, removal of the Ellis defence, incorporation of churches, working with children checks for religious ministers—and now what is in my view the next logical step is making sure that people who are religious leaders become mandatory reporters and that we remove the exemption that applies to confessions as well. I have to say that, as someone who has had the great privilege to work with victim survivors in my previous role as the Minister for Families and Children, I just see this as an absolute no-brainer. It defies comprehension as far as I am concerned that anyone—anyone—could object to these extensions to these laws.

I have to say that the Royal Commission into Institutional Responses to Child Sexual Abuse has played such an important role in giving voice to the victims and seeking to achieve justice for those victim survivors. We heard evidence of the extent, the sheer magnitude, which just defies belief, of the abuse

of children in many institutions, not just in out-of-home care—and I have to accept the state's responsibility for that—and in orphanages but also in our schools and many settings and of course in our religious institutions as well. The thing that is the most galling for the Australian public is that there was a culture of cover-ups—it is not only that this abuse occurred but that there were systemic cover-ups. The culture of cover-ups that occurred for so long is very, very hard for all of us to accept.

I was intrigued to read recently—I am not a Catholic, so I was not familiar with this history—that 150 years ago Australia's first Catholic saint, Mary MacKillop, was in fact banished for disclosing child sexual abuse. Let us go forward in history. One hundred and fifty years later Australia's first Catholic cardinal is convicted for child sexual abuse. Now, how can this organisation and its leaders not accept that they have a very serious cultural problem here? How can they convince parents sending their children off to Catholic schools every day that they will be safe if they are saying that they will defy this law once it is passed and will refuse to disclose crimes admitted to them in confession? I have to say, I am absolutely shocked by that. I am shocked that Archbishop Comensoli, after this royal commission and his cardinal going to jail, would come out and say he will defy the law. I think it speaks of an organisation and a Catholic leader in this state who are tone deaf—he is completely tone deaf. He is completely out of touch, I believe, with his parishioners as well. Now, I am not a Catholic but I have spoken to many Catholics about this issue who are absolutely outraged by the archbishop's position on this issue. I certainly hope that he will reflect on this and that he will change his position. I am not a theologian. I am not an expert in canon law. But I have to say that I am sure that the Australian public agrees that the protection of children has to trump any religious institution's traditions. And they are just traditions.

During the course of the debate there was a question posed: what would Jesus say? What would Jesus do? Well, there is one verse in the Bible that I will quote from, because these are the words of Jesus:

If anyone causes one of these little ones—those who believe in me—to stumble, it would be better for them to have a large millstone hung around their neck and to be drowned in the depths of the sea.

That is from Matthew 18:6. Jesus was very clear—there is no reference to confessional seal in the Bible. Jesus was all about forgiveness, but he was categorical in saying that someone should be drowned in the depths of the sea for laying a finger on a child. It is very clear in my mind that the church is out of touch not just with biblical teaching but also, I think, with its parishioners, and I believe they are completely out of touch with the views of the Australian public on this issue.

I think today is an important next step in the chapter of protecting Victoria's children. I certainly hope that other parliaments across Australia also take action to remove the exemption as it relates to the confessional seal. I think it is important that parents are reassured that if a crime is disclosed in the confessional it will be disclosed to authorities. It will not be covered up. We are implementing the recommendations of the royal commission. We had evidence at the royal commission of priests going to confession, confessing to child sexual abuse crimes and then being absolved of their sins. They felt they had been absolved, so off they go. The next day they commit new crimes. And they were also moved around from one parish to the other. No action was taken.

I think that is outrageous. It is outrageous that that occurred in this country. It is outrageous that the current leadership of the Catholic Church in this state failed to acknowledge that history. I think if anything has been learned from this royal commission it is that these laws are well overdue, and I would certainly encourage the archbishop to reconsider his view, to embrace this law and to reassure his parishioners and all those families who send their kids through our Catholic school system that they are taking the royal commission recommendations seriously and making every effort to ensure that this pattern of abuse does not happen again.

We all need to commit ourselves to ensuring that we do everything possible to protect children. That is what this law is about. I thank members for indicating their support, and I thank the victim survivors

for their patience. I thank them for their patience and for their courage, and we need to make sure that we get these laws on the statute book and that we work to ensure that this never happens again.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1 (15:48)**

**Mr O'DONOHUE:** Minister, I have got three or four issues I wish to canvass, and if it is okay with you I propose to do that under clause 1 for simplicity. The first is, Minister, as I flagged with you elsewhere, just for clarity, with the passage of this bill religious figures will now be caught by the mandatory reporting requirements. Can you advise the house whether there are any classes of people, any professional groups, that will not be caught by the mandatory reporting regime?

**Ms MIKAKOS:** Thank you, Mr O'Donohue, for that question. What we had with the Royal Commission into Institutional Responses to Child Sexual Abuse is recommendation 7.3, which lists a set of professionals who should be mandated in every jurisdiction to achieve national consistency with mandatory reporting requirements. So in response to that recommendation the government moved to include a more extensive list of professional groups, as recommended by the royal commission, by regulation. So out-of-home care workers—excluding foster and kinship carers—youth justice and early childhood workers and also registered psychologists became mandated from 1 March this year, and school counsellors will be mandated from 31 January next year.

Then the last part of that recommendation related to people in religious ministry, which is the subject of this legislation, and we thought it was important to legislate for this change. It could have been done via regulation, but because we have also taken out the exemption around failure to report and the issue around the confessional seal we have brought it by virtue of legislation to ensure that the Parliament has the opportunity to debate that but also, if I could be so bold, to ensure it is put beyond any doubt legally, because as we have already seen there are some people who are already planning to defy the law. So that fully acquits the royal commission recommendation in terms of the class of professionals that the royal commission has recommended become mandatory reporters.

I also just wanted to make a final point, and that is of course that we would encourage every member of the community to share our collective responsibility for protecting children, whether or not they are a mandatory reporter. If they become aware of a child being abused physically, sexually or emotionally, I would always encourage members of the community, the public, to step forward. I know that sometimes it has been members of the public who have no mandatory reporting obligations whatsoever—even family members—expressing concerns and contacting child protection authorities that has led to a child being protected and saved from abuse, so it is important that we have a sense of obligation as members of the community. I think it is a social contract that we share to raise concerns with the appropriate authorities. But we have fully acquitted this recommendation.

**Mr O'DONOHUE:** Thank you, Minister, for that information, and I acknowledge that this bill acquits that recommendation of the royal commission. I take it from your answer that there are still some classes of people who are not captured by the mandatory reporting requirements, and I ask by way of supplementary—

**Ms MIKAKOS:** Well, I might just add—

**The DEPUTY PRESIDENT:** Minister, sorry, Mr O'Donohue had the call, didn't he?

**Ms MIKAKOS:** Just so I am clear, we have certain classes who are already existing mandatory reporters—and I did not go into that; I just assume it is a given—doctors, nurses, midwives, principals,

teachers, police, early childhood workers, youth justice workers, out-of-home care workers and registered psychologists. So there is a broad range of groups that are either pre-existing ones or have come on board through the regulatory changes commencing earlier this year, and now with religious ministry that is the full list of occupational groups that was recommended by the royal commission to be mandatory reporters.

**Mr O'DONOHUE:** As I said before, Minister, I acknowledge that. That is not in dispute or in question. My original question was: what classes of professionals are not captured by the mandatory reporting regime? And as a subset of that question, are those professionals not captured by the regime not captured because they are not deemed to be of significant risk, basically, of being in contact with children and therefore being at risk of that sort of offending?

**Ms MIKAKOS:** Thank you, Mr O'Donohue. I guess you have kind of answered your own question there. I mean, the royal commission considered the evidence. It is a question of where you draw the line. Do you apply it to retail assistants because children obviously come into a store? They are usually under parental supervision. It is a question absolutely of risk, and the royal commission considered all these things. Journalists were not included, politicians were not included—I am sure all of us would feel the obligation to report something if we had concerns anyway. As I said, I think there is a social contract that applies to issues around child safety, and I would certainly always encourage anybody who has a concern to raise it with the appropriate child protection authorities.

I just want to take this opportunity to sing their praises for a moment, because I know they are much harangued. I will always be in awe of the child protection workers who I got to meet during my few years as minister. They do extremely challenging work. I would also acknowledge, as I have on previous occasions, that members of Victoria Police who work in the sexual offences and child abuse investigation team and also do incredible work. It is really, really challenging work, and I am sure we can all be grateful that we are not the ones doing this work. The things that they are exposed to, the things that they see and hear every day—it is very, very challenging work. I would encourage anyone who has any concerns about a child's safety to raise them with the appropriate authorities.

**Mr O'DONOHUE:** Thank you, Minister, for that answer. Minister, I just want to move now to—which again I flagged in the second-reading debate and was a discussion point in the briefing the minister's office kindly facilitated—the setting aside of previous agreements, the new test that is established of 'just and reasonable', which again mirrors the tests that are legislated in Queensland and Western Australia. But as I mentioned in the second-reading debate, I think there seems to be some uncertainty around just what that test will provide for. Sometimes a broad test is appropriate to give courts that discretion. There is some concern from practitioners and others—victims—that the test being so broad will basically outsource to the court the factors that will need to be determined in calculating that test, which could lead to litigation and time. I would just invite you to respond to the proposition.

**Ms MIKAKOS:** Thank you for that question. This issue more broadly goes to the issue of civil compensation claims. It is important of course that people have their ability to get justice—of course no amount of money could ever compensate someone for the abuse that they have suffered—but it is the intention of the amendments to remedy some of the past injustice caused by the operation of strict time limitation periods in relation to child sexual abuse and reflect the changed community attitude towards the severity of child abuse and institutional responsibility for the harm caused. In this context it is the court's discretion to determine whether it is just and reasonable to set aside a past judgement or settlement according to the circumstances of each case. This allows the court to apply broad principles and take account of any relevant factors. This may include, for example, the relative strengths of the parties' bargaining positions, the conduct of the parties and the amount of the settlement.

**Mr O'DONOHUE:** Just one follow-up question on that issue, Minister. So the government is not concerned that that test being so broad to accommodate the vast array of individual facts and

circumstances that will apply to each individual case will not at the same time create uncertainty which could lead to prolonged litigation and uncertain outcomes from the court in applying that test?

**Ms MIKAKOS:** I will just seek some further advice.

Thank you, Mr O'Donohue. As I was explaining, the bill is allowing for unfair historical settlement agreements concluded before 1 July 2015 or court judgements relating to survivors of child abuse made when a claim was outside the statutory limitation period to be set aside by the courts if it is just and reasonable to do so. It has been framed broadly to give the court that discretion to determine when it is just and reasonable to set aside a past judgement or a settlement according to the circumstances of each case. So it has been decided quite deliberately not to flesh out the types of circumstances. I have given some examples of the types of considerations that the court might turn its mind to in exercising its discretion—as I said, the relative strengths of the parties' bargaining positions, the conduct of the parties and the amount of the settlement. We have seen a number of these matters set aside now in Western Australia, I understand. Of course our legislation stands in its own right in terms of how it will be interpreted by the courts, but we think that we have struck an appropriate balance there in terms of giving the court that discretion to be able to determine what is appropriate in each circumstance.

**Mr O'DONOHUE:** Thank you for that answer, Minister. In relation to the same part of the bill, the setting aside of previous agreements, I want to quote from an email I have received from Laird Macdonald, senior associate at Rightside Legal. I received the email this morning, and I think other members have received similar correspondence. My colleagues on the crossbench are nodding in agreement. I trust the government has also seen this issue. I quote from the email, which says:

The Bill is designed to allow abuse survivors who were forced to accept paltry settlement sums to have the deeds they entered into in the past set aside, so that they can claim compensation properly.

Unfortunately, it effectively excludes an enormous number of survivors who signed deeds between 2015 and 2018.

In 2015, the Limitations Defence was removed for abuse survivors.

However, the biggest legal issue for suing Church bodies remained: the ... Ellis defence. The Parliament officially scrubbed the Ellis defence ...

in 2018. As a result, this bill will create two classes of survivors:

One who can seek to address a past wrong if they settled before 1 July 2015 and another class that will be locked out if they settled from 2 July 2015 through to 1 July 2018. This time period is critical. It was during this time that the various religious institutions were signing up people for modest amounts of compensation for horrific acts of abuse as the Royal Commission was ongoing.

Minister, this is obviously an issue that has just come to light today, and I invite you to respond.

**Ms MIKAKOS:** Thank you for raising this issue, and I acknowledge that members received an email, I believe this morning, in relation to this particular issue.

The advice that I have is that the changes made to the Limitation of Actions Act 1958 by this legislation will give those who signed deeds of release whilst they were statute-barred from taking action, leading to manifestly unfair settlements, the ability to apply to the court to have those deeds lifted. People who entered into a deed after 2015 can seek to have the deed set aside where it was entered into in circumstances where legal or equitable remedies apply. People may also apply for redress under the national redress scheme. Where a person has signed a previous deed of release, they are not precluded from applying for redress.

The other point I would like to make is that our government is always willing to listen to victim survivors when they raise issues with us, and that will not change. If there are further issues that need to be considered to ensure that all settlements reached with victim survivors have been just and reasonable, then we are committed to working with them on the best way to address these.

In terms of the issue around excluding people who were affected by the Ellis defence, the further advice that I have received is that the bill has been written to ensure that cases we have heard about, where people signed deeds of release for only thousands of dollars or even counselling only, without any access to legal advice and without any other recourse, were able to apply to have their deed set aside, and this bill absolutely does that. People who for whatever reason signed recent deeds of release that were unfair are able to apply to have that set aside in circumstances where legal or equitable remedies apply. They are also able, as I explained, to apply for national redress.

**Mr O'DONOHUE:** Thank you, Minister, for that answer. So in essence, are you saying that because those who are post-2015 can apply to the national redress scheme they will be able to apply for compensation? Is that the essence of your answer to that question?

**Ms MIKAKOS:** Just by way of further clarification, it is open to anybody who has had a deed of settlement previously, regardless of the time period, to apply to the national redress scheme. In terms of the people who entered into a deed after the 2015 changes, as I said before, they can also seek to have their deed set aside where it was entered into in circumstances where legal or equitable remedies apply. In essence, in summary, just I guess to make it a bit clearer, they can apply. The test is different to what occurs under this legislation, where it is about a test, a threshold, of just and reasonable. They would have to meet other tests around unconscionability, duress—those types of issues. So that is why I was referring to legal or equitable remedies applying.

They are not exactly on the same footing, but they too can apply to the court to seek to have a deed of settlement set aside. As I said, our government, however, is willing to listen to victim survivors about these issues. We are committed to having that ongoing dialogue to ensure that settlements reached with victim survivors are just and reasonable. We are committed to continuing to work with them around these particular issues.

**Mr O'DONOHUE:** Thank you, Minister, for clarifying that there is a different test that will apply for those who entered into deeds post 1 July 2015. Can I ask: was that a conscious decision of government, or is this something that the government has only become aware of post the introduction of the bill?

**Ms MIKAKOS:** The advice I have is that the legislation was crafted so that it would be linked to the timing around when the statute of limitations bar was removed, which in Victoria was in 2015. This has been a conscious decision to replicate what has happened in other jurisdictions as well so we achieve some national consistency. Of course every jurisdiction has removed their statute of limitation bars at different periods of time, so the timing is not exactly the same in every jurisdiction. But in our case the changes made to the Limitation of Actions Act relate to 2015, and this is why the legislation was crafted to reflect that legislation.

**Mr O'DONOHUE:** Minister, I appreciate what you say on behalf of the government, that the bill has been drafted purposely, and I note the removal of the Ellis defence and the removal of the statute of limitations. I make the offer, Minister, in picking up on your previous comments that the government is prepared to continue to discuss with victims and others ways to make sure that access to compensation is fair and reasonable, that if the government wishes to report progress on the bill to consider this further and pass the bill either later today or tomorrow or Thursday, the opposition would be more than prepared to help with that. We have seen there is a great deal of support across the chamber for this bill, and if there is any further consideration the government wishes to do prior to passing the bill, we would be happy to support that.

**Ms MIKAKOS:** The government's view is that it is important that we pass this legislation today. It is important that we provide this certainty to victim survivors in terms of those individuals who will be able to benefit from the ability to have historical settlements that relate to that pre-2015 period set aside. As I explained, there is an ability for individuals who entered into deeds after 2015 to also have their deeds set aside where they were entered into in circumstances where legal and equitable remedies

apply. I have already explained to the house that we are always willing to work with victim survivors and to listen to their concerns. I have given that commitment. I think it is important now that we move to pass this legislation, which deals with many, many issues, including mandatory reporting for those in religious ministry and many other issues, and that we pass it today to ensure this can come into law.

**Mr O'DONOHUE:** I have some questions on a different issue; I am not sure if anyone else wants to go.

**Ms PATTEN:** Minister, I listened carefully to your comments and to the statements that you made in regard to the email that Mr O'Donohue read out. Just to clarify in my head, for those deeds that were made unfairly after 2015 and before 2018, there are options within this legislation for them to apply to have those deeds set aside, but it is possibly a slightly higher bar than for other survivors.

**Ms MIKAKOS:** Yes, Ms Patten. They are common-law options—not options set out in this bill but options available under common law in terms of, as I was explaining, legal and equitable remedies to deal with things like duress, unconscionability and those types of tests. It is a different threshold test that the court would consider, but those options are available to individuals in those circumstances.

**Ms PATTEN:** Thank you, Minister. That actually makes it a lot clearer. Mr Macdonald, who emailed us about this, is correct in saying that this bill actually will exclude the victim survivors who made arrangements between July 2015 and July 2018. They will have to seek common-law remedy; is that correct?

**Ms MIKAKOS:** In any event, one would need to apply to the court. It is a matter of court discretion, under this legislation, for someone to seek to have a deed of release that was signed whilst they were statute barred before the limitation of action changes happened in 2015. They would still need to apply to the court, and the test there is, as we have been explaining, whether it was just and reasonable. So that is the process for individuals in those circumstances: they apply to the court and that is the test—just and reasonable—under this bill.

For those people who are post the limitation of action changes passed by this Parliament, which commenced in 2015, they too can pursue a course of action through the common law. There are different pathways, I guess is probably the easiest way to explain this, for those two classes of individuals.

**Mr FINN:** Minister, in asking my question I just point out to you that this is a very personal matter for me because whilst I was not molested myself I went to school at a time when—what would you call them?—a nest of paedophilic priests were operating at the school that I was attending. It came obviously, as you would imagine, as an enormous shock to find out some years later that some good friends of mine, some good schoolmates of mine, had been victims of these dirtbags. Indeed one friend of mine, not long after we left school, shot himself. That came again as an enormous shock because I just could not work out why. I mean, it just did not make any sense because he was such a happy-go-lucky, funny, all-round good bloke. I am making assumptions here, but given what was going on at the time in the school one can draw some conclusions. So it affects me very personally, I have to say, in these matters.

But there is one question that I have to ask, and it is one that came to my mind the very first time that this was put to me—it would be three or four years ago now, I reckon—and that is: how would this law be enforced? Given that there are two people in a private conversation, in a box removed from everybody else, it is unlikely that either will testify against the other. You have got the penitent, and you have got the priest. It is very unlikely that one will testify against the other, much less actually report what had occurred. How do you anticipate that this law will be enforced? And if it cannot be enforced, why would you bother—apart from, I have to say, making a statement of, 'We don't want this to happen'? And of course we do not. But apart from actually making a public statement, what would be the actual practical value of this legislation if enforcement is impossible?

**Ms MIKAKOS:** Can I firstly thank you, Mr Finn, for sharing your experience of what occurred at your school. I am very saddened to hear what happened to your friend. I know for many, many people this is a deeply personal issue. In conversations with many people about these issues, over the years as a parliamentarian, I have heard so many stories like this of people who have been shocked. We have had media story after media story of abuse that has occurred in many of our schools across Victoria, and people have been shocked to learn that this was happening to their contemporaries at the time that they were at school, at various schools.

So I know it is an issue that has touched many, many Victorians—many Australians, in fact—and this is why many people have such strong views. And I apologise for getting a little bit emotional about this earlier, because I know it has touched so many lives. In terms of the specific issue that you have raised around why we are expanding the failure to report offence to cover religious confessions, as I was explaining in my summing-up earlier, the royal commission recommended that failure to disclose offences should apply to information disclosed to a minister of religion during religious confession.

The royal commission heard evidence that in confession children often disclose sexual abuse suffered by them. We should not always assume it is just a priest confessing to another priest, though there was evidence of that as well. We have had children often disclosing sexual abuse suffered by them. We have also had, unbelievably, clergy members disclosing their abusive behaviour to deal with their own guilt, feeling that they were absolved and going on to reoffend many times over because they felt that they had been absolved.

I think absolution of the sins should not be offered. There should be a very clear message through this law but also, I hope, through a cultural change in a church that I know you care deeply about. There needs to be a cultural change so that individuals are required to report themselves but also for the person who is the mandatory reporter to take that step of reporting these matters to authorities. And I sincerely hope that this law is complied with, despite the statements that have been made to date.

I will acknowledge that prosecutions for failure to disclose offences are not particularly common; however, prosecutions themselves are not the only benefit of the offence. The offence helps to protect children by sending a very strong, very clear message that it is every adult's responsibility to safeguard the wellbeing of children by disclosing a reasonable belief about child sexual offending to the police. Receiving this information is not of itself sufficient to commit the failure to disclose offence. A religious minister would need to form a reasonable belief that the sexual offending had occurred and fail to report that information to police as soon as practicable. A minister would not commit the offence if they had a reasonable excuse for not reporting to police. The bill makes it clear that it would not be a reasonable excuse if the information was disclosed in religious confession.

So we saw evidence in the royal commission of priests confessing to other priests and going on to reoffend—the priests then getting moved, shunted around different schools and different parishes. The offending went on for years. So many children were abused subsequently. I think it is important that we pass this law, that we remove this exemption to this failure to report offence and that we do bring people of religious ministry within scope of this offence, as was recommended by the royal commission—it having considered all the evidence—but also that we as a Parliament, on behalf of the Victorian people that we represent, send a very clear message that we demand cultural change. We demand institutional change in all of our institutions to ensure that these matters are reported.

So I understand the question that you pose, but I think we are doing two things here. We are changing the law to make it an offence, but I think also, on behalf of the Victorian people, we are sending an unequivocal message here today.

**Mr FINN:** I hear what the minister has said, and I agree with what she says about the shifting around of priests and so forth. I deeply regret that. Ronald Mulkearns and Frank Little, for example, are just the lowest of the low as far as I am concerned. I deeply regret that they have missed justice here on earth. I have no doubt that they have not missed it in the next life; I hope they enjoy the heat.

But my deep concern is that this is a law, and I have been taught from very early on by people who know these things that to pass a law that cannot be enforced is meaningless and is in fact a very bad practice. If, as I think you have accepted, this law cannot be enforced, I just wonder why we would pursue it. As I say, given that yes, you mentioned that there may be kids giving evidence and so forth—I am not sure what relevance that has—but in terms of a guilty priest confessing his sin to another priest, I do not believe you are going to have one testifying against the other, particularly in terms of the guilty priest testifying against the priest who is hearing the confession.

I do not think that is going to happen. I really do not think that is going to happen, and if that is not going to happen, you are not going to get a prosecution, you are not going to get a conviction. And if you do not get a prosecution or a conviction, it makes it all, to my way of thinking, largely a waste of time.

**Ms MIKAKOS:** Mr Finn, I strongly disagree with your view about this offence. I think it is a very significant change. Whilst the ministers of religion themselves may not effectively dob themselves in—unless they have a crisis of conscience, who knows, let us hope so—the matter might come to light subsequently because we may well have a priest who is prosecuted for their crimes against children, sexual offending against children, who happens to disclose. This has occurred in past court cases: they have disclosed by way of their defence that they had confessed their sins to another clergy member. These matters can come to light. They come to light much later, but we have seen these matters come to light. It might come to the attention of police that an adult confessed to committing a sexual offence against a child to a religious minister during confession. By way of an investigation of the matter the person might well disclose that to police themselves. They may disclose it to another individual and it is reported to police and it is investigated. So these matters may well come to light.

I am not actually able to find the exact case at the moment, but I recall there was an individual. We had evidence at the royal commission, I believe. I will give you an example of an Australian priest using the confession box to confess his crimes against altar boys. He sought absolution and received absolution. Let me just check this for one moment.

I just wanted to seek confirmation that this was evidence to the royal commission about Melbourne paedophile Father Victor Gabriel Rubeo using a confessional situation to alert another clergy member to his offending and receiving absolution. These matters came to light subsequently through the royal commission process, so if we had had this law then, the priest that he had confessed to would have committed an offence. That would have come to light, and that priest could have been prosecuted. So we have seen situations through this process of victims and survivors coming forward and reporting these matters, paedophile priests being prosecuted and it becoming known that they had confessed their crimes to a clergy member. What we want to do here going forward is to ensure that when this happens again they are required to report those crimes to authorities.

It is an important symbolic act, but it is beyond symbolism. It is actually giving some real teeth to the law and making sure we take away this one class of exemption that we have had that has allowed these crimes to just keep on going for decades.

**Mr FINN:** I accept the symbolism, Minister. As I mentioned before, the symbolism is clear and very strong. You mentioned that this may come to light some years later and there may be some prosecution some years later, but I am just wondering how much weight the word of a paedophile priest would have against anybody in terms of what they had confessed or not confessed in the confessional. Personally I find the paedophile priests that I have known to be total and thorough liars. They are really, really good liars. I have only known three, thank God—or four, sorry, as I found out later. But they are really, really good liars, and if I was relying on them for a conviction, I would be very doubtful about whether I would have success. I do not want to pursue it anymore, but I just leave it on that. I just think that it is a matter of concern that we will never get a conviction under this law.

**Ms MIKAKOS:** Firstly, Mr Finn, as I explained, it may well be a child disclosing that they have been sexually abused because tragically they feel that they have sinned and they have gone to confession seeking to confess and seek some support from their clergy member. I would certainly expect that that minister of religion would report that matter to authorities as well as obviously comfort that child and provide every possible support to that child. We have seen situations where children thought somehow they were in the wrong. That came through very clearly through all the inquiries through the royal commission—that children were not believed, tragically.

I think it is important that children are believed. I think it is important that we just change the culture of how we think about these issues as a society. But as I explained, we have had evidence to the royal commission of priests who have subsequently been jailed who have said they had gone and confessed their crimes and been absolved. It was their feeling that they were absolved of their sins, which effectively was the green light for them to continue with their offending. I think it is important that that ends.

**Mr O'DONOHUE:** Minister, I just want to ask one final question in relation to the topic that I was canvassing before and that Ms Patten was canvassing before, about the two classes, now, of victims that will be established as a result of this bill. Did the government give consideration to codifying the common-law rights that are available to victim survivors post 1 July to provide greater clarity, and again, is the government comfortable that those victims who entered into agreements post 1 July 2015 will not be in a lesser position when it comes to accessing appropriate compensation?

**Ms MIKAKOS:** It is important that we understand that this is a law that applies to a broad range of civil claims. It could be a workers compensation matter, it could be a transport accident matter, it could be a building dispute, it could be any range of civil claim matters. So it is a complex piece of work to codify something that really would be codifying the common law across a very broad range of circumstances, and it is important that we not have unintended consequences in relation to that broad gamut of civil law here. The bill clearly seeks to make some changes in relation to those people who were statute barred. This is why the legislation was crafted in this way.

**Mr O'DONOHUE:** Minister, again I acknowledge the government's preparedness, if there are unintended consequences or outcomes that appear to be unjust, to continue to monitor the situation. I think that is important for the house.

Minister, I do not want to cut across anyone else who has questions, but I just have a last set of questions on a different topic. They relate to clauses 4 to 8 and 18 in relation to the powers of the secretary enabling Aboriginal agencies to act. If I could move to that, Minister, clause 4 enables the Secretary of the Department of Health and Human Services (DHHS) to authorise a principal officer of an Aboriginal agency to exercise the powers of the secretary in relation to non-Aboriginal children who are the siblings of an Aboriginal child. Minister, where can the public find the names of Aboriginal agencies and their principal officers? Are they published, for example, in the *Government Gazette*? As a supplementary, who has oversight of these agencies? Is it the Ombudsman, the commissioner for Aboriginal children et cetera?

**Ms MIKAKOS:** Thank you. I am really pleased to have an opportunity to talk about this particular issue. I guess just by way of quick background, I am sure the member would be well aware that we have a very concerning over-representation of Aboriginal children in out-of-home care system. This is why we took action in our previous government to address some legal issues that related to the commencement of section 18 of the Children, Youth and Families Act 2005. Effectively what those changes have allowed for is that the Secretary of the Department of Health and Human Services can authorise the principal officer of an Aboriginal agency to perform specified functions and exercise specified powers conferred on the secretary in relation to a protection order for an Aboriginal child. In essence, effectively what is happening is Aboriginal organisations who are involved in this Aboriginal Children in Aboriginal Care program can exercise legal guardianship over Aboriginal children in care.

At the moment the only two organisations that have been authorised under this program are VACCA, the Victorian Aboriginal Child Care Agency, and BDAC, the Bendigo and District Aboriginal Co-operative. So they are the ones that have had the secretary sign off on that authorisation, but I also point out that there are a couple of other organisations in the pre-authorisations phase, and they are the Ballarat and District Aboriginal Co-operative and the Njernda Aboriginal Corporation.

So we have been working as a government to ensure, through the Aboriginal Children in Aboriginal Care program, that important decision-making ability for Aboriginal organisations—that decisions are able to be made for children under their care. I have been provided with some further advice that the register of community service providers, including Aboriginal organisations, is all on the DHHS website as well.

**Mr O'DONOHUE:** That was very helpful, Minister. Minister, the Children, Youth and Families Act requires that children are connected with their culture. Given the changes the bill will implement, what measures will Aboriginal agencies have in place to ensure non-Aboriginal children are connected with their culture?

**Ms MIKAKOS:** Thank you. The department works to ensure that all children who are in care remain connected to their culture. We have seen through a long history of dispossession of Aboriginal people from their land, their cultural background and their understanding of their culture a skyrocketing of problems. So it is well understood that it is very important for Aboriginal children to remain strongly connected to their culture as a protective factor for those children, but it is of course an important factor for all children.

What the changes that we are making here in this bill do is ensure that for any child we respect the strong relationship with their siblings. We know that they are very significant to any child. It may in fact be that the longest relationship they have with any family member in their life will be with their sibling. This is why for children in care it is important that we protect those relationships and help to keep sibling groups together. What these changes will do is ensure that responsibility for non-Aboriginal siblings of Aboriginal children is able to be addressed together with responsibility for Aboriginal siblings. It effectively means that siblings can be managed together by the one organisation; otherwise you would end up with, potentially, children from the same sibling group being managed by different organisations, with different carers and split between different parts of the state. We know that that can be a very significant problem for children in care. I think this is an important change in terms of being able to try and keep sibling groups together wherever that is possible.

I point out that is not always possible, because sometimes there is abuse occurring within a sibling group as well, so obviously the safety of all the children involved is considered regarding the appropriateness of any placement.

**Mr O'DONOHUE:** Thank you, Minister, for that answer. Minister, given that the term 'sibling' is not defined in the Children, Youth and Families Act, how will a sibling be defined? There can be stepbrothers, half-brothers, half-sisters et cetera. How will the definition of sibling be achieved?

**Ms MIKAKOS:** Thank you. Whilst the term 'sibling' is not defined, the term 'parent' is defined, and obviously that has a bearing on how this is interpreted. Look, the term 'parent' is broadly defined in the legislation, so by extension stepchildren and stepsiblings come within scope of this. It is important in our modern society that we accept that family groupings and sibling groupings can look very different to what we may have thought in the past. This is all done with the best interests of children in mind of course.

**Mr O'DONOHUE:** Thank you, Minister. A final question from me, Minister: do the parents of a child have to agree before one or more of their children is placed into the care of an Aboriginal agency or indeed any agency?

**Ms MIKAKOS:** It is important to acknowledge that with child protection matters the wishes of parents are not always preferred; children are removed for the safety of those children. In terms of these types of decisions, these are matters that go through court processes. The best interests of children are considered. The wishes of parents are considered, but they are not the conclusive factor.

**Mr GRIMLEY:** It is pleasing to see that we have got so much support for this bill. It is fantastic, and it is the essence of what our party is all about—what we can do to prevent our children from being sexually abused. This question is more in relation to the working with children checks, by the way, so I am hoping I have not missed the boat there.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that each state and territory has a working with children checks program which operates independently of the others. The final report produced by the royal commission states that:

... the various schemes and underpinning laws are difficult to understand and apply ...

making compliance difficult. It also found that, and I quote:

the opportunities for perpetrators to forum shop for WWCCs—

working with children checks—

in jurisdictions with less stringent screening processes, or where certain background records are less likely to be identified and assessed ...

as a result of a lack of a nationally consistent scheme. My question is: in what way does this bill prevent such forum shopping for working with children checks?

**Ms MIKAKOS:** Thank you for your question. The Working with Children Act 2005 is being amended to prevent people charged with, convicted or found guilty of the most serious offences for the purposes of the act from applying to VCAT for a working with children check. The changes to the Working with Children Act will limit the right of appeal to VCAT for any person who has as an adult been charged with, convicted or found guilty of a category A offence. Category A offences are the most serious offences for the purposes of the act. They include murder and attempted murder; rape and attempted rape; sexual offences committed by an adult against a child; child abuse material offences committed by an adult; and bestiality, which is being inserted by this bill. The limiting of appeal rights represents a further step towards strengthening this scheme and acknowledges that some individuals will always pose a risk to the safety of children. I am further advised that over the past five years there have been approximately 290 030 negative notices that have been issued. Of these, approximately 1050 were based on category A offences.

In terms of the royal commission and I guess the comment that was made by the member around national consistency, I would add that the royal commission did recommend standardisation across states around these issues. The advice that I have is that the states and territories are all working together on this particular issue.

**Mr GRIMLEY:** Thank you, Minister, for that, and it is pleasing to see that the strengthening of the Working with Children Act is coming along. I have just got a query in relation to the time frame. Given the somewhat lengthy wait time that often occurs when applying for a working with children check, can the minister please indicate whether or not a person can engage in child-related work before their working with children check application has been approved?

**Ms MIKAKOS:** Thank you for that further question. Typically what would happen is an employer would do a police check of their prospective employee. Once that has been received by the employer and they find that there is nothing disclosed of concern, the person may commence their employment whilst their working with children check process is underway. So it is correct that they can start that employment, but as I said, there is typically a police check that has occurred beforehand. But there is

an offence provision that applies if the working with children check comes back and it has been knocked back. Then that person must cease employment.

**Mr GRIMLEY:** Thank you, Minister. Are there any offences identified in relation to that then if that is the case—that the person who makes application for a working with children check begins employment, in particular in a child-related industry, and that check comes back rejected? Would there be any offences committed then?

**Ms MIKAKOS:** Thank you for that further question. I just needed to clarify one issue, and that is that for a person who has committed serious offences in the past it is actually a criminal offence for them to engage in child-related work whilst they are waiting to be given their working with children check. So they actually would have committed a criminal offence in those circumstances. Any person subject to an offence or matter listed in schedule 3 of the Working with Children Act is prohibited from engaging in child-related work until such time as they are given a working with children check. The matters listed in schedule 3 include category A and category B offences, which are the most serious offences for the purposes of the working with children check, and include murder, rape, sexual offences, serious violent offences and drug offences. The matters in schedule 3 also include sex offender and serious offender orders and obligations. So if a person who is subject to one of these offences or matters listed in schedule 3 engages in child-related work whilst they are being assessed, they will be subject to penalties of up to two years imprisonment, a fine of \$39 653 or both.

**Clause agreed to; clauses 2 to 35 agreed to.**

**Reported to house without amendment.**

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (16:58): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Ms MIKAKOS** (Northern Metropolitan—Minister for Health, Minister for Ambulance Services) (16:58): I move:

That the bill be now read a third time.

I thank members for supporting this bill, and I thank those who have championed this bill who are with us here today.

**Motion agreed to.**

**Read third time.**

**The DEPUTY PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

**MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2019**

*Second reading*

**Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (16:59): I am pleased to make some remarks on the Mineral Resources (Sustainable Development) Amendment Bill 2019, which is somewhat ironically titled, which I will come to in due course. The purpose of this bill is to establish the Mine

Land Rehabilitation Authority, to legislate the parameters around the rehabilitation of mine land and to establish the Declared Mine Fund. The bill establishes a Mine Land Rehabilitation Authority, clarifies rehabilitation, closure and post-closure obligations and sets up the post-closure fund. The Mine Land Rehabilitation Authority will be the authority to take on the Latrobe Valley mine rehabilitation commissioner's current roles in relation to the *Latrobe Valley Regional Rehabilitation Strategy*. The bill enables the minister to apply this new regime to future mines that present a significant risk to public safety, the environment and infrastructure using the minister's existing capacity under statute to declare mines. It is worth pointing out that currently the only declared mines in Victoria are the Latrobe Valley coalmines.

The bill provides a framework for the monitoring and maintenance of mine land post the closure of mining activity or the ending of mining activities. The bill establishes a post-closure fund for each mine, and the authority will use the post-closure fund to meet the ongoing costs of managing declared mine land post closure. The bill enables the public to comment on the granting and refusal of licence applications, allows landowners and mine licence-holders to include agreements on non-financial compensation in registered compensation agreements and extends the term of prospecting licences to seven years from the current five years. These prospecting licences were first introduced in 2010.

Despite the title of the bill being 'mineral resources (sustainable development)', as I have indicated in the summary of the contents of the bill, this bill is actually about winding up mines. It is about putting in place a framework for the decommissioning and subsequent rehabilitation of mines rather than actually about the sustainable development of the mining industry.

The bill arises from the Latrobe Valley mine rehabilitation structure, which of course came about as a consequence of the fire which occurred in the Latrobe Valley in February 2014, which as members of the house will know was a time when we had some fairly severe fires burning in Gippsland. One of those fires managed to get into the coal pit at Hazelwood, which led to a very substantial fire that burnt in the Morwell community for an extended period of time. The impact of that fire in that open-cut mine on that community was extensive. It went for a long period of time and had a very significant impact on that local community, and members who were in the Latrobe Valley while that fire was burning would well appreciate the very direct and real impact of that fire just in terms of amenity and appearance, let alone the subsequent impact on health and the like.

Following that fire in February 2014 there was a board of inquiry which made a number of recommendations as to the management of that fire and lessons to be learned from the management of that fire, and there was a subsequent investigation chaired by, from memory, Bernard Teague, a former Supreme Court justice, in 2015 which made a number of other recommendations around the remediation arising from that fire. Those recommendations led to the Latrobe Valley mine rehabilitation commissioner's role and subsequently to the legislation that the house is being asked to address today.

The legislation, in concert with the existing Mineral Resources (Sustainable Development) Act 1990, will allow the Minister for Resources to declare mines which will come under this framework if they meet the criteria I stated earlier—that is, they present a significant risk to public safety, the environment or infrastructure. What is not clear from the legislation is how that definition will be applied in a practical sense in terms of making declarations for future mines. As I indicated earlier, currently the only mines which are declared under the existing statute are the Latrobe Valley mines. There are of course numerous other mines across Victoria which could be subject to the ministerial declaration brought within this framework.

The coalition does not oppose this bill. We believe that on the whole the measures are reasonable, though we note that many of the operative functions of the bill will in fact be put in place by regulation and that those regulations have not yet been made available to the house, to the community or indeed to the industry. A similar bill was introduced by the government in the last term of Parliament. At that time it was, I understand, focused on the Latrobe Valley mines. This bill now provides a mechanism

whereby the regime can be extended beyond Latrobe Valley mines, and that has not been subject to consultation with the broader minerals sector in this state. That is something we believe should have happened and should happen with respect to the regulations which are going to be required to give this bill effect.

I note that, as I said at the outset, the bill is somewhat ironically named a ‘sustainable development bill’ when it is about decommissioning, and it is worth reflecting on the status of mining in Victoria and the way in which that standing has deteriorated over the last 20 years. I had a look earlier today at the contribution that the mining industry now makes to the Victorian economy according to the most recent state accounts published by the Australian Bureau of Statistics. The ABS reported that in the financial year to 1998, which is 21 years ago, mining made up just under 2.5 per cent of gross state product, so it was an important part of the state’s economy. By last year—June 2018, which is the last reported state accounts data from the ABS—that share had fallen from 2.5 per cent of the state’s economy to just 0.77 per cent of the state’s economy. Now, you can explain that away by saying that the rest of the Victorian economy has grown more rapidly, which is certainly the case—and it is not surprising to see a shift in the industry mix in such a way where our primary and secondary sectors like agriculture and mining become a smaller proportion of the overall economy as we see growth in the tertiary sectors—but, interestingly, the sector has also declined in absolute terms, in real terms. The ABS in that same publication show that on a chain volume measure, which is the constant price measure the ABS now use, in 1998 the mining sector was worth \$5.8 billion to the Victorian economy. In 2018 that had fallen to under \$3.3 billion. So we have seen a decline in the mining sector over the last 20 years, a period of time in which the Labor Party has been substantially in government, and you can see a very real correlation between some of the red tape which has been introduced—some of the complexity that has been introduced—and that decline in mining activity in this state.

**Mrs McArthur:** The attacks on gold.

**Mr RICH-PHILLIPS:** Mrs McArthur refers to the attack on gold. We of course saw last year out of the blue a new royalty imposed on gold. This was on the back of, in the previous year, or two years earlier, the Treasurer making an attack on coal with the unexpected coal royalty, which led to the subsequent closure of the Hazelwood power station and all the ramifications that we have seen flow through from that subsequently. So this government has not been supportive of the mining sector, and we have seen the decline of that sector over the last two decades while this government has been in office.

As I said, the coalition does not oppose this bill. To the extent that this bill is about remediation of closed mines or closing mines and a framework for that, we think it is reasonable, though much will rely on what is in the regulations and the government undertaking consultation on those regulations in a way in which it did not on the bill—the reintroduced bill, which is of course a broader application of the 2018 bill—but we do note that a bill titled ‘sustainable development’ is a misnomer in an environment where we have seen the mining sector contract by 40 per cent under this government.

**Ms GARRETT** (Eastern Victoria) (17:10): I am really pleased to be able to speak on this particular piece of legislation. It is terrific to see the minister in the house. I congratulate her for bringing the bill forward. Before I proceed to my short contribution, it is really interesting, isn’t it, Mr Gepp, that we are getting lectures about how we manage the economy and create jobs from those opposite. We had four years of absolute inertia and four years of them being asleep at the wheel, literally and figuratively—we had people falling asleep in Parliament. Those of us who were in the lower house would remember people literally falling asleep in the middle of contributions. So here we are having lectures from people about how to stimulate the economy and create jobs. Thank you, but I think we can look at our own track record both during the time of the Andrews Labor government and of course during the Bracks-Brumby years.

We know that this bill had its genesis in the horrors of the Hazelwood mine fire in 2014, a fire that ran for some 45 days and had devastating and long-term impacts on the community and on the firefighters

who fought that very difficult mine fire. There were huge amounts of smoke inhalation. There were complaints of severe health problems throughout the community. Schools and childcare centres were closing their doors because of the toxicity of the atmosphere, and families and single people were frightened about their health and wellbeing and what this meant for the long-term capacity of their communities. As a result of that the board of inquiry was established, and this found that the current legislative and regulatory framework is simply not up to scratch when dealing with these particular situations. In regard to mine rehabilitation, the closure process was unclear and did not meet community expectations. The inquiry made a total of 50 recommendations, and 38 of those have already been implemented, with the other 12 on track.

As a part of that response to that very significant deep and wideranging probe we have this legislation, which establishes the Mine Land Rehabilitation Authority, and this will oversee any declared mine land. Currently the Minister for Resources can declare sites but only if they present significant risks to public safety, relating to perhaps geotechnical or hydrogeological risks, and we have only got three sites declared as such sites currently, all of course in my electorate, in the Latrobe Valley. This bill removes red tape, allows the minister to declare sites if there is a risk to the safety of the public, the environment or infrastructure and adds other reasons for which the minister can declare a site a mine relevant to these issues. Any mine with a current mining licence can be declared if it presents a risk to public safety, infrastructure or the environment. So these are significant changes.

The bill also provides a new framework where licensees will have an obligation to declare a rehabilitation plan—a very significant development—and meet all closure criteria and, importantly, establishes the Declared Mine Fund, which will be used to manage the ongoing costs of declared mine land after operations finish. It is really very important in Victoria. We have a thriving mining sector. We are very proud of that mining sector. It does provide thousands upon thousands of jobs directly and indirectly, but it is important that that comes with a responsibility to make sure that we do not have another Hazelwood mine fire. That is absolutely critical.

The bill allows the public to comment on licence applications, making for a fairer community engagement process, and increases the ability of the public to participate in that process. Currently there are only objections allowed. Really importantly, the bill extends the term of prospecting licences from five years to seven for small-scale—up to 5-hectare—mines. The current framework is quite limiting because it takes several years for the licensee to fulfil conditions to commence work. This changes all of that.

So, as I said, we are very proud of our mining sector. The ABS data shows some 16 000 jobs are in our sector, but we do need to find the balance and we need to ensure that mine operators operate responsibly, even after they close their doors—in fact some may say especially after they close their doors. We as a government have taken that very strong stand that we cannot allow those communities with beautiful families, young children and the elderly located near mining sites to be exposed to serious health and safety risks or to be left with permanent scarring on the landscape and unusable land. I would like to finish with a quote from the Minister for Agriculture and Minister for Resources, who said:

We're ensuring private power companies can't cut and run like they did with Hazelwood ...

This is what this bill is ultimately about, and I commend it to the house.

**Ms BATH** (Eastern Victoria) (17:16): I am pleased this afternoon to make a short contribution on the Mineral Resources (Sustainable Development) Amendment Bill 2019. As my colleague Mr Rich-Phillips has indicated, the Liberals and Nationals will not be opposing this bill. This bill relates to three mines specifically in my electorate of Eastern Victoria and in the Latrobe Valley, where my office is, and I speak with many of the constituents who work in this area and who are affected by various operations or the closure of operations over time. This bill establishes a Mine Land Rehabilitation Authority, which will be governed by a board.

I note that another member for Eastern Victoria Region just raised the issue of licences—prospecting licences being elongated from five to seven years, which is a most sensible length to have—but what I find in speaking with both the recreational prospectors and miners and those who do it for a living is that there is a great sense of vulnerability in relation to this industry as a whole. They are frustrated on one level in terms of Earth Resources and the very clunky and arduous nature of some of the requirements to have licences and go through the various procedures. They are all in favour of course of doing the right thing and getting those licences, but they feel that there is a lot of arduous and clunky activity they have to go through for that. They would really very much appreciate speaking with Minister D'Ambrosio in this case and/or Minister Symes, who is at the table today. Indeed I raised this issue back on 28 May that the PMAV, the Prospectors and Miners Association of Victoria, would very much like to have a conversation with both Minister D'Ambrosio and Minister Symes, but to date they have not been contacted, there has been no time set aside to meet with them and they are very disappointed that this has not occurred. Daniel Andrews said, 'I will govern for all of Victoria'. Well, they are very valuable members of the Victorian population and they are not being listened to, and there are genuine concerns that need to be addressed.

Now, in relation to Hazelwood and the Hazelwood fire, we know that the mine rehabilitation commissioner was established in 2017. Indeed I have had the pleasure—and I will say the pleasure—of speaking to the commissioner, Mr Rae Mackay, on a number of occasions in a variety of settings, and I have had briefings with him. But two years later we now see this bill establishing the Mine Land Rehabilitation Authority to deal with specifically, at the moment, those three Latrobe Valley mines of Hazelwood, Yallourn and Loy Yang. They are indeed vast voids. I have had the privilege, again, of going down into them throughout the course of my time in this place to see and understand that it is a world of its own in those voids. There are specialised technicians with highly skilled operations working there. Post Hazelwood, once that absolute debacle of a situation in which there was no phased closure is over and that mine is empty, it is about what to do with the Hazelwood pit. Engie have been working most considerably and also most collaboratively with the community. I will say that I have had a number of briefings with Engie in a variety of forms. Lauren Carey is the communications manager there. They are very intent on keeping the community abreast of what needs to happen there.

But I know Mr Mackay as the mine commissioner has put on the table really the only thing that will happen to the Hazelwood pit, which is to be a partial or full pit lake. While that sounds great on some levels, it also has consequences. We certainly know that it is a vast, vast void to fill, and I think, if I have got my facts right—I am looking for them now—there is something like in the vicinity of two Sydney harbours full of water to fill that pit lake to its top. So that is a huge amount of water. At the moment there are a lot of pumps being pumped to keep the aquifers down and out of the pit, so there will be water rising when those aquifers are able to fill or to flood, but that certainly is only still a skerrick of what will be required. We talk about the Hazelwood Pondage, but that will only represent 4 per cent of the entire region of the void to be filled, so there is not a quick fix to fill this; indeed they talk about decades to fill that site.

The other thing that is very frustrating for people, particularly the wonderful people of the Latrobe Valley Yacht Club, is that because of the closure of that Hazelwood Pondage we have seen they have now lost their home and in effect have had to go into recession or go to other lakes. There is also the caravan park and the loss of recreational use of that space. When that pondage is drained, that area is gone entirely. The government needs to continue to support—well, actually I will stop there because they have not really been supporting the Latrobe Valley Yacht Club. They need to get on board and support them in order for them to relocate to a new position. If the government has some new information that they would like to bring forward about what they are doing to support the Latrobe Valley Yacht Club to move elsewhere, potentially to Lake Narracan, that needs to come forward and they need to be assured of that information. They need to be assured that there will be a time line for the yacht club to rehome and for the infrastructure and facilities to be there.

The other point that is concerning is: where will the mine rehabilitation process access that water to fill the Hazelwood pit? There are other water storages—Blue Rock, Moondarra and Lake Narracan. At the moment they are being used for recreational use and water, of course. Where will that come from? Will they all be drained? What would that look like? These are the things that the community is asking: what will happen to those water storages?

If you look at the end of that issue in relation to the Hazelwood pit, then we move on to Yallourn power station. It is slated to close in 2032. At the moment it provides 22 per cent of base load dispatchable power to our state, and the government needs to continue to work with the Yallourn power station and EnergyAustralia to support them and not let them hang out to dry. We still need our power in the state. We still need strong, reliable, dispatchable power as well. There will be remediation required in 2032 for the Yallourn power station and there needs to be plans put in place for that. These huge structures do require a considerable amount of remediation and to be made safe, certainly for the public, and to mitigate danger and fire, but also for use into the future, but not at the cost of the loss of other very important infrastructure as well.

With that, I say again that we take a not-oppose position. There are certainly some sensible inclusions in this bill, but the government needs to (a) continue to support the people of the Latrobe Valley, and (b) continue to support the Yallourn power station to continue to keep our lights on and not create what they did in the Hazelwood situation where they upped the ante on the coal royalty tax to the point where it just was not feasible. They need to do it better in the future, and part of that will also be the remediation of the voids once various power stations have closed.

**Dr KIEU** (South Eastern Metropolitan) (17:25): I rise to contribute to and support this bill, the Mineral Resources (Sustainable Development) Amendment Bill 2019. As previous speakers have mentioned, the bill is the result of the Hazelwood mine fire inquiry, and it fulfils our government's commitment to implement its recommendations.

It has become very, very clear that the regulations at the moment are not up to scratch in dealing with the issue of mine rehabilitation and remediation. At the outset I would like to say that, contrary to what the opposition may have said, the mining and extractive industries are critical and crucial components of Victoria's economic wellbeing and development. But on the other hand we need to ensure that they maintain their social licence, that the rehabilitated landscapes are safe and that communities living nearby are not left suffering from permanent blights once mining finishes.

The bill ensures that mining licensees are required to contribute appropriately to the costs of closure and rehabilitation. The scheme will initially apply only to the three Latrobe Valley mines, the largest in our state of Victoria, but there is scope for the framework to be applied to other mines which pose a danger to the community or the environment. It should be emphasised that this is not about punishing or restricting mining; it is only about ensuring we have regulations that require licensees to act in a responsible way that is commensurate with community expectations and safety.

As we know, in February 2014 a fire took hold at Hazelwood, and it took 45 days—more than a month and a half—before it could be quelled. As a result the Governor of Victoria appointed the Hazelwood Mine Fire Board of Inquiry, and some recommendations were proposed as a result. The Andrews Labor government is now committed to meeting these recommendations through the Hazelwood mine fire inquiry implementation plan. The bill establishes a Mine Land Rehabilitation Authority to oversee declared mine land and in future to declare mines.

The framework within the bill, and the authority, will incentivise mine operators to properly plan for the end of a mine's life and further enable said operators to take the best action to prepare a safe and sustainable landform during a project. The better that a mine operator tries their hand at rehabilitation, the lower the potential post-closure costs will be for the operators and for the public. It should be emphasised that the bill will also create a Declared Mine Fund, which is a post-closure trust fund. The fund will include funds received from former declared mine land licensees and declared mine land

holders to contribute to the authority's functions. It will also include any rehabilitation bond funds retained by the responsible minister and any amounts the government may elect to contribute.

It is important to note that this bill is not anti-mining or anti the mining community; it is exactly the opposite. Whether it is the steel laid on Victoria's train tracks, the bricks in our houses or the gold in a wedding ring, our state of Victoria has a long history with mining and mining communities, and it is our responsibility to ensure they are protected. For declared mine sites there needs to be greater planning around the lifecycle of a mine, so that when it is eventually closed, as it must, the land previously utilised will be safe for the local community, and the environment will be protected and restored. The Hazelwood fire is something that nobody, especially the people of the Latrobe Valley, ever want to see repeated. I commend the bill to the house.

**Mr ELASMAR** (Northern Metropolitan) (17:31): I also rise to contribute to the Mineral Resources (Sustainable Development) Amendment Bill 2019. Essentially this bill is about occupational health and safety and long-term safer, sustainable employment in the mining industry in the Latrobe Valley. As we all know, and as we have heard from other speakers, in February 2014 a fire erupted at the Hazelwood coalmine that lasted 45 days and had significant adverse impacts on the local community. Local residents suffered dreadful reactions to toxic smoke billowing from the burning coalmine at Hazelwood. A subsequent inquiry into the cause and aftermath of this toxic blaze recommended that a statutory authority be established by 2026, or earlier if one of the mines should close.

In June 2016 the Andrews Labor government committed to adopting the inquiry's recommendations through the Hazelwood mine fire inquiry implementation plan. It is important to note that Engie ceased mining at Hazelwood in March 2017. The bill proposes to support and protect the Latrobe Valley and other Victorian communities that face long-term impacts from mining and quarrying.

Of significance to mine workers is that the bill establishes a Mine Land Rehabilitation Authority, it clarifies the processes of rehabilitation, closure and post-closure obligations and sets up a post-closure fund. The bill will empower the minister to apply this new regime to future mines that present a significant risk to public safety, the environment or infrastructure using an existing statutory power to declare mines. The Latrobe Valley coalmines are currently the only declared mines. The bill provides for the establishment of the Mine Land Rehabilitation Authority on 1 July 2020. The authority will take over the Latrobe Valley mine rehabilitation commissioner's current roles in relation to rehabilitation and the *Latrobe Valley Regional Rehabilitation Strategy*. The authority will be empowered to monitor, maintain and manage registered declared mine land.

What occurred at Hazelwood ought never be allowed to happen again to innocent residents and workers of the Latrobe Valley. For many years the valley has been sustained by the mining industry, and it is not the intention of the bill to set in place structures to stifle employers or employees. What it does is enshrine safety measures for people and at the same time provide long-term stability to the mining industry. This is a good bill because it recognises the imperatives of protecting jobs in the industry, but it puts people's safety first. It is expected the proposed changes will come into effect from 1 July 2020, thus allowing time for proper consultation with key stakeholders to occur prior to the rehabilitation plan being implemented. I strongly commend the bill to the house.

**The DEPUTY PRESIDENT:** I would just like to acknowledge a former member in the gallery, Ms Carolyn Hirsh. Welcome.

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (17:35): It is an honour to make a short contribution and sum up the bill before the house today. Of course it is my first bill as the Minister for Resources. In fact it is my first bill as a minister in the house. It was short and sweet—that is kind of appreciated. Thank you to those who made a contribution.

I would like to address some of the points that were made. Contrary to Mr Gordon Rich-Phillips's talking down of the industry, I would say that the mining equipment, technology and services sector is a vibrant and exciting industry for Victoria. It contributes about \$14 billion to the state economy and employs more than 16 000 people directly. The latest investment figures for 2017–18 show that the development of the mineral resources industry resulted in \$73.7 million in mineral exploration expenditure, which is going up exponentially each year—an 81 per cent increase from the year previously. There was \$468 million in private new capital investment and \$825.9 million in mineral production value. So this is certainly an industry that is providing a lot to our state.

In relation to gold, we are absolutely experiencing a gold boom, and there are a lot of exciting developments and future exploration or activities that will be opened up later in the year. I would absolutely make no apology for Victoria benefiting from that gold.

**Mr Rich-Phillips:** Bendigo?

**Ms SYMES:** Bendigo is going great guns. The gold price is absolutely going through the roof, and Victorians are able to benefit from some of that boom by virtue of getting a royalty based on an asset that they own—that the state owns. That is a valuable investment that should come back to our state.

Mr Rich-Phillips, I am not sure who you have been speaking to in relation to a lack of consultation. There has been extreme consultation with industry, and I can assure you that there will be consultation. All of the representative bodies have been consulted. This has been a pretty extensive process. This bill started two ministers ago; I am the third minister. I would absolutely commend the department for bringing me up to speed as the new minister and for their ongoing consultation as this process has drawn out. As we know, the bill was not able to be passed through the upper house due to the timing of the election last year.

I would just make some comments briefly about the bill and why it is important for the house. Many of us do remember the horrific events that took place on 9 February 2014 when fires ripped through the Hazelwood mine. The mine fire burnt for 45 days, sending smoke and ash over Morwell and surrounding areas for much of that time. I do want to use this opportunity to commend the first responders, firefighters, health workers, councils, public servants, social workers and volunteers who stepped up to assist during that catastrophic event a couple of years ago.

Of course it was a couple of weeks later that the Governor of Victoria appointed the Hazelwood Mine Fire Board of Inquiry, which went on to find that the legal requirements for mine rehabilitation and mine closure were unclear. The recommendations made to the government have been well canvassed, and of course this bill enacts three of those recommendations—12, 15 and 17.

While the mining and extractives industries are critical to Victoria's economic wellbeing—and I have outlined the contribution that they make to the state's economy—we do need to ensure that rehabilitated landscapes are safe and that nearby communities are not left with permanent blights once mining finishes. The bill will ensure that mining licensees are required to contribute appropriately to closure and rehabilitation costs, and I am glad to see that the house is supportive of that; it is a sensible approach. The scheme will initially apply only to the three Latrobe Valley mines, but there is scope, which is appropriate, for the framework to be applied to other mines which may pose a risk to the community or the environment. The bill adds other reasons for a mine to be declared if it presents water quality or hydrological risks, and of course, as minister, I would take advice on these risks before being in a position to provide advice on whether something should be declared or not. I do want to point out that this is in no way about restricting mining. It is about ensuring we have regulations that require licensees to act in a way that is in line with community expectations once mining has finished.

The bill establishes the Mine Land Rehabilitation Authority to oversee declared mine land, as was recommended by the inquiry. From 30 June 2020 the newly established Mine Land Rehabilitation Authority will replace and succeed the Latrobe Valley mine rehabilitation commissioner, Rae Mackay,

who I must say is doing an outstanding job. Local communities have already been heavily involved in discussions around the future rehabilitation requirements as part of community discussions with the commissioner, particularly through Susan Lloyd, who chairs the Latrobe Valley Mine Rehabilitation Advisory Committee. I would like to thank her and the team for their ongoing interest in the community and the impact of mine rehabilitation going forward.

As I have said, the commissioner and government agencies are collaborating and are consulting and will continue to work together on planning and producing the Latrobe Valley regional rehabilitation strategy, which will set out the future rehabilitation requirements of the mines.

I would just like to again thank the department, who have been very patient with this bill. Obviously it is the second time around, with a new minister. In particular I would like to thank Linda Bibby and Laura Cronin for their advice and capacity to be patient with me in answering all my questions on, as I said, my first bill as a minister in the house, and the rest of the department, who will be working on this bill, developing the regulations. I think it is a great outcome for the community generally but particularly for those in the Latrobe Valley. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (17:42): I move, by leave:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

**Adjournment**

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (17:42): I move:

That the house do now adjourn.

**MORNINGTON PENINSULA FREEWAY NOISE BARRIERS**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (17:43): This is a matter for the attention of the Minister for Roads regarding the need for sound barriers on the Mornington Peninsula Freeway. This is a longstanding matter of concern to residents who live at the bottom end of the Mornington Peninsula, the communities around Safety Beach, Dromana, McCrae and Rosebud. In fact it was first raised in the Victorian Parliament in 2003, some 16 years ago. At that point the increase in traffic flow on the Mornington Peninsula Freeway was generating substantial noise for residents living along that section of freeway, and intervention was sought then from VicRoads to have sound barriers constructed. Subsequently nothing has happened in the last 16 years. Indeed in the mid-2000s VicRoads undertook an assessment of the noise signature along that section of road which revealed that it did exceed the VicRoads standard of 68 decibels, and that situation has only become worse since that assessment was done by VicRoads in the mid-2000s. The situation has been further worsened since the opening of Peninsula Link in 2013, which has funnelled further traffic onto the Mornington Peninsula Freeway—which of course terminates at the Jetty Road intersection, the south-western end of that freeway—leading to even further noise issues for residents in those communities.

In recent weeks I have had the opportunity to meet on site with members of the Sick of Freeway Noise group on the Mornington Peninsula, who are strongly advocating for noise attenuation to be constructed at the end of the Mornington Peninsula Freeway. They note that recent work by VicRoads to install wire rope barriers has led to the removal of considerable vegetation from that section of freeway, which has made the noise situation worse. So not only have we had traffic growth and Peninsula Link opening; we now have the removal of vegetation, which has made the noise situation even worse.

The federal government in March or April of this year, in this year's budget, committed \$5 million to the construction of noise barriers on that section of the Mornington Peninsula Freeway as part of a bigger package for the upgrade of an overpass at Jetty Road. So I now ask the Minister for Roads: will she take the opportunity presented by the \$5 million from the federal government and match that with state funding to ensure that those residents at the end of the Mornington Peninsula Freeway can now have the sound barriers they have waited for more than 15 years for?

#### MURRAY-DARLING BASIN PLAN

**Mr BOURMAN** (Eastern Victoria) (17:45): My matter is for the Minister for Water in the other place, Minister Neville. Last Thursday, on 5 September, I drove to Tocumwal in New South Wales to attend a rally protesting the Murray-Darling Basin plan. The rally was pretty big, around 2000 people cramming onto the foreshore of the Murray River, which was pretty full given that we are in a drought situation. I listened to some politicians, and more importantly I was hearing from people directly affected by the Murray-Darling Basin plan. It is clear that the plan is not working, and it is clear that something must be done. We cannot just sit idly by and watch farmers and irrigators around the north of the state get smashed against the wall with unaffordable water. Families which have been farming for many generations are facing a bleak future, and we now see many having to walk off the land due to drought considerations, made worse by the mismanagement of the Murray-Darling Basin plan. I call on the minister to initiate whatever actions are necessary to withdraw Victoria from the plan and work with the other states involved to come up with a plan that is fair for all, not just South Australia.

#### MORNINGTON PENINSULA BUS SERVICES

**Mr O'DONOHUE** (Eastern Victoria) (17:46): I raise a matter for the attention of the Minister for Public Transport, and it relates to public transport services on the Mornington Peninsula. As the minister would appreciate, the vast majority of public transport services on the Mornington Peninsula are buses. The Stony Point line does operate but only services part of the peninsula. Of course federal Labor, the national coalition and the state coalition all support the extension of the Frankston line to Baxter. It is the state Labor government that is the impediment to getting that infrastructure extended.

As I say, buses are critical to public transport on the Mornington Peninsula. Mornington Peninsula Shire Council, out of a sense of absolute frustration—and despite ongoing advocacy to, to be frank, state governments for many years—has now commenced an active campaign for better buses, seeking better public transport, better bus services, for the Mornington Peninsula. The Mornington Peninsula shire mayor has said that:

... 82 per cent of the region was without public transport and existing services were infrequent, indirect, unreliable and overcrowded.

He said the network had reached a 'breaking point' and \$10 million a year of investment in bus services would fix many of the issues. This is obviously a critical issue for people of the peninsula, many of whom need to access Melbourne for work and for health services—particularly the major hospitals in Frankston. The particular focus is extra buses on the Portsea to Frankston service, route 788, which carries approximately 500 000 passengers a year and could carry many more with better, more frequent services.

As someone who grew up on the Mornington Peninsula, I am often amazed that the bus service timetable seems awfully familiar and awfully similar to the bus service timetable I recall when I was a young person trying to get around the peninsula myself. There are no cross-peninsula bus services, making it very difficult for people to cross from one side of the peninsula to the other. The peninsula seems to lose when it comes to government investment. It does not qualify for Regional Development Victoria funding yet does not get the investment in metropolitan public transport and other services. So the action I seek is for the minister to meet with Mornington Peninsula Shire Council and to fund the increased services to give the peninsula a public transport system it can rely upon and can use.

#### WATER SAFETY

**Dr CUMMING** (Western Metropolitan) (17:50): My adjournment matter is for the Minister for Education in the other place. During the 2017–18 summer Victoria reported the highest number of deaths due to drowning in 20 years. What are the government's plans to address and reduce the incidence across the whole community? I cite a report from Life Saving Victoria from the 2017–18 financial year: 107 drowning-related incidents were reported across Victoria, 40 resulting in death. Over half of the deaths occurred just during the summer months. A key fatal drowning statistic is that 35 per cent of the total recorded deaths in Victoria were of people from culturally and linguistically diverse backgrounds. This is double the number who died after drinking alcohol and swimming or who were not wearing life jackets. There was a significant increase in deaths of people aged between 45 and 64 and also in coastal waterways. I also cannot ignore the 83 per cent increase in fatal drownings of people in swimming pools or paddling pools. What shocked me was that half of these deaths were in public pools. On top of this, for people in western Melbourne compared to other areas in the state there is a 97 per cent increase in the likelihood of one or more drowning deaths in a year.

Whilst the recent increase in resources for primary school swimming education is welcome, it does not address the needs of the whole community, leaving them vulnerable. The government cites water safety as a priority for all ages and genders and cultures. I see little evidence of this occurring. The Play It Safe by the Water program focuses on English-speaking young children with IT access. The costs to enter pools for a regular swim or for a private swimming program are unaffordable for many in my region. I am sad to say I have witnessed a child's death by drowning and the utter devastation for that family. It is an event that will never leave me. Now with the 2019 summer upon us, my concern for my community is heightened. I call on the government to take urgent action on this.

#### BEACH ROAD TRUCK BAN

**Mr ERDOGAN** (Southern Metropolitan) (17:52): My adjournment matter is for the Minister for Roads. In February this year the minister announced and implemented a 24/7 restriction on the use of trucks on Beach Road in my electorate, designed to ease congestion for motorists as well as providing a safer commute for drivers and cyclists alike. Beach Road is used by cyclists of all ages both for recreation and to attend work or school. Commuters rely on this major arterial road to move throughout Southern Metropolitan Region. The truck ban has handed the road back to commuters and moved freight off our commuter infrastructure and onto freight routes. This action was taken after extensive consultation with the trucking industry as well as local communities in Bayside and Port Phillip. It has successfully balanced the needs of freight traffic with those of other commuters while providing sensible flexibility for buses, caravans, cranes and trucks making local deliveries with no other route available to them.

The local community called repeatedly for this action and supported the various trial curfews used to gauge the effect of this decision. This government listened to the community and took action to make our beautiful beachside suburbs safer and more accessible. The action I am seeking is an update from the minister in regard to the community-backed truck restriction on Beach Road, including how this decision has eased congestion and improved public safety and the overall ease of the commute and quality of living for those in Southern Metropolitan Region. I also seek information on how the government has balanced the needs of freight and other commuters on Beach Road.

**CLIMATE CHANGE**

**Mr FINN** (Western Metropolitan) (17:54): My adjournment matter is for the Minister for Education. We have spent a good portion of today in this house debating legislation which will protect children, and indeed the protection of children is something that is very, very high on my list of priorities. So it concerns me enormously when I hear reports from parents, and particularly from doctors, who tell me of children who are suffering nightmares, who are suffering severe anxiety and who are even suffering depression. Some, I am told, are too afraid to get out of bed in the morning.

Now, you might ask what is causing this dreadful plague that is upsetting our kids. Well, it has a lot to do with teachers who are telling them that they are about to die or that the end of the world is imminent. Is it any wonder that our kids are going through such agony when they are being fed such nonsense from people who are supposed to care for them? Climate change extremism as we see it in our schools today is child abuse, pure and simple—nothing more, nothing less. It is child abuse. It is something that I find intolerable; indeed it is something that we all should find intolerable. We should not have children being fed this garbage, terrifying them every day of their lives.

I have mentioned before that when I was growing up we were worried that the Americans might blow up the Russians or the Russians might blow up the Americans or they might all blow everybody up. That was a fairly legitimate concern at the time, but on this particular occasion this is all politics. This is all political. The end of the world is not nigh. We are all not about to die.

What we are hearing in schools now is particularly bad, in my view, when it is coming from teachers. Teachers are supposed to be responsible. Teachers are supposed to be caring for the kids that they are in charge of. In certain instances it is clearly not happening, and that has to change. What I am asking the minister to do on this occasion is publicly dissociate himself from this campaign of terror by extremists in the Department of Education and Training and to issue a directive for them to cease and desist in this campaign. Our kids are far too important to be faced with this barrage of—well, it is filth. It is filth, nothing more or less. It is just appalling. I am asking the minister to do something about it and to stop it now.

**PRISON DRUG AND CONTRABAND USE**

**Ms MAXWELL** (Northern Victoria) (17:57): My adjournment matter is for the Minister for Corrections. It follows the recent release of the latest drugs in Victorian prisons report. On the one hand I congratulate the government for continuing to release this report. That it does so comprehensively and on a monthly basis and that officers in the prison system appear to be undertaking this testing and checking work on a regular, ongoing basis is very welcome. On the other hand it is, sadly, one of the more disheartening public documents that I continue to come across in this job. The reason I say that is that seemingly without fail it continues to paint a very disturbing picture of the scale of drug use within and the level of smuggling of contraband substances into Victorian jails. I should clarify here that contraband, the way that the report defines it, includes items like further drugs, alcohol, syringes and needles, and edged weapons.

In this latest version, which details statistics from June, the number of positive random drug tests across Victorian prisons had increased to more than 5 per cent. For the year to June the report also revealed that there were seizures of contraband from prisoners amounting to over 750 litres of alcohol, around 900 edged weapons, 360 syringes and needles and nearly 2000 hits of heroin replacement drugs. In each case that is a significant increase on the already alarming numbers from the previous 12 months.

Clearly these kinds of figures elicit many questions about the effectiveness of any deterrents and punishments being imposed on prisoners found to be using and/or possessing drugs and other contraband. Similarly they raise many concerns about what sanctions, if any, are being applied to people caught trying to smuggle drugs and/or contraband into the prisons. The action that I therefore seek from the minister is that he clarify how the government has established the benchmark for the

levels of drug and contraband use that are stipulated in the drugs in prisons report and why it should apparently be regarded as acceptable that there should be any drugs or contraband items allowed in the state's prisons at all. As part of the response I would also be grateful if the minister could clarify what percentage of the tests and checks that are identified in the report are performed on prisoners purely as they enter jail, as opposed to prisoners who are already serving their sentence.

#### ***SHEPPARTON EDUCATION PLAN***

**Ms LOVELL** (Northern Victoria) (18:00): My adjournment matter is for the Minister for Education, and it is regarding the veil of secrecy implemented by the Andrews Labor government over the merger of the four public secondary schools into one large, single-campus secondary school in Greater Shepparton. The action that I seek from the minister is for the minister to instruct the freedom of information unit of the Department of Education and Training to immediately supply me with copies of the documents requested in my FOI request dated 18 July 2019.

There is outrage in the Shepparton community over the plans of the Andrews Labor government to merge the four public secondary schools into one giant super-school designed to house up to 3000 students. In the face of the justifiable criticism, the minister continues to claim that the government consulted extensively with the entire Greater Shepparton community. The department's *Shepparton Education Plan* website states that a total of 685 people either attended a community meeting or completed an online survey during this consultation process. This represents approximately 1 per cent of the Greater Shepparton population. Senior members of the department of education have now publicly admitted that consultation with the community was flawed and inadequate.

I have submitted four freedom of information requests to the department of education's FOI unit, seeking the disclosure of documents regarding the *Shepparton Education Plan*. In particular my first request, dated 18 July 2019, sought all documents relating to the community consultation regarding the *Shepparton Education Plan* and the decision to merge the four schools into one. On 26 July I was informed that my request had been refused as it was estimated to include the collation of over 1000 documents. On 29 July I rescoped the FOI request with a narrower time line and excluded publicly available documents, but that was again refused, with the estimation of documents required to be over 500. After further narrowing the scope of the request, the department made a final decision to refuse the FOI on the grounds that it involved collating thousands of records, when a broader interpretation was only 500.

It is clear that the department of education is deliberately stifling any legitimate scrutiny of the process surrounding the *Shepparton Education Plan* by refusing my FOI requests. Therefore considering he continuously trumpets the planning process of the *Shepparton Education Plan* as supposedly being open and transparent, the action that I seek from the minister is for him to instruct the freedom of information unit of the Department of Education and Training to immediately supply me with copies of the documents requested in my FOI request dated 18 July 2019.

#### **JESUIT SOCIAL SERVICES MEN'S PROJECT**

**Ms PATTEN** (Northern Metropolitan) (18:03): My adjournment matter is for the Minister for Prevention of Family Violence. It could have been equally directed to the Minister for Crime Prevention or the Minister for Mental Health, as it relates to the Jesuit Social Services Men's Project and the response to recommendations from the Royal Commission into Family Violence. The Jesuit Social Services Men's Project has, not surprisingly to anyone, recognised and identified that we have a problem, and we have a problem with our men and boys. It is not all of them by any means, but nine out of 10 of our prisoners are male, on average every 4 hours a male commits suicide and 95 per cent of victims of violence experience that from a male perpetrator. But most importantly these issues are completely connected to men's attitudes to masculinity.

The Men's Project did a very interesting report on this. They basically found that men in the 'man box', which actually accounts for 20 to 30 per cent of the people that they surveyed—men agree or

agree strongly that men should act tough, figure out their personal problems themselves and use aggression to get respect, that a man should never say no to sex and that men should bring home the money, not women—are far more likely to perpetrate bullying, be involved in traffic accidents, perpetrate physical violence or sexual harassment and, given that it is World Suicide Prevention Day, have suicidal ideation. When they looked at these men, 75 per cent of them were having suicidal ideation or suicidal thoughts. What Jesuit Social Services are asking for is a solution to this, and the solution to male suicide is to address masculinity attitudes.

The action tonight that I seek tonight is that the government explicitly recognise the influence that men's attitudes towards masculinity can have on family violence and that the minister, in acting on the recommendations of the Men's Project, develop a coordinated response to adolescent family violence pursuant to recommendations 123 to 128 of the royal commission.

### UNIVERSITY FREE SPEECH

**Mrs McARTHUR** (Western Victoria) (18:06): My adjournment matter is for the Minister for Education and concerns the erosion of freedom of speech on Victorian university campuses. Freedom of speech is an essential value in our political system and must be defended to ensure democracy and liberty are upheld. Surely the purpose of universities is to pursue truth, learning and investigation, which are only attainable with open and free discourse. The principle of freedom of speech is under threat now more than ever before on our university campuses.

This was recently demonstrated at Deakin University where social media posts by the Deakin University Liberal Club were requested to be removed by staff of the Deakin University Student Association. One post suggesting the Premier's recent birth certificate reform failed to 'stack up with scientific fact' was apparently in breach of the university's rather vague social media policy. The irony of this censorship bid is that one post requiring removal included a quote from George Orwell's *Nineteen Eighty-Four*, a book about the consequences of censorship. Is George Orwell now politically incorrect too?

Free speech is being stifled at the Deakin campuses in Burwood and Geelong and at countless universities across Australia. The Institute of Public Affairs surveyed 500 domestic Australian university students, and the research data shows 41 per cent of students feel they are sometimes unable to express their opinion at university and 31 per cent of students, in expressing their opinions, have been made to feel uncomfortable by university academics. The data also shows that Australian students want free speech on their campuses, with 82 per cent of students agreeing that students should be exposed to different views even if those views are challenging to some. Clearly this censorship is not being supported by the students themselves but instead emanates from the faculty offices and administrations that fail to stand up for the principle that underpins the very institutions they claim to serve.

The action I seek from the Minister for Education is that he follow his federal counterpart, the Honourable Dan Tehan, MP, in encouraging all Victorian universities to implement former High Court Justice Robert French's model code for the protection of freedom of speech and academic freedom in Australian higher education providers.

**The PRESIDENT:** That one is for the Minister for Higher Education.

### CEMETERY FEES

**Ms CROZIER** (Southern Metropolitan) (18:09): My adjournment matter this evening is to the Minister for Health, and it relates to cemetery fees. I have received correspondence from a concerned member of the Victorian public who has had difficulty in relation to the fees he has been charged at a very stressful time after a death in his family. This issue is around the gazetted overpricing and double costing of fees at cemeteries across the state. In the correspondence that I have received from—

**Mr Davis:** Death tax.

**Ms CROZIER:** Well, let us hope we do not need to go there, Mr Davis; we do not need another tax. We have enough taxes being put onto the Victorian public by this government. Nevertheless, this is a serious matter because this is a very stressful time for people and having financial issues placed on them at this time doubles that terrible stress.

I am informed that there is a lack of oversight of cemetery trusts and that the current audit and crosscheck system of fees is inadequate. There is only one avenue for fee reduction or waiver, there is no ombudsman and Consumer Affairs Victoria are unable to be involved. This has come out through this investigation by the person that I am referring to.

There are clearly problems across the system that warrant an investigation into the sector to see how this double costing of fees is occurring. The action I seek is for the minister to provide clarification as to how cemetery trusts in Victoria manage and crosscheck increases in gazetted fees to ensure compliance with the relevant legislation that they need to adhere to actually occurs so that Victorian families are not being overcharged at a time of immense grief.

### METROPOLITAN RAIL TIMETABLE

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (18:11): My matter for the adjournment is for Minister Horne, the Minister for Public Transport in the other place, and it concerns the process around the development of a new suburban rail timetable. People will be aware that Minister Horne is developing a suburban rail timetable, and this ought to, in my view, be subject to broad community consultation. This ought to not be a secretive process; it ought to be a process that involves community input.

We know that the performance of the rail system has deteriorated in recent years. It is now much worse in terms of punctuality and reliability than it was in 2014. We also know that at a Public Accounts and Estimates Committee hearing in the recent estimates cycle Minister Horne sought to be vague and make out that she knew nothing about the new timetable and the arrangements around it.

She was asked some very, very specific questions about the timetable changes. My information, which I believe is very, very reliable on these matters, indicates that one of the reasons the timetabling changes have been shelved until next year is that they will lead to a further deterioration in the service to the community. In fact most journeys are 1 or 2 minutes longer. So short journeys, perhaps to South Yarra or somewhere like that, are going up from just a few minutes by 1 or 2 minutes. Long journeys are also going up by a couple of minutes. If you think of that, that adds up to quite a lot. It might be up to 4 minutes a day, up to 20 minutes a week—a direct impact on the lifestyle and choices of many people who rely on our train system. So I think it is imperative that Minister Horne releases the draft timetable and seeks broad consultation on it. It is not good enough to try and sweep it away. It is not good enough to put it away for 12 months and to say, ‘Oh, no, the community and commuters should not see it’.

We have seen that huge surge in the number of passengers—almost 15 million over the last five years—annually on our metro train system, and we have seen the huge squash, the squeeze, that is there. We have seen on the edge of the city particularly the stations facing real challenges to cope, and our major metro stations. It is quite vital I think that the government understands what is occurring here. People are being squashed on the trains. The performance of the system has declined. We have seen \$2 billion spent on the Cranbourne and Pakenham lines, and yet performance has plummeted on those lines. Performance is worse than it has ever been, so I say the minister needs to release her secret draft timetable and the community must have input into it. Please release it, Minister.

### RESPONSES

**Ms SYMES** (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources) (18:14): Tonight there were adjournment matters for the Minister for Roads from Mr Rich-Phillips, for the Minister for Water from Mr Bourman, for the Minister for Public

Transport from Mr O'Donohue, for the Minister for Education from Dr Cumming, for the Minister for Roads from Mr Erdogan and for the Minister for Education from Mr Finn. I am sure he will take delight in responding to your slight on science teachers—my husband is a science teacher—Mr Finn. Ms Maxwell had a matter for the Minister for Corrections, Ms Lovell had a question for the Minister for Education, Ms Patten had a question for the Minister for Prevention of Family Violence, Mrs McArthur had a question that will be referred to the Minister for Higher Education, Ms Crozier had a question for the Minister for Health and Mr Davis had one for the Minister for Public Transport. Mr Davis, have tomorrow off. You sound terrible; you are making us all sick. Have tomorrow off. I swear, please, it would be good.

In addition to that, I have written responses to adjournment debate matters raised by Ms Crozier on 13 August, Ms Lovell on 13 August and Mr Meddick on 14 August.

**Questions without notice and ministers statements**

**WRITTEN RESPONSES**

**The PRESIDENT** (18:15): Earlier today, in question time, Ms Crozier raised a point of order regarding a response to a supplementary question directed to the Minister for Health. At the time I determined that the answer the minister gave was responsive. We have reviewed *Hansard* and I still believe that is the case, so I will not be ruling for a written response to that particular question.

The house now stands adjourned.

**House adjourned 6.16 pm.**

**Written adjournment responses**

*Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.*

**Tuesday, 10 September 2019**

**DROUGHT ASSISTANCE**

**In reply to Ms LOVELL (Northern Victoria) (13 August 2019)**

**Ms SYMES (Northern Victoria—Minister for Regional Development, Minister for Agriculture, Minister for Resources):**

The Victorian Government is committed to supporting farmers through drought and dry seasonal conditions. The government has provided over \$50 million of additional support to enable farmers and communities to prepare for and manage dry conditions. This includes cash payments through the Farm Business Assistance Program, which eligible farmers can use however they choose, whether that be to pay rates, invest on-farm or bring in feed.

In May 2019, in response to dry seasonal conditions and high input costs, I announced an extra \$2.7 million of support for Northern Victorian dairy farmers. This provided:

- Additional support for the Rural Financial Counselling Service
- Two Small Business Financial Counsellors
- The establishment of a dedicated dairy transition support service delivered by the North East Rural Financial Counselling Service. This service is providing case management for dairy farmers looking to transition from the industry
- A Rural Skills Connect program with Murray Dairy, which is supporting dairy farming families and farm workers seeking off-farm income to develop new skills and use their existing expertise to gain new employment.

My department continues to undertake analysis of the impact of ongoing dry conditions across Victoria and the likely outcomes from the 2019 growing season. This analysis will inform any potential further support for farm business and communities affected by drought and dry seasonal conditions.

**LAND TAX**

**In reply to Ms CROZIER (Southern Metropolitan) (13 August 2019)**

**Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations):**

I refer to the issue of land tax that you raised in the adjournment debate on 13 August 2019.

The State Revenue Office (SRO) provides various methods for payment of land tax assessments. Customers can pay by credit card (by internet or phone), BPAY or at a Westpac branch within 19 weeks of the due date of their assessment. The SRO can also arrange payment plans for customers who have difficulty meeting the payment due dates.

If a customer wishes to pay by instalments over a longer time frame they may do so via AutoPay, which provides greater flexibility, in addition to paying by four equal instalments, AutoPay allows customers to pay fortnightly or monthly instalments spanned over a 38 week period. The online platform complements the SRO's move towards a digital future and provides a streamlined digital service.

The SRO recognises that not all taxpayers may be able to make payments online or by the due date. I encourage those unable to access AutoPay or who are having difficulty paying their land tax assessment to contact the SRO directly on 13 2161 to discuss alternative arrangements.

I trust this information is of assistance.

**WOMBAT MANGE**

**In reply to Mr MEDDICK** (Western Victoria) (14 August 2019)

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes):

I am aware of and appreciate the considerable time and effort that Mange Management Victoria dedicate to raising awareness of mange in wombats, developing and administering the treatment program and distributing treatment kits to members of the public.

I was briefed on the effects of mange in wombats and I also responded to requests from the group for financial support in 2017. I understand that the Department of Environment, Land, Water and Planning staff have met with the group to discuss these requests, and to encourage them to continue to apply for future funding opportunities as they become available.

The Victorian Government values the work of community groups, such as Mange Management Victoria, in protecting and conserving Victoria's flora and fauna. There are over 1000 volunteer and community groups in the environment sector in Victoria. The government is unable to provide ongoing funding to all of these groups; however, it offers a number of community grant programs to assist community groups with their efforts.

I would encourage the group to continue to work with DELWP officers on this matter.