

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

WEDNESDAY, 22 JUNE 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

The ministry

Premier	The Hon. DM Andrews MP
Deputy Premier, Minister for Education and Minister for Mental Health Attorney-General and Minister for Emergency Services	The Hon. JA Merlino MP The Hon. J Symes MLC
Minister for Transport Infrastructure and Minister for the Suburban Rail Loop	The Hon. JM Allan MP
Minister for Training and Skills and Minister for Higher Education	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development and Minister for Industrial Relations	The Hon. TH Pallas MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers	The Hon. AR Carbines MP
Minister for Public Transport and Minister for Roads and Road Safety .	The Hon. BA Carroll MP
Minister for Energy, Environment and Climate Change and Minister for Solar Homes	The Hon. L D’Ambrosio MP
Minister for Health, Minister for Ambulance Services and Minister for Equality	The Hon. MP Foley MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Fishing and Boating	The Hon. MM Horne MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support	The Hon. NM Hutchins MP
Minister for Local Government, Minister for Suburban Development and Minister for Veterans	The Hon. SL Leane MLC
Minister for Water and Minister for Police.	The Hon. LM Neville MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events and Minister for Racing	The Hon. MP Pakula MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries	The Hon. DJ Pearson MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources	The Hon. JL Pulford MLC
Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood	The Hon. I Stitt MLC
Minister for Agriculture and Minister for Regional Development	The Hon. M Thomas MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs	The Hon. G Williams MP
Minister for Planning and Minister for Housing	The Hon. RW Wynne MP
Cabinet Secretary	Ms S Kilkenny MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.

Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Shing, Ms Vaghela and Ms Watt.

Environment and Planning Standing Committee

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.

Participating members: Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

Legal and Social Issues Standing Committee

Ms Burnett-Wake, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Ms Shing, Mr Tarlamis, Ms Terpstra, Ms Vaghela and Ms Watt.

Privileges Committee

Mr Atkinson, Mr Bourman, Mr Davis, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes 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, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Electoral Matters Committee

Council: Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

Assembly: Ms Hall, Dr Read and Mr Rowswell.

House Committee

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell 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 Rowswell, Mr Taylor, Ms Ward and Mr Wells.

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier, Mr Erdogan and Ms Shing.

Assembly: Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Public Accounts and Estimates Committee

Council: Mrs McArthur, Mr Barton and Ms Taylor.

Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.

Assembly: Mr Burgess, Ms Connolly and Mr Morris.

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: Ms T Burrows

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

President

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

Deputy President

The Hon. WA LOVELL

Acting Presidents

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government

The Hon. J SYMES

Deputy Leader of the Government

The Hon. GA TIERNEY

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
Bach, Dr Matthew ¹	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny ⁸	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John ⁹	Eastern Victoria	LP
Burnett-Wake, Ms Cathrine ²	Eastern Victoria	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dalidakis, Mr Philip ³	Southern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Davis, Mr David McLean	Southern Metropolitan	LP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Erdogan, Mr Enver ⁴	Southern Metropolitan	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Finn, Mr Bernard Thomas Christopher ⁵	Western Metropolitan	DLP	Somyurek, Mr Adem ¹⁰	South Eastern Metropolitan	Ind
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Tarlamis, Mr Lee ¹¹	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne ⁶	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vaghela, Ms Kaushaliya Virjibhai ¹²	Western Metropolitan	Ind
Limbrick, Mr David ⁷	South Eastern Metropolitan	LDP	Watt, Ms Sheena ¹³	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling ¹⁴	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

¹ Appointed 5 March 2020

² Appointed 2 December 2021

³ Resigned 17 June 2019

⁴ Appointed 15 August 2019

⁵ LP until 24 May 2022

Ind 24 May–2 June 2022

⁶ Resigned 23 March 2020

⁷ Resigned 11 April 2022

Appointed 23 June 2022

⁸ Resigned 26 September 2020

⁹ Resigned 1 December 2021

¹⁰ ALP until 15 June 2020

¹¹ Appointed 23 April 2020

¹² ALP until 7 March 2022

¹³ Appointed 13 October 2020

¹⁴ Resigned 28 February 2020

Party abbreviations

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

DLP—Democratic Labour Party; FPRP—Fiona Patten's Reason Party; Greens—Australian Greens;

Ind—Independent; LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;

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

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Wednesday, 22 June 2022

The PRESIDENT (Hon. N Elasmr) took the chair at 9.34 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (09:35): 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.

Rulings by the Chair

ADJOURNMENT MATTERS

The PRESIDENT (09:35): Yesterday there was an adjournment raised by Dr Bach. After checking, it was the same adjournment raised two weeks ago. According to the standing orders, I have to rule it out.

Announcements

PHOTOGRAPHY IN CHAMBER

The PRESIDENT (09:36): I wish to advise that photography will be taking place from the galleries during question time today to capture some photos of the chamber in action. The photos may be used for the website.

Petitions

Following petition presented to house:

WILD HORSE CONTROL

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that aerial and ground shooting of brumbies is archaic, cruel and inhumane and must be banned.

PestSmart states that aerial shooting brumbies from moving helicopters does not always result in a clean kill. Up to 37 per cent of brumbies will die a long and cruelly protracted death. If a mare has dependent or newly born foals, they will die of starvation. Brave stallions will try to protect their herds from the threat of shooters in helicopters.

Ground shooting forces brumby mobs to take flight, causing mares in foal to abort and newly born foals to be crushed.

The loss of Victorian brumby herds is irreversible, without considering their heritage or cultural value. The Government does not consider animal welfare and does not follow the prescribed 'best management practice'. Any rehoming needs to be done well.

What the Government proposes is the unnecessary mass slaughter of extraordinary, sentient creatures who served us well. It does not reflect constituent sentiment, which prefers to see wild, living brumbies in the national parks they have lived in for over two centuries.

Legislation is needed for all Victorian national parks to compassionately manage brumby populations whilst addressing all environmental impacts. A community advisory panel that includes representatives from the Minister, the brumby community, veterinarians, tourism and eco-tourism must be established. Financial support and a sensible timeline should be included for rehoming brumbies.

The petitioners therefore request that the Legislative Council call on the Government to ban aerial and ground shooting of brumbies and introduce legislation for Victorian national parks to compassionately manage brumby populations.

By Mrs McARTHUR (Western Victoria) (1650 signatures).

Laid on table.

Papers

PAPERS

Tabled by Clerk:

Auditor-General's Reports on—

Kinship Care, June 2022 (*Ordered to be published*).

Melbourne Metro Tunnel Phase 2: Main Works, June 2022 (*Ordered to be published*).

Ombudsman—Report on investigations into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison, June 2022 (*Ordered to be published*).

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rule No. 44.

Legislative instrument and related documents under section 16B in respect of Dairy Food Safety Victoria Determination of Licence Classes and Fees for Dairy Businesses 1 July 2022–30 June 2023 of 6 June 2022 under the Dairy Act 2000.

Business of the house

NOTICES

Notice of motion given.

Notice of intention to make a statement given.

Members statements

PRESTON MOSQUE

Ms WATT (Northern Metropolitan) (09:40): Since it opened in 1976 the Preston Mosque has been at the very heart of Melbourne's ever-growing Muslim community, acting not only as a place of worship but also as somewhere to gather, learn and grow within the Islamic faith. Last week I had the distinct pleasure of visiting Preston Mosque and touring its newly renovated facilities with Moustafa Fahour, founder of the Islamic Museum of Australia, and La Trobe University vice-chancellor, John Dewar. Supported in part by the Andrews Labor government, the upgrades include the installation of 215 solar panels, new security features and an 1175-square-metre expansion, enabling the mosque to service an extra 1000 worshippers and increase the capacity of their community welfare services—ranging from mental health education programs to Arabic classes—safely, comfortably and sustainably. In addition to a playground, café and library, this will only further cement Preston Mosque's role as a hub of culture, connection and community in Melbourne's north. I am truly proud to represent a region that is so vibrant and culturally diverse, and I am even prouder to do it as a member of a Labor government that is committed to celebrating multiculturalism, building interfaith connections and fostering a more inclusive community.

ECONOMY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (09:41): I want to draw the chamber's and the community's attention to the Victorian debt bomb left by Daniel Andrews and Tim Pallas—\$167.5 billion is the number we are heading to according to the official figures, and we know that since budget day there have been further rises in interest rates that will hit hard and hit further. When we look at the New South Wales budget delivered yesterday, we see Victoria's gross-state-product-to-debt ratio is actually twice that of New South Wales, a massive, massive difference—

a larger state with a smaller debt. We have a much bigger debt, and that is going to be of consequence for our children and the future. It will limit the ability to do many of the programs that we would all want to do. I say that it is a disgrace that Daniel Andrews has allowed these projects to blow out—massively blow out—by more than \$28 billion, and that has directly added to the state's debt. It is his fault. His incompetence and Tim Pallas's incompetence have left Victoria in this position. All of this debt was racked up in the first instance through the period before COVID, and obviously COVID spending has added to it, but Victoria's position was weaker going into COVID because of the cost blowouts left by this government. The debt in Victoria will be greater than the debt of Tasmania, Queensland and New South Wales put together. It is a disgrace. It is a debt bomb left by Daniel Andrews, and he should hang his head in shame.

DUCK HUNTING

Mr MEDDICK (Western Victoria) (09:43): The duck-shooting season has finished for another year. May it be the last. This was the season that never should have gone ahead. The case for a ban on duck shooting is both environmentally and politically sound. More than ever Victorians care for our wildlife and for our climate. Victorians have shown at the most recent election that they want politicians who make decisions that protect our planet and all those who inhabit it. They do not want politicians who prioritise the interests of a dwindling few. This government must listen to the overwhelming majority of Victorians, who for years have been calling for an end to this brutal pastime. Our wetlands should be used as a sanctuary, not for slaughter. Victorians abhor the cruelty we saw this season—protected species killed, swan nests and eggs destroyed and wounded birds left to slowly die. They do not want to see it ever again. That is why in November we will be doing all we can to return my seat to this Parliament along with a bigger, stronger team so we have the political power to end the recreational cruelty that is duck shooting once and for all.

MELBOURNE WINTER MASTERPIECES

Ms SHING (Eastern Victoria) (09:44): It was an absolute delight and a light-filled event to formally launch the Melbourne Winter Masterpieces exhibition, which has opened at ACMI. This is in partnership with the Tate gallery's global efforts to take some of the most important masterpieces around the world—a true joy. I want to acknowledge the tireless work of Neil McConnon and also to acknowledge the board and the membership of ACMI, including Linda White, who has more recently left her position on the board to be elected as a senator for Victoria in the new Albanese government. The exhibition itself is a tribute to more than 200 years of excellence in art and in creation. This multimedia exhibition means that visitors can go along and see two Monets with a Brett in the middle—in fact reflected in myriad installations around them—to see Turners, to see Kusamas, to see a wealth of exploration and exhibition of the nature of light in all of its scientific, temporal and environmental glory. It is a true testament to everyone who has worked so hard to bring this exhibition to Melbourne. I would urge everyone to get along and to see it. It really is an explosion of wonder.

WINTER SOLSTICE, ALBURY

Ms MAXWELL (Northern Victoria) (09:46): This year's winter solstice was last night, Tuesday, 21 June, which was a time when people from Albury and surrounding areas gathered at QEII Square in Albury to speak about the grief of losing a loved one and to comfort each other. The Winter Solstice was created to encourage conversations, to assist in destigmatising the topic of suicide and to provide an event where people could come together in a supporting environment. They gather on the darkest night of the year to share stories, to talk about their memories and to remember those they have lost. Nine Australians die every day by suicide; 75 per cent of those who take their lives are male. Over 65 000 Australians make a suicide attempt every year. These are horrendous statistics. Many of us have been touched in some way by losing someone to suicide, and it often leaves those left behind feeling a sense of guilt, bewilderment and great sadness. I urge anyone out there today and from this day forward to reach out if you have suicidal ideation. Your pain can be alleviated in other ways. You are worthy, and you can seek the support you require to empower your fragile mind. Let us all continue

these important conversations and encourage people to speak up and speak out, for we have lost far too many lives already.

HOMELESSNESS

Mr GEPP (Northern Victoria) (09:47): I rise to talk about the From Homelessness to a Home program, which the government announced last February. I was particularly taken with a tweet from the Minister for Housing, the Honourable Richard Wynne, a couple of days ago, where he announced that last month residents started taking up residency in the Audrey Rainsford supported living units in Carlton. That program is designed to deliver 1845 houses for the homeless. We hear lots of negativity around COVID, don't we, and the things that really bit hard during the pandemic and continue to bite hard. But if there was one ray of sunshine out of all of this, it was that we were able to shine a light on the homelessness problem here in this state. We were able to provide housing for people who were doing it tough, doing it rough, sleeping rough out there in our community, to the eternal credit of Richard Wynne, who I think will go down in history as the best housing minister this state has ever seen. It warms the cockles of your heart when you see those sorts of tweets. There is a video that he has put up there with the tweet, and if you do not believe me, jump on, have a look and listen to Emma and Anthony from Wintringham, who deliver the housing, and to Paul, a homeless man who has finally got a roof over his head after 30 years.

GOVERNMENT INTEGRITY

Mr HAYES (Southern Metropolitan) (09:49): We have been warned by the IBAC boss about grey corruption being on the rise. If that is the case, Victoria's political integrity environment is similar to a gloomy June sky in Melbourne. Mr Robert Redlich, as reported in the *Age* on 20 June, said:

... there's an environment therefore which is more receptive to the risk of 'soft' or 'grey' corruption ...

The article says:

In Victoria, Redlich fears good governance is being compromised by the centralisation of power in an allegedly politicised public service, which is the subject of an investigation by the Ombudsman.

Aptly named after one of *Game of Thrones*' most chilling scenes, the Victorian Department of Justice and Community Safety's Red Wedding is a great example. With just 2 hours and a few pen strokes, this political infiltration of the public service stripped away hundreds of years of experience and expertise. Staff with decades of experience were sacked by voicemail and replaced by candidates allegedly enthusiastic to toe the party line. We know that the state's political donation rules are a smokescreen, although widely believed in. They say you cannot donate more than \$4000 and it must be declared, but you can allegedly pay \$10 000 to have dinner with a minister, none of it apparently declared. What is more, that would breach the cap—no questions asked, no need to declare, no enforcement, no prosecutions under the new provisions yet. A fresh coat of paint does not hide the rot.

REFUGEE WEEK

Dr KIEU (South Eastern Metropolitan) (09:51): This week, world Refugee Week, we celebrate the inspiring backstories and valued contribution of refugees to Australian society and to our history. Millions of people around the world are currently being deprived of basic human rights, employment and health care. This is why I am grateful, as a former refugee, for being accepted for settlement in Australia. I was lucky enough to have survived the journey; however, others were not so lucky. Now I am proud to be part of a state government that supports our refugee community in the south-east and across Victoria. This week we seek to amplify the voices of refugees and shine light on their harrowing experiences. Refugees bring with them a tireless commitment to rebuild their lives and support their families and express their gratitude and meaningfully contribute to the nation which accepted them. The unwavering determination, resilience and self-sacrifice of our refugee community is truly inspiring and should be acknowledged and appreciated.

GIRLS AS LEADERS IN STEM

Dr KIEU: On another matter, last week I represented Minister Tierney at the public launch of the Girls as Leaders in STEM project in Warrnambool, a few hours drive from my electorate. As the Victorian government's STEM education ambassador I was delighted to learn more about how the research project fosters young girls' interest in STEM and helps equip them with the skills needed for the jobs of the future.

FEDERAL ELECTION

Mr ERDOGAN (Southern Metropolitan) (09:52): On Saturday night I attended an event hosted by the Melbourne Seniors Association in Epping to celebrate the results of the federal election. What a fantastic result for our nation and our state. Parliamentary democracy is more than just about winning an election; it is about implementing policies that improve the lives of many people and leave the community better off than when we came in. But this is only possible through community consultation and hearing directly from community members about the issues that concern them. Joining me at this event on the weekend were Dr Kieu, Minister D'Ambrosio and Bronwyn Halfpenny, and also federal colleagues Maria Vamvakinou, Peter Khalil and Andrew Giles, the new immigration minister in the Albanese Labor government.

Some of the issues we heard about were very important to the community members at this event—many members from Melbourne's Pakistani community, Indian community, Rohingya community and many other multicultural communities—about the department of immigration and their slow processing times for partner visas and skilled migration visas, a system that under the LNP government had come to a standstill. Obviously there are other issues of concern: issues around the barriers faced by people of multicultural backgrounds; and a need and a plea for greater representation of multicultural people in executive government, in the judiciary and in broader parts of our government. Melbourne's north is fortunate to have good, strong Labor representatives in the area, but they can only do their job with great community feedback like this. I would like to thank the Melbourne Seniors Association for putting this event on, especially Rana Shahid, the organiser.

EARLY CHILDHOOD EDUCATION

Mr MELHEM (Western Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

Last week the Andrews Labor government announced a \$9 billion dollar investment, over the next decade, to revamp early childhood education with the Best Start, Best Life initiative.

With the Western Metropolitan Region one of the fastest growing metropolitan areas in Melbourne this significant announcement is essential and tangible support for families, especially in the west.

With current economic pressures making family budgets tighter, for some families childcare costs can be crippling with up to 25 per cent of income spent on child care.

By delivering a new year of universal pre-prep for four-year-olds, making kinder free across the state and establishing 50 government-run childcare centres, families in the Western Metropolitan Region will be provided with even more options.

This multifaceted program is an important investment in our children's future while helping save families up to \$2500 per child every year and also giving more women a choice to return to the workforce.

We all want our kids to have the best start in life. Ninety per cent of brain development occurs in children before they're five years old. This initiative will help every child reach their full potential.

Congratulations to my upper house colleague Minister Stitt on her significant work in developing and driving this announcement to help all Victorian families.

Bills

FIREARMS AMENDMENT BILL 2022

Statement of compatibility

Mr BOURMAN (Eastern Victoria) (09:54): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the Charter), I make this Statement of Compatibility with respect to the *Firearms Amendment Bill 2022*.

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill seeks to make amendments to two sections in the *Firearms Act 1996* and other consequential amendments to that act. The amendments will delete the nonsensical provisions relating to a firearms appearance and subsequent re-categorisation to a higher, more restricted category based on how a firearm looks rather than its design or function.

Proposed Amendments

The Bill proposes to remove:

- (i) section 3A of the *Firearms Act 1996* which permits the Chief Commissioner to temporarily re-categorise a firearm based solely on its appearance.
- (ii) section 3B of the *Firearms Act 1996* which permits the Chief Commissioner to permanently re-categorise a firearm based solely on its appearance.

The Bill will insert section 223 providing for:

- (i) transitional provisions revoking all previous re-categorisation declarations.
- (ii) discontinuation of any current prosecutions for offences relating to sections 3A and 3B of the *Firearms Act 1996*.
- (iii) reverting licencing requirements to the correct and lower category of firearm.

The Law Reform Commission of Western Australia conducted a review (2016) of the *Firearms Act 1973* (WA) which has appearance-based provisions and concluded that those sections of the Act should be deleted, and further noted that the West Australian Government should negotiate at a national level to remove 'appearance' provision from the definition of a 'self-loading centre fire rifle designed or adapted for military purposes'.

South Australia completed a review of its firearms legislation and pursuant to the review has passed the *Firearms Act 2015* (SA). This is a re-write of the South Australian Firearms Act 1977 (SA) and importantly the concepts of appearance and design have not been included in the 2015 Act regarding categorisation.

Jeff Bourman MLC
Member for Eastern Victoria Region

Second reading

Mr BOURMAN (Eastern Victoria) (09:55): I move:

That the bill be now read a second time.

It should be no surprise that gun laws have been an interest of mine, given they are why I first took steps that led me to this place. Whilst my interest in helping others has expanded since I first arrived here, they continue to be one of my foundational issues.

In an age when we are not supposed to stereotype others, it's amusing to me that so many assume that I am all for no laws regarding the ownership and use of firearms—the American style of laws, as it is put, which of course is stereotyping the Americans as they have wildly differing laws in each state. I will state it again, for the record, I am not for weak gun laws, I am not for strong gun laws; I am for effective gun laws.

What does 'effective gun laws' mean? To me, and I'd suggest to any other reasonable person, it would mean laws that work to keep firearms from the wrong hands without punishing those who are proven, by a robust licensing process, to be trustworthy. The end result of an effective licensing process is a licence-holder who can be trusted to have firearms for recreational purposes.

That is all good and well, but in the race to see who could be the biggest virtue signaller someone came up with the idea of reclassifying a firearm not by its function, but by how it looks, meaning if it's a pump-action firearm and it has been made to look like a semiautomatic firearm, it can be classified as a semiautomatic firearm with the subsequent licensing restrictions. If it's a single-shot rifle that's impossible to modify to any other function yet it looks like a semiautomatic, it can be reclassified as a semiautomatic. It's an absurd situation.

The appearance portion of the Firearms Act was added around 2007 and 2008, apropos of nothing. It was an idea hatched in the minds of those who want all firearms, including recreational firearms, taken from civilian hands, and subsequently some politicians agreed with it and it was passed with no opposition. If there was anything that may have precipitated this, it was possibly H&K trying to import the R8, which is a bolt action as per the definition in the act, yet it looked nasty.

My amendment seeks to remove this section of the act, and this part only. There is no public policy rationale that the government has released to support the current stance; the reclassification process is subjective and ad hoc decision-making which lacks transparency and robustness. There is no consistency across states with regard to what firearms get reclassified, which is evidence of the ambiguous nature of these appearance-based laws.

There is no public safety outcome in this clause, there is no logical, defensible argument that can justify what can only be described as a farcical situation where the aesthetics of mechanical items are seemingly more important than their actual functions.

South Australia has the most recently enacted Firearms Act, in 2015, and no appearance-based provisions have been included. The Law Reform Commission of WA recently conducted a review of the WA Firearms Act and concluded that the appearance-based provisions in the act should be removed.

During the debate I'm sure we will hear about how great our laws are and how they are keeping us safe, but I will be very interested to hear how this specific portion of the act is keeping anyone safe.

I commend this bill to the house.

Ms TAYLOR (Southern Metropolitan) (09:58): I move:

That the debate be adjourned for two weeks.

Motion agreed to and debate adjourned for two weeks.

Committees

PRIVILEGES COMMITTEE

Reference

Mr SOMYUREK (South Eastern Metropolitan) (09:58): I move:

That this house:

(1) notes that:

- (a) the Independent Broad-based Anti-corruption Commission's (IBAC) investigation into allegations of serious corrupt conduct involving Victorian public officers, including members of Parliament, known as Operation Watts, commenced in 2020;
- (b) IBAC, despite acknowledging at public hearings that the practice of branch stacking had been endemic in the Australian Labor Party (ALP) for generations across all the factions, and despite the Legislative Council resolving to request that their investigation be broadened to include all

sections of the ALP, has only examined the Moderate Labor faction of the Victorian branch of the ALP during this investigation;

- (2) further notes that:
 - (a) IBAC is an investigative body that does not have the power to impose sanctions;
 - (b) potential breaches of codes of conduct of members of Parliament are matters that only the Parliament through the Privileges Committee can deal with;
 - (c) unless the Privileges Committee commences an inquiry immediately it will not have time to conduct an inquiry and report its findings to the house;
- (3) requires the Privileges Committee to inquire into and report to the house, by no later than Thursday, 18 August 2022, on matters raised relating to the Honourable Adem Somyurek MLC at the IBAC Operation Watts public hearings regarding the use of government resources, including the use of electorate office and ministerial staff, and in undertaking this inquiry requires the committee to:
 - (a) seek input from IBAC and examine any other matter raised at the IBAC Operation Watts public hearings that the committee considers relevant;
 - (b) take evidence from all electorate officers and ministerial staff who have worked with Mr Somyurek from 2017;
 - (c) ensure that the investigation includes, but is not limited to, the following topics that IBAC showed interest in during their public hearings, being that Mr Somyurek:
 - (i) employed staff based on factional affiliation;
 - (ii) pressured members of Parliament to employ activists aligned to his faction;
 - (iii) directed staff members to do factional work during office hours;
 - (iv) allowed staff members to do factional work during office hours;
 - (v) employed staff to full entitlement when, according to IBAC, his electorate office did not have sufficient work;
 - (vi) authorised activists to use electoral roll information from the Victorian Electoral Commission to check the accuracy of membership applicants to the party;
 - (vii) breached money-for-value considerations in employing casual staff;
 - (viii) employed people of cultural backgrounds who IBAC appears to think are not capable of doing officework;
 - (ix) kept a database of members according to factional alignment and cultural identity;
 - (x) allowed staff to keep a database of members according to factional alignment and cultural identity; and
 - (d) conduct a transparent and public investigation.

I take this extraordinary step—and I do not think it has ever been done in Parliament before—of referring myself via a motion to the Privileges Committee. I do so because literally today is the last day we have got for two years of work—I am not going to call it hard work—by IBAC. So unless we act today, the \$15 million that they have misspent on this inquiry will have gone to waste, because we come back on 2 August, and even if they table the report on 2 August—and that is not guaranteed; I am not sure that they will—that is not going to be enough time. Our last sitting day is 15 September, so you cannot have an inquiry that is going to inquire, deliberate and then make recommendations to the house. It is just not going to happen—2 August is even too late, and I do not think they will have it by 2 August. So today is literally the last day we have got to see what IBAC have actually come back with. IBAC is not a court. This Parliament is a court. IBAC is an investigative body. They have done their investigation, so I would hope that for the sake of taxpayers money people support this motion and we can get this investigated.

In terms of why I am confident that these matters are breaches of the members code of conduct, not legislation, let me take you through the only area of legislation—or criminal law, perhaps—that was up for debate. I have to go back to red shirts with this, and that is section 30, subsection (4), of the Parliamentary Administration Act 2005. Let me just refresh you as to what red shirts was—and that set the bar, which is why I keep going there. That set the bar on what criminal conduct was, and that

bar was pretty high, I can tell you, based on red shirts. The red shirts was all about 25 Labor MPs giving over their entitlements to the leader of the upper house for his staff to manage staff members, where they signed timesheets and those members of staff sat in campaign offices campaigning for the Australian Labor Party—25 of them. And they were managed by John Lenders's electoral officer. That is the bar that has been set for section 30, subsection (4).

The Ombudsman tested her jurisdiction with the Supreme Court. Then she ended up at the High Court because the government challenged. She came back; she did the inquiry. The government's defence was subsection (4) of section 30, which says—and I do not have the words with me—the duties and responsibilities of an electorate officer will be determined by the MP themselves. The Ombudsman was a bit sceptical. She went back to the original act from 2013 and said there must be some form of words there which indicate that the intent of the legislation would not have been as broad as that but narrower. She came back and said she did not find any such words in the original legislation. Then she came back and reported that the Members Guide specifically disallows or prohibits MPs' staff from engaging in party-political work and rules out party-political campaigning as well. So the Ombudsman came back and said that there was nothing she could do. Regulation trumps the Members Guide, and that is the way it is—'It is an artifice', but she said there was nothing she could do. So she got a lot of legal expertise on this when she came back with that.

The government further argued that the Members Guide is also ultra vires because subsection (2) gives effect to the Members Guide. The starting words in subsection (4) say, 'Despite subsection (2)', the electorate officers' duties and responsibilities will be directed by the MP. So the government argued that the Members Guide was ultra vires, and they did that because that is what is in the legislation. Now, I do not say that to protect the legislation. In fact the legislation does need to be changed, but equally when you change the legislation you need to be aware that there is a grey area and we can use words like 'predominant purpose' and things like that, because you cannot have a systematic rort going unpunished. You just cannot, and that is what has happened in red shirts.

That is the bar. Now, let me put that into a factional frame for you. Red shirts is equivalent to me ringing up 25 MPs of the right in the Labor Party and saying to them: 'Right, everyone is going to give up a staff member. You are going to sign timesheets for six months in advance, and all your staff are going to be managed by my staff. They are going to sit in the factional headquarters, and they are going to ring the 17 700 Labor Party members and lobby them for them to join my faction, the right, because we have got to take the party away from these Socialist Left no-gooders'. That is what the equivalent is—or when you have finished doing that, ring the electorate, get them to join the party and join the right so we can knock off the Socialist Left. Even that would not have been punished. So do not tell me IBAC, when they had a look at this, could not read legislation. You are talking about a pre-eminent lawyer, apparently, who to me showed no signs of being as good as everyone says he is. He looks more like Biden, sort of fluffing around.

Anyway, IBAC should have known this and would have known this; they would have seen it straightaway. It did not take me to walk in there on day one and just smack them down and say, 'Right, this is how it is, guys'. They know. They would have taken one look at that. They would have had the myriad legal advice that was presented to them. They did not have to reinvent the wheel; it was all there for them. But they chose to go to a public inquiry, and it took me, supposedly, to inform them of what the legislation is and what the interpretation of the legislation is.

Anyway, I will go past that now, having dispatched that. Let us look at where we think, based on a reading of the transcripts by me and my lawyers, they are going—all these worst-case scenarios that could go down. We believe there are 10 things that might go down in terms of breaches of the members code of conduct. They are, one, employment of staff based on factional considerations and not merits—I will come back to that in a second. Putting pressure on MPs to employ activists—absolutely not. One person I did, and that was because of the dodgy Suleymans because they were extorting and blackmailing me. You know what the greatest joke is in this? They are doing a branch-stacking inquiry. The Suleymans are prospering, having access to everyone else's slush funds and paying their

memberships. So that is what a joke this IBAC inquiry is. The Suleymans are actually prospering from this—the biggest branch stackers, the biggest crooks in Australia. Hakki Suleyman is having a field day. I am informed he will be the Secretary of the Department of Education and Training—he is the next deputy secretary. So that is going to be a hoot too.

Directing staff members to do factional work during office hours—well, they had access to my emails of 20 years, WhatsApp messages and text messages of seven years. They intercepted my telephone calls—I do not know why they did that, by the way, for a branch-stacking inquiry—and then they played them at the public hearings. Then they had my best friends in politics actively for one year recording me, trying to compromise me, yet they have got some random instances of people running errands. And by the way, those people that were running errands—I am not sure they were doing it because I directed them to. I think they were doing it themselves. But, again, let us see if that passes the pub test, okay? It is up to the Privileges Committee to determine that.

This is a new one too: allowing staff to do factional work. This is a new one. Apparently you are meant to be looking over your staff as they are on the computer or whatever. So it is going to be interesting to see what the Privileges Committee think of that. According to this bar, MPs need to be sitting there, watching over the electorate officers, making sure everything they do is consistent with their public duties. So if they are out there making doctors appointments, doing their banking online or surfing the internet—I must admit, I have not told people not to do a whole range of things, because I think it is common sense. I have not told them not to surf the internet for porn. I have not told them not to gamble on the internet. I have not told them not to do a whole bunch of stuff. But I would expect that they would be smart enough to do the right thing. So ‘allowing staff’ is also an interesting part which the Privileges Committee should look at.

Employing staff to full entitlement is interesting too. We have got two positions, I think; we are entitled to two positions. If you crunch the numbers, IBAC’s view is: well, if you are not getting enough throughput in your office, you should be sacking staff. You can imagine sitting there and saying, ‘Listen, come in, John. I need to speak to you. This week we’ve only had a certain amount of people come through the office. I’m going to pay you for only three days of work, but tomorrow I’m off to New York, London, Tokyo, on a first-class trip’. It is okay, apparently, that I can sack this bloke for half a day, half a position, and then go off to fly across the world on a first-class trip. Come on. This is nonsense. He says, ‘What about my mortgage?’. I say, ‘Stiff. You can work that out whilst I fly off first class around the world’. Anyway, these are matters that are to be determined by the Privileges Committee.

Authorised activists to use the electoral roll—I still do not know what that is about, because it is a public roll. It is a public document, the electoral roll. I am not sure what they were talking about. This is the problem when you get people that are not well versed in politics and do not know the political system—and they should. This is one of the problems we have got. Our lawyers—that I have found—are completely ignorant of the political system. They thumb their noses at it. No, it is important. Politicians make legislation for you to interpret. Then you have got employing people, cultural diversity—they do not like that. There is also ‘kept a database of members according to factional alignment’—yes. These are things that will be determined.

Let us get onto some of the big issues based on these 10 items, understanding, then, ‘money for value’. What they hang their hat on is money for value. When we were in opposition as the Labor Party, I wrote the opposition’s procurement policy. I know all about value for money. Value for money is not just about least-cost alternatives. If this thing costs \$50 but will only last for a year and you can get it down the road for \$75 but it will last you five years, value for money dictates that you buy this. It is more durable. It is about durability; it is about being fit for purpose; it is about a whole bunch of other items that are given specific weighting.

But in our set of circumstances it is about contractual obligations. It is about an MP doing printing. The printing might be worth \$10 000 on its market value, but the MP comes back with an invoice for

\$15 000. Clearly now, with the value-for-money provision in the rules, someone in the Department of Parliamentary Services can say, 'No, no. That's not value for money. The market price for this printing is \$10 000, not \$15 000, so we are not going to allow you to charge \$15 000 for a printing job with a market value of \$10 000'. That is a sound policy. Previously you could just say, 'Oh, well, that's what it is. That's what they're charging' and then pocket perhaps \$5000. So it was a good move to bring value for money in. But it is not for staff. There is no negotiation with wages. There is negotiation but not at the MP level. There are set wages, so it has got nothing to do with value for money, and they do not get that—IBAC just do not seem to understand that. Well, let the Privileges Committee determine who is right on this.

Then you have got the issue of merit versus factional appointments. What they completely do not get is section 27 of the Equal Opportunity Act 2010, which gives a carve-out to MPs to hire based on political ideology, values and trust. That is what gives effect to political appointments. They did not even understand the concept of political appointments versus appointments based on merit to the public service. Whether you like it or not—and it is unsavoury too—every liberal democracy in the world has political appointments, because you have to. If you do not have political appointments, the chances are that you are not a liberal democracy; you are probably a dictatorship. Every liberal democracy has political appointments. They separate that from the bureaucracy. The bureaucracy is all about merit. It has to be about merit. It is about frank, fearless, expert advice coming in. Right, President? It is about frank, fearless, expert advice. It is about continuity. It is about corporate memory. It is not a spoils system where with a change of government you change all the expertise and there is no corporate memory left. You have to retain that corporate memory. It has to be based on meritocracy.

If you start putting political apparatchiks in there, when you change your government, you lose all the expertise, because why should the other party coming into government keep apparatchiks from another party? That is a red line that cannot be crossed. But throughout the world in every liberal democracy, political appointments are something that we are all going to have to cop. That is why when you lose your seat as an MP your staff lose their jobs. The incoming MP brings their own staff in. It does not happen in any other profession. That is why when a government changes the thousands of political appointments also lose their jobs.

The way I look at it is this, it is not meritocracy. If your political staff are not doing their jobs properly, you lose as an MP. You get punished at the ballot box. If you are a minister employing a factional operative that is not briefing you well and you have two bad question times, you are probably going to be out the third time. Your middle stump is going to get knocked out. So there is a great incentive to be briefed properly and to employ good staff. There is a difference between political operatives, political appointments and ministerial appointments, and that is something that IBAC does not understand. Again, that has been given effect by section 27 of the Equal Opportunity Act. They seem to ignore that. They did not want to talk about that.

The other thing here too is in terms of our staff: politics is 24/7. We need to change section 30(4), because it cannot be so broad that you can get away with those systematic rorts like red shirts—because you still can. We have not changed that. The government just changed it so that you cannot campaign but deliberately did not tighten it up to stop any other activity. There is a reason for that—because MPs' officers do engage in the party. It is impossible not to. Members come in, so electorate officers should not be speaking to members? It means they are not doing their public duties but are doing factional work if members of the party come in? That needs to be reformed and tightened up with words like 'predominant purpose'. The pub test, proportionality, needs to be introduced; otherwise, as the legislation reads now, you actually can do a systematic rort of the system.

Equally what IBAC could not have deliberated on, and MPs can, is the custom and practice that guides where the legislation is vague. Politics is 24/7. How many times do MPs sit here at night and speak to their electorate officers? I do. You might be in meetings all day and cannot return the telephone call of your electorate officer. You get home, and you return the call at 7 o'clock. So based on what IBAC is saying, the electorate officers should be keeping a minute-by-minute—like a lawyer—time sheet of

how long you have spoken to them. I can tell you, if they do that, the taxpayer is going to be worse off, because you would occasionally speak to your electorate officers for an hour, 2 hours—or your ministerial advisers; they do a lot of work outside of office hours. What about going to functions—accompanying you to functions after hours, on weekends or in the mornings for breakfast meetings or representing you? So politics is 24/7. They are not filling out time sheets by the minute, and if they did I think the public purse would be worse off. There is that grey area. There is that discretion. There has got to be sensible legislation. Section 30(4) probably does need to be reformed, but there needs to be a form of words where you cut out systematic rotting of the system. But equally you do not have IBAC sticking their noses into something they do not belong in.

In summing up, if you are not voting for this, what you are voting for is two years of taxpayers money being wasted on an inquiry that is actually not going to see the light of day. If you hate me, you think I am dirty, you think I am dodgy, I get to walk out of this place with one finger stuck up at the Parliament saying, ‘I’ve made it. I got away with it’. But if you are like me—from my perspective I know I have done nothing wrong. I have always complied with legislation, I have complied with custom and practice, and I am always guided by the Department of Parliamentary Services. I have done nothing wrong. So what I want to see is the all clear when I walk out of this place. This is the last chance. If this is not passed today, this inquiry is not ever going to happen.

Dr BACH (Eastern Metropolitan) (10:19): It is good to rise to make a contribution on this important motion today. It is a motion that members of the opposition will be supporting. In his motion Mr Somyurek calls on this house to note that:

... the Independent Broad-based Anti-corruption Commission’s (IBAC) investigation into allegations of serious corrupt conduct involving Victorian public officers, including members of Parliament, known as Operation Watts, commenced in 2020 ...

He urges the house to note that IBAC has acknowledged:

... at public hearings that the practice of branch stacking had been endemic in the Australian Labor Party (ALP) for generations ...

That is the wording of section (1)(b) of Mr Somyurek’s motion. Then over the page he steps through a whole series of issues that, most unusually for a motion of this type in our house, are very specific to him and that he would like to see referred to the Privileges Committee.

It is a good thing that in Victoria we have a broad-based anti-corruption commission, and there are matters that are entirely appropriate for IBAC to investigate. IBAC is doing that work; that is appropriate. There are also matters here—I agree with Mr Somyurek—that are appropriate for the Privileges Committee to investigate. Noting that the house is yet to hear how members of the government seek to respond to this motion, I would urge the government to join with members of the crossbench and the opposition in supporting this motion today, first and foremost in the interests of good government here in Victoria.

We heard a message loud and clear at the federal election just a few weeks ago that the electorate cares deeply about issues of integrity in government. I agree with Mr Somyurek that it has been a stunning thing that the issue of the red shirts rorts has on the face of it taken so little paint, electorally, off the Andrews Labor government. We have learned more and more about those processes since Mr Somyurek found himself on the crossbench, and what happened there was undoubtedly illegal—appalling practices that have been called out by numerous integrity bodies. But since then there have been very serious allegations from Mr Somyurek but also from numerous others about ongoing corrupt practices in the Victorian government. Mr Hayes and Mr Somyurek have both today spoken passionately about the politicisation of the Victorian public service, for example—a matter that this house, dominated as it is by the Victorian branch of the Labor Party, has referred to the Ombudsman for further investigation.

Here in Victoria we have the Independent Broad-based Anti-corruption Commission currently looking into allegedly corrupt practices by members of the Andrews government. We have the Ombudsman looking into practices that on the face of it lack all integrity. Mr Somyurek has said previously in this place that sometimes when he was a senior cabinet minister he would go to meetings with public servants and it very much appeared as if he was at a meeting of the Victorian ALP state conference. These matters are not simply to be dismissed, and my argument to the government would be that they should not dismiss them, because it is in their own interests to continue to shine a light on these practices so that before November they can seek to convince members of the Victorian public that these practices are behind them. Unless this motion succeeds and unless we see support that we have not seen in the past from members of the Andrews Labor government for the numerous ongoing investigations into their allegedly corrupt practices, then good government will suffer.

Here is just one example. In the last year Victoria has had three ministers for child protection. Today in this house a damning report from the Auditor-General was tabled on kinship care, and I will have more to say about that publicly later on today. I spoke yesterday again about an important bill—a bill that the government said was important—that has languished in this Parliament for 251 days today and the government refuses to bring back. We have seen the number of unallocated cases of kids in care—kids known to have experienced abuse and neglect who have never received support—skyrocket since Mr Donnellan was the minister. Mr Donnellan was forced to resign because by his own admission he breached ALP rules. Because of that, the child protection portfolio—in my view one of the most important portfolios in government—was bumped to Mr Wynne, who by all reports is a very nice guy. He is the Minister for Planning. Then it got bumped to Mr Carbines, and in the process, as the Auditor-General has said, our most vulnerable children have been forgotten.

So integrity matters. It is not some esoteric topic. It matters to the electorate—we saw that some weeks ago. It matters for basic service delivery. I have lost track now of the number of senior Andrews Labor government ministers who have lost their jobs in the very short period of time that I have been here in the Parliament. Whether it is issues of waste or whether it is issues of failures of basic service delivery for our most vulnerable children, across the board we are seeing failures that relate directly back to practices within the Andrews Labor government that lack integrity. My fear is that unless the government supports this motion, unless this government changes its spots, as it were, and shows overt support for the various different actions that are underway through our independent bodies to investigate, yes, the government, we will see more division in the Victorian community. We are seeing basic breakdowns in service provision related to a lack of integrity, like in child protection, with three ministers in a year. We are also seeing an ongoing fracturing of the Victorian community. Ms Taylor and I spent two important days—very important days—together last week on an inquiry into extremism, and what we heard time and time again in public testimony and through the submissions that we received is that Victorians are driven to division. Victorians are driven to extreme positions because of a range of factors, but a very important legitimising factor—according to some witnesses the most important legitimising factor—for extremism is a lack of integrity in government.

So we must do better as a Parliament and, yes, the Andrews Labor government must do better to seek to mount an argument to the community well in advance, for the good of the government, of the election in November that it has changed, that it recognises the corrupt practices that we have already seen reported by IBAC and the Ombudsman and that it is willing to see—indeed it is desirous, keenly desirous of seeing—a light shone upon these issues. If they fail to support this motion today, the clear message to the Victorian community is, as we saw through the actions of the Labor chair of an important inquiry recently, that they are deliberately acting to once again suppress the release of important information regarding their conduct. I fear that is the way the government will go, but I urge them not to in their own best interests and in the interests of the Victorian community.

Ms TAYLOR (Southern Metropolitan) (10:27): After the accusations of branch stacking came to light, along with sexist and homophobic comments made by Mr Somyurek, the Premier immediately sacked Mr Somyurek. Further to Mr Somyurek being sacked from the ministry and the parliamentary

Labor Party, the Premier asked Labor's national executive to expel him from the party, and the government referred the matter to IBAC and Victoria Police.

There is nothing new about this motion. These matters are already under investigation by IBAC. Mr Somyurek has made a few contributions in this chamber recently, unsuccessfully attempting to attack IBAC's reputation. This is in fact the third contribution that Mr Somyurek has made to the chamber on the same subject matter. In fact it would seem Mr Somyurek is dissatisfied that he no longer has a public platform through the IBAC process and is seeking to cultivate a new soapbox via public hearings of the Privileges Committee.

If Mr Somyurek believes that politicians will do a better job of investigating this matter than the Independent Broad-based Anti-corruption Commission, then the government is happy to let this motion through. The government remains steadfast in its belief in the integrity and capacity of IBAC to investigate serious matters such as those that Mr Somyurek is currently being investigated for. It is worth noting that in letting this motion through the government harbours concerns about how the motion directs the manner of the hearings in a highly unusual way and would encourage the Privileges Committee to assert their independence in the manner in which they deal with some elements of Mr Somyurek's motion.

Mr FINN (Western Metropolitan) (10:29): I rise to support Mr Somyurek's motion today. I listened very carefully to Ms Taylor's proposition. I am not exactly sure where the government is coming from or indeed where it is going on this occasion, but that seems to be the way of the world on this particular issue.

I have been watching the IBAC investigation for quite some time, and it has to be said that it seems to me to be somewhat unbalanced. There is an imbalance in the investigation. There are apparently two factions in the ALP: there is the Socialist Left and there is the right. There may be a few others along the way, but they are broadly the same thing. IBAC seems to be investigating one faction for doing what we all know both factions have been doing for years. Mr Somyurek has told us what the left have been doing for years. They are experts at branch stacking. The Premier stands accused of this very thing. Now, it seems to me that if IBAC is serious, if IBAC is fair dinkum, if IBAC wants to keep its credibility in place, it will investigate both sides. Who is it getting its directions from? Who is it getting its instructions from?

Mr Leane interjected.

Mr FINN: Who? Well, I do not think it is from the DLP, Mr Leane. I can assure you that. No, I think it might be coming from an old mate of yours, a bloke called Daniel Andrews—I am not sure if I am allowed to use that name—the Premier, the Premier of this state, who likes to control everything and everyone. And the people of Victoria are asking the question: does the Premier of Victoria control IBAC? Has the Premier of Victoria given IBAC instructions and they are indeed following them? That is the question, the biggest question in this whole thing.

Sure, we want to get to the bottom of branch stacking; we want to get to the bottom of a whole range of things that we all know have been going on for donkey's years. You know, that would be great. But the biggest issue in this is the role of the Premier in this IBAC investigation. That is the biggest question. That is the biggest issue. In fact if we had a body which could investigate IBAC, I would suggest an investigation, because clearly they are going down the same track as the Premier in trying to destroy the right wing of the ALP. Now, I warmly welcome any members of the right wing of the ALP to come and join the DLP. They would be very, very welcome. We would get on very well. We would get on famously in many instances.

But what we are seeing here in Victoria at the moment worries the hell out of me. You know, I have been in absolute stunned amazement over the last couple of years at the strength, the stranglehold, that the Premier has on just about everything. From the police force right through, he is controlling everything, and the question now is: is the Premier directing IBAC? Now, if that is happening—and

it appears that it could be happening—we have got one of the greatest cases of corruption in the history of this nation. If IBAC is taking instructions from a politician, the Premier of this state, then we have got a major issue. I would like to know: if they are not taking instructions from the Premier, why are they only investigating one faction of the ALP? Why aren't they touching on the Socialist Left? I have been out in the western suburbs, I know the ALP backwards and I know some of the shysters in the ALP—

Mr Somyurek interjected.

Mr FINN: Well, the Suleymans—I think they are in their own faction, to tell you the truth. If we start talking about the Suleymans, we could be here all day, let me assure you. I certainly do not have enough time for that, unfortunately, but maybe another time. But we all know that there has been an enormous branch-stacking effort going on from the Socialist Left in a war with the right. If there was not a war going on, why would the right be fighting it? Indeed who would they be fighting?

This motion is extremely important. We do not want to go to the election—we do not want this Parliament to finish its time—without all of these questions being examined and answered. It is so important that we do that, because the dark cloud hanging over this government, hanging over this Parliament right now, is something that does not add to the credibility of our political system. Dr Bach has said, as we stand here—or as I stand here and as you sit here—right now, we have a situation where the vast majority of Victorians and the vast majority of Australians think we are all crooks. They think we are all crooks. That to my way of thinking is a tragedy because I know we are not all crooks. I could name a couple that probably are, but I will not on this occasion. But that is unfortunately the attitude that people have towards us. Does anybody seriously think that allowing this to be just brushed under the carpet by the proroguing of Parliament is going to help with the public perception of politicians and our political system? Quite the opposite. So it is vitally important that this matter is properly examined while the Parliament is still in session and whilst we can get a final report on what has occurred here. As I say, we know roughly what has happened, but we need it confirmed by IBAC.

I have travelled overseas and interstate with Mr Somyurek on a number of occasions. He must have a hell of a phone bill. That is all I can say, because he spent, in my experience, a hell of a lot of time on the phone—and I do not think he was ringing his family on every occasion. We know, and he has quite openly admitted, that he has been involved in factional manoeuvrings and involved in them for a very long time, but what we now need to know is what role the Premier has taken in all of this, what role the Socialist Left has had in it and what sort of public money the Socialist Left has used to support its branch-stacking efforts and its attempts to—successfully, so it would seem—control the ALP. It is quite extraordinary that in the midst of all of this we have a situation where the Socialist Left have just blown the right out of the water, and nobody is saying anything. It is all very hush-hush. You know, the questions that are being asked around the place are just hanging in the air, and we cannot let that happen. We need those questions answered, and the referral to the Privileges Committee, I believe, will go some way towards answering those questions.

I support the motion put forward by Mr Somyurek. I hope that the motion, if passed today, will clear the air of a number of questions, because clearly IBAC is not capable of clearing the air. The questions and the concerns that Victorians have must have attention turned to them, because it is a matter of great concern—the utmost concern—that this occurs and is not allowed to just pass. It cannot be allowed to happen. For those reasons, I very strongly support the motion put forward by Mr Somyurek today.

Dr CUMMING (Western Metropolitan) (10:38): I too rise today to support Mr Somyurek's motion that the Independent Broad-based Anti-corruption Commission, which is IBAC, investigate the allegations of seriously corrupt conduct involving Victorian public officers and members of Parliament and that we also have an inquiry that goes to the Privileges Committee which commences immediately and reports back to this Parliament by August so that the community feels that we can possibly conduct a transparent and public inquiry.

For me, listening to members, I am pleased to hear that the government will allow this inquiry because I do feel that the community has always said that they just want members of Parliament and this Parliament to be accountable and to be transparent and in that way to have public inquiries to make sure. If you have nothing to hide, you should actually front up to these inquiries and actually be able to answer questions—hand on heart. There are many questions that my residents have asked during this time. Last year while they were watching the IBAC inquiry and watching Mr Somyurek being questioned they all wanted to know why Mr Andrews, our Premier, was not there, and to find out that he possibly was questioned in private is just not right. The community wanted it to be public. Mr Andrews continually did his daily Dans. He was quite happy every day for an hour plus to stand publicly and answer questions from the media, but why didn't Mr Andrews front up publicly to IBAC and have all of those questions of the commissioner's answered before the Victorian public? This time around I do hope that the Privileges Committee actually bring Mr Andrews in front of them and ask the questions that everybody wants answered. They want these questions to be answered.

Mr Somyurek has been very forthright about his shortcomings. He has also been very public and extremely transparent about his displeasure and his feeling that IBAC should have had that balance of the left and the right of the ALP and had them both investigated—not just the right but the left and every other faction that the ALP has, which are many. Everybody in the Victorian community wants to see Mr Andrews in front of IBAC. I would hope that the IBAC Commissioner is listening today, feels that they may have made an error by not having Mr Andrews questioned publicly and actually questions Mr Andrews publicly so that the community can feel that there is that accountability, that there is that transparency and that there are not any favours to any member of Parliament—especially Mr Andrews, especially the Premier, especially someone as public as Mr Andrews was. He would quite happily turn up to his daily Dans but did not, for whatever reason, want to be in the spotlight via IBAC. So I strongly support Mr Somyurek's push to conduct a transparent and public investigation. There are many within our community who want to know what level of corruption this government is involved in. They want to know all of the corruption that this Andrews government is involved in.

Mr Finn: Well, anyway, I don't think he's got that much time.

Dr CUMMING: Exactly that. They probably do not have enough time to get into all of the corruption that this government is involved in, but if they at least start the inquiry and get the ball rolling it will give the community a level of understanding of where the corruption actually sits.

But I have always been upset that IBAC is a toothless tiger, that it does not have the power and the reach that it should. In my mind they should have the power to impose huge fines on members of Parliament or others that are corrupt. I believe that IBAC should be able to have the powers to seize property and to seize assets if they feel that there has been criminal corruption involving public money. As well as that, if it involves any kind of corrupt conduct, they should have the full weight of the law and be able to not just push it towards the police but actually have that ability, because they are given all the information. They are given, normally, all of the grounds and the proof that the corruption exists. Therefore I feel that they should actually have the teeth to be able to sink them in in the way of fines and being able to seize property to get public money back, not allowing people to use the public purse, to use corruption. They need to pay back the community.

I feel that if it was found that someone like Mr Andrews was giving out contracts or during this pandemic time giving contracts out—multimillions of dollars—and not hiding under staff and you could clearly see that they are part of it, they should actually have their assets seized. They should have their homes taken away from them. They should be seen as any other criminal and have all of their assets seized, as they are conducting criminal activity, which is the conduct of stealing money from the public.

I look forward to this inquiry. I definitely hope that the Privileges Committee bring Mr Andrews in front of the committee to get answers, as well as anyone—members of Parliament—that they believe is involved in any kind of corrupt behaviour, and hold them to account, because that is what the

community wants, that is what the community deserves. I cannot wait for IBAC to actually bring down their report on Operation Watts. Let us hope they actually do that before this state election. The community should go to the election knowing the results of these inquiries. Let us hope that the community get what they deserve, which is the truth.

Ms CROZIER (Southern Metropolitan) (10:47): If I could just have a few moments to speak on Mr Somyurek's motion, I want to make a few points. It is a long motion, and I will not go through point by point the parts of the motion, because I know others have done that. But as Mr Somyurek has stated publicly and over many months, he has been in the public domain about the allegations of the conduct that he was involved with. He has stated that it was systematic. It is well known that the practices that Mr Somyurek was talking about have been actions of the Labor Party for decades, but what Mr Somyurek did—and not only Mr Somyurek but others involved in the Labor Party—was on an industrial scale. Mr Somyurek quite rightly points out that in fact the investigation that was undertaken by IBAC looked into one part of the Labor Party, one area—the factional area that he and others were associated with. But the question is: did it look into the other areas, the other factions, one of which of course the Premier belongs to and wields so much power in?

In terms of Mr Somyurek's motion which he brings to the house today, he quite rightly points out these issues: that the reason for this is because of that disparity, that there was not that investigation. The first part of the motion states:

IBAC, despite acknowledging at public hearings that the practice of branch stacking had been endemic in the Australian Labor Party (ALP) for generations across all the factions—

all the factions—

and despite the Legislative Council resolving to request that their investigation be broadened to include all sections of the ALP, has only examined the Moderate Labor faction of the Victorian branch of the ALP during this investigation ...

I think that is something that Mr Somyurek quite rightly says the public need to understand. They need to fully understand what has gone on here, because it is dangerous in terms of that corrupt behaviour—and I agree with him. I agree that it is incredibly dangerous to have only one element looked into. When we are talking about systematic rorting and corruption of our parliamentary democratic processes, there cannot be any more important matter to be investigated. We are in this chamber today privileged to hold the seats that we hold and privileged to represent the communities that we represent in all manner of representation. Whether it is as the Labor Party, whether it is as the Liberal and National parties or whether it is as an independent, we have the privilege to be standing here with the voice we have for those communities, and they rightly expect to understand what is going on. That is why I think this motion is so important, because there is a responsibility that as members of Parliament we get to the bottom of this, we get to the truth and we understand what is going on. The Privileges Committee is another body that has, as its title suggests, the privilege of our democratic process to look at these issues—breaches or corruption of the process. It is important to be able to have our democracy upheld.

I want to commend Mr Somyurek for standing up and speaking out, because I do not think there are too many that have done what he has done. As he has rightly pointed out in previous contributions, what he has done is wrong and there could be severe consequences for the actions that he has undertaken, but he is doing it because he now realises and is concerned about what it means for our democratic principles. As I said, despite what we think in terms of our ideologies and philosophies and our political beliefs, it is about the ability to have a robust debate, to be able to have a difference of opinion and to be able to be respectful to one another and have those debates, but it is also about integrity and being able to continue to have that integrity in the process.

I want to say in my concluding remarks that it is important that this chamber recognises what is required here as individuals who have come into this place as elected representatives of their communities so that we can see and we can understand that that important committee, the Privileges

Committee, can look at these allegations that need to be reviewed and need to be looked at, as has been pointed out in the motion before us that Mr Somyurek has spoken on.

Mr SOMYUREK (South Eastern Metropolitan) (10:54): It is disappointing that my contribution today and my motivations for doing this are based on one thing, and that is to make sure that the millions of dollars that have been poured into this IBAC investigation actually see the light of day. I am putting myself on the line. It is not a body that I have stacked. Most members on that committee are Labor Party people, and they are certainly not my friends. I am putting myself on the line by referring a motion to a body that is stacked with Labor Party people. So how can this be a trick? It is not.

I am hoping and I am calling for an open and transparent investigation for that purpose—so that beyond the MPs the public actually sees and judges what I have done. It is not about the MPs. It is a highly risky thing to do. I am in a war with my former party. They have got the most MPs on that committee, yet I am still doing it because I want it to be open and transparent. IBAC is not being open and transparent. They have put out two former staff members that were moved on from my office. They are tainted. They are friends, and they are part of the Anthony Byrne clique. They are his protégés, and he is the guy that recorded me. So where are all the other staffers that they have spoken to? Let the world see what they have had to say.

I am really disappointed, because this motion is a tough motion. It is unprecedented for an MP to be referring themselves to the Privileges Committee, and then all these 10 points that I have said are suggestions. I am bagging myself in these 10 points—not anyone else, me. I am bagging myself. It was uncomfortable writing all of these things, I can tell you. I was thinking, ‘Can’t I dilute this a little, because I’m not guilty of that’. But I did it, and it took a lot out of me to put those 10 points, because they are damning of me. I contend I am not guilty of those, but I have put them in the motion and I am saying it is not restricted to that. We know this case intimately; these are the things that we see—that IBAC is looking at. The motion quite clearly says ‘on matters raised relating to the Honourable Adem Somyurek’—anything that has come out of it about me. So that was a bit disingenuous, and I am really unhappy that the government has taken the low road. That is typical of Mr Andrews. I could have sat here and talked about Mr Andrews branch stacking—how he paid for memberships. I know it all.

A member: What?

Mr SOMYUREK: It is all in my book; let us just keep it in the book. I did not attack them. I did not attack any of the Labor Party people—except for Hakki Suleyman, but he has got dispensation. I did not attack anyone. I was hoping that there would be some bipartisan recognition when someone puts themselves on the line to be investigated, especially to a body that they do not control the numbers in. There is a saying in politics: never have an investigation into something when you do not know what the result is going to be. And if you think I can control what the Labor Party people or the crossbenchers or the Liberal Party are going to say out of this investigation, you have got to be kidding.

I have seen some hostile reactions coming back, so obviously from here we see, even if this does get to the Privileges Committee, the Labor Party people are not going to play this with a straight bat. We can tell from the hostile reaction, because their response was to call me names—‘branch stacker’. The Premier is a branch stacker. I went in on the same deal as him. He and I did a deal after he was branch stacking. So to get up there and call me a branch stacker actually demeans the debate. I was actually hoping that they would rise to the challenge. To me, if this gets through, it is actually dangerous, what they are going to do, because there are important issues here to be dealt with, and they are just going to treat it as a partisan issue. To accuse me of having an investigation into myself as a platform—you have got to be joking. Who wants to be investigated? I do not know what those former staff members are going to say. Some of them might hate me, and they might say really bad things about me. No-one puts themselves up to be investigated, especially in public view.

Motion agreed to.

Motions

SEX EDUCATION

Mr FINN (Western Metropolitan) (10:59): I move:

That this house:

- (1) expresses its strong support for the protection of childhood innocence;
- (2) deplores the sexualisation of primary school aged children by programs within the Victorian education curriculum; and
- (3) calls on the Minister for Education to replace programs responsible for early sexualisation of prepubescent children with more age-appropriate human development programs.

I have always regarded childhood as possibly the most magical time of anyone's life. There have been times, particularly of late in this place, that I wished in fact that I had never left childhood. But what I like to see is that kids have a childhood that they enjoy and that enhances what they have to look forward to. I look back on my childhood with great fond memories, on the farm down near Colac all those years ago, and that is a very important part of my life, remembering that. I think that we must protect the innocence of childhood for each and every single child in this state. I think it is a basic responsibility of every member of this house, and I think it is a basic responsibility of every adult, because it is my view that every adult has a duty to protect children—every adult. I spend a lot of my time fighting for kids, and I see what is happening in this state at the moment with the sexualisation of kids in primary school to be something we cannot allow to continue. It is not only destroying kids' childhoods but also providing them with a very perverse outlook on life from that point on, because childhood does provide a base for where we grow into adolescence and into adulthood, and what is happening at the moment is something that cannot be allowed to continue.

I had heard stories about some of the things that have been going on in classrooms for, well, the last four or five years anyway, and I thought they may have been a bit exaggerated, to tell you the truth; I did not quite believe it. But I had a note from a constituent, and I raised this in the Parliament on the adjournment earlier this year. She told me, this particular constituent from Sunbury, of her 10-year-old girl, who came home from school extremely upset, extremely distressed. She went straight to her room. She did not want to talk to anybody, she did not want to see anybody; she just went straight to her room, shut the door and stayed there. This went on for some hours until her mum decided that she would find out what was going on. So she went in and she sat on the bed with her 10-year-old daughter, and she said, 'What's been going on? Why are you upset?'. What the 10-year-old daughter told her mum shocked her mum and has subsequently shocked me and many hundreds of thousands, if not millions, of Australians since. The 10-year-old girl told her mum that she at school had been told as homework to go home and ask her father about his erections and ejaculation. I will say that again because that is I think worth repeating: a 10-year-old girl who lives not far from where I do was asked by her teacher to go home and ask her father about his erections and his ejaculations. Is it any wonder this poor little kid was as distressed as she was? I do not believe this is a one-off—not at all—and it is just extraordinary that we have a situation where this would happen to even one kid, much less that it be widespread. The minister got back to me, which was very nice of him. Some ministers do not bother on the adjournment, but Minister Merlino did. Perhaps it is the faction he is in.

Mr Somyurek interjected.

Mr FINN: He should be sound. I suspect that the answer that has been provided to me as a result of me raising this matter was written by a bureaucrat who was possibly a lefty. I do not know. He thanked me for my question regarding 'puberty education', as they call it. Well, fair dinkum, if that is puberty education, I just shake my head in disbelief. You fear to think what is coming next. Indeed I do fear to think what is coming next, and I should point out that I am only talking today about primary school aged kids. We could talk about what happens in secondary schools, and that would fair dinkum

curl even my hair. That would curl anybody's hair. It is quite extraordinary. The answer that was provided by the minister says:

Age-appropriate education on sexuality and puberty is an important component of the Health and Physical Education Curriculum.

Well, I agree with that. It is an important part, and that is why I am moving this motion today—because I actually want to see that happen. I want to see age-appropriate programs for human development. I want to see that. I do not want to see kids exposed to concepts, to ideas and to suggestions that horrify them, that shock them and that send them into a state of trauma. I do not want that to happen. The minister went on:

Teaching students about their bodies, brains, relationships and health with evidence-based programs appropriate for their development and led by a trusted source is imported before they discover potential misinformation surrounding these topics online or in the playground.

On that statement I have one question: what about the parents? Isn't it their right to inform their children in the way they feel is necessary about these sorts of things? For an education system to try to usurp the role of parents in this particular way I think is despicable. I think it is despicable, and I think it is something that none of us in a free society should be happy to allow. The minister went on:

The classroom-based activities and suggested homework in the Department of Education and Training's sexuality education teaching resource, *Catching on Early*, do not include a task that directs students to discuss erections and ejaculation with their parents.

Well, it may not include a task to direct students to discuss erections and ejaculation with their parents—or indeed their father on this particular occasion—but, Minister, it is happening. This has happened. The minister cannot be in denial on this. This has happened. It has happened at a school in Sunbury about 35 or 40 minutes from here. It has happened, and a child has been taken out of that school now and is being homeschooled as a result of what happened to her. The minister went on. Amongst other things he said:

Using the *Catching on Early* teaching resource is not compulsory, and parents are able to remove their children from these lessons, if they wish.

He should have said 'if they know', because I will put money down that most parents will not know. They will not be aware of what their kids are being taught in some of these classes. And let me tell you, the kids would be too embarrassed to come home and tell their parents. They would cringe at the thought of sitting down with their mum and dad and telling them what they were taught at school today in these particular classes, so the parents are not going to find out. It is very hard for the parents to get involved and indeed to take the child out if they do not know. That is a simple fact of life. I just shake my head almost with fury at the thought of these children being abused—this is child abuse, absolutely—by a system that is promoting its own political ideology ahead of kids' welfare. What sort of government does that? How can we allow that to happen? Well, it is happening. It is happening every day, and it is something that quite frankly we must as a Parliament stand up and say no to. We will protect our kids. We will protect our children. We will let kids be kids. We will let kids enjoy their childhood for as long as they possibly can.

As one parent said to me just this week: 'My daughter', as it was in this case, 'knows all about genders'—you know, all the 73 genders—'She knows about how she can change her own gender'.

A member interjected.

Mr FINN: 76. Gone up, has it? Okay, fair enough; that is inflation for you. She knows all about these genders that we are on about, but she does not know the capital of New South Wales. She does not know the capital of Queensland. She can barely read. She can barely write. But she knows how to change her gender—all this from a primary school.

Mr Somyurek interjected.

Mr FINN: Well, they are the priorities of this government, no doubt about that. There is gender confusion overload. That is what it is. These kids go to school, and the little boys are told by their teachers that they might be little girls—‘Have you ever thought about that? You could be a little girl!’.

Mr Somyurek interjected.

Mr FINN: I do live in a binary world. Yes, I do, absolutely. And the little girls are told that they might be little boys. So between the two of them, nobody—

Mr Somyurek interjected.

Mr FINN: It is a grey area, apparently so, Mr Somyurek. I just find the destruction of childhood in this way to be an act of criminality. I think it is appalling, and it is something that this Parliament I believe should address as a matter of urgency.

You know, from day care right through to year 12, children are being taught to explore and to play with their sexual orientation and gender identity. Is it any wonder we have major mental health issues with kids in this state? They go to school, and from the age of five or six they are being told they might be something that they are not—that they have been a little boy up until that time and they might be a little girl. They are being told this at school. When they get a bit older, they are told that they are all going to die because of climate change. Is it any wonder that these kids have mental health issues? To think that these issues, these problems, are being promoted within our schools is despicable. It is a disgrace, and it is something this government must act on. It must put its ratbag ideologies to one side, and it must put the welfare of children as its number one priority. It must, because to have neutral, health-based education replaced with age-inappropriate, erotic, sexual materials that encourage high-risk sexual behaviours is not on. This is happening in primary schools. God help the kids when they get to secondary school.

The view that is promoted to them is that their sexual orientation is fluid and changeable and that they should explore different sexualities. Strike me pink—your average seven-year-old would not know which way was up. What hope have these kids got when they are taught this nonsense? What hope have they got? They are told to view heteronormality, the prevalence of heterosexuality in society, as negative. Why would they do that? I mean, this is part of an ideology that is harming them in a very, very big way. They are taught that consent and legal age are the two main considerations when pursuing sex. It does not matter what dangers it may pose or it may offer along the way. It does not matter—any of those sorts of things—get out there and into it. As long as you consent and as long as you are within the age limits you can do whatever you like.

Now, I am not sure there are all that many parents who would be thrilled with that, and the kids are being subject to this from a very, very early age. As I say, I shake my head in disbelief, but it is true. I would have loved today to have had the mum and her daughter who I spoke of earlier here in the chamber. Unfortunately they have come down with one of the multitude of lurgies that are now engulfing our city, and they cannot be here. But they were going to be in the gallery, and members would have been able to go up and have a chat to them and have explained that this is not exactly something that I have made up by myself; this is something that has actually happened. This is something that I have come across in the course of my duties as a local member of Parliament in the Western Metropolitan area. I tell you what, the horror and the shock that went through the community when I first raised this matter in April told me that people do not want this to happen. They do not want this to happen. Mr Melhem, they do not want this to happen. You know, parents do not want their kids abused in this way. As I say, this is child abuse. This is horrifying. We are not even talking about adolescents. We are not even talking about teenagers. We are talking about kids in primary school, for God’s sake. What could possibly possess any right-thinking person to regard this as a normal, reasonable practice? What indeed. We know there are ideological extremists out there. We know that they have largely captured certain parts of the government. We know all that, but people

like James Merlino, the minister, surely cannot support this. He surely cannot. I have always regarded him as a pretty decent sort of bloke.

Mr Somyurek: The party is run by the left.

Mr FINN: Well, the party, sadly, is run by the left, and it is very much the loony left. It is the extremist left, the loony left, that we are dealing with here, and they do not care if they destroy the lives of kids. They do not care if kids are in psychoanalysis for the next 20 years to recover from their primary education. All these nut bags in the left want is to promote their ideology. All they want to do is promote their way of life or what they think everybody should be doing, and that is the simple fact of the matter. They do not care about the kids, and in education the kids should be everything. The kids should be number one, two and three, always, but these people do not care. They just do not care about the kids. They do not care that the kids are having nervous breakdowns. They do not care that the kids have completely lost interest in school because they cannot handle some of this absolutely outrageous material that they are being subjected to. They do not care about the kids. They certainly do not care about the parents, because they are actively promoting the parents and the children being in different places. They are actively promoting that because they know if they can do that, they can control the kids. They can control everything that the kid learns, and that is a horrifying situation. As a parent and as a responsible adult, I intend to do something about it.

Today I urge members to support this motion, but today is not the end. Today is just the beginning. It is just the beginning, because this is a fight that we must have and this is a fight that we must win because it is for our kids. It is for our kids, and our kids are worth fighting for. Every kid in this state is worth fighting for, and I tell you one thing: I am not going to go away on this. Whether this motion is carried or not carried today, I will not be going away. I will be back on this because this is a fight we will have and win.

Mr MELHEM (Western Metropolitan) (11:20): I also rise to speak on the motion moved by Mr Finn. There may be one thing I agree with Mr Finn on: I think it is important that we do protect our children whether at school, at home or in society. I think it is important; we all agree on that. I think children are our responsibility, and as adults, as parents, it is our role as a government to actually provide them with a safe place to be. Whether it is at school, whether it is at home or anywhere, it is our responsibility to make sure we take care of them and look after them. And when I talk about children, I talk about all children regardless of their background, their ethnicity, their upbringing, even children at the age of—I think we will have a debate about some of the issues that Mr Finn talked about—primary school or secondary school or high school.

These programs that have been talked about are age appropriate. Talking about teaching someone in kinder or primary school, some of the programs Mr Finn is talking about—with all due respect, Mr Finn, I think what you are trying to say is way exaggerated. I understand where you are coming from. That is a view you have always had, and you have got a right to express these views. But I think it is important to get the facts right; it is about getting the facts right.

These sorts of programs that have been talked about have been in operation for decades. There have been some changes over the years, and the changes are actually provide further protection for our children. I am going to talk about a number of the changes. For example, they talk about consent, and that was recently introduced. To me consent is teaching our children that no means no—respect the other person. It is not saying to children, ‘You can go and have lots of sex at the age of 10 or 15—as much as you like’ et cetera. It is not. Let us not twist things. It is about respect from a young age. When they go out, when they are adults, it is about enshrining that in their thinking: respect the other sex, whether you are a male or a female. That is what teaching consent is about. The true meaning is that that person is genuinely saying yes to a relationship. That is what consent is about. It is not the way Mr Finn described it.

Again, with Respectful Relationships, Mr Finn talked about children being under stress with their mental health. But we have got children who are confused about their sexuality, and that is a fact of life. Children go through that. These sorts of things are taught at school, and it is to make sure we address these issues. It is not about conversion. It is not about converting. Some people put the argument that we are converting kids now from being that particular sex to this particular sex. That is not what this program is about. It is about making sure that we provide all the necessary support for children who actually have issues about their sexuality. I think we cannot just ignore them and just pretend it is not there. I think that is stupid. It is important that we actually do something. We owe it to our children. My children, thank God, are not at that age now. They are aged 20 and 23. Maybe, hopefully, my grandchildren one day will go to school and the support will be there to help them. I know the support was there for my children, and my children went to Catholic schools and had support there as well. It is not just public schools; it is everyone's responsibility. There are obviously certain standards that people believe in in our society. We should respect that. As parents we have got that responsibility as well to apply our standards.

Whilst we agree on the motion, I do not necessarily agree that our current programs are basically no good and should basically just be withdrawn and that that is going to basically keep everyone safe. I think the opposite will happen if we accept Mr Finn's motion. Whilst I accept where he is coming from, I do not agree with most of the stuff he has basically said about the various programs.

I will talk about the respect issue and the consent issue. Whether we like it or not, a 10-year-old or a 15-year-old will go through hormonal change, and I am referring to the LGBTI group. That is the best time for us to intervene and help them to make sure that whatever they want to be, they should be proud. If they are gay, lesbian or whatever sex they decide, we should help them. We owe it to them. Instead of pretending, 'Oh, no, there's something wrong with you. You're sick. Just harden up and just get on with it'—that is not the approach. That probably was the approach 100 years ago, 5000 years ago. That was the approach in the old days.

Mr Finn interjected.

Mr MELHEM: I am not as old as you, Mr Finn. That is not the approach. It is 2022. We owe it to them. That is when they need our support. I have seen a lot of kids—and a lot of young men now and even older—that have gone through hell and back, and a lot of them are actually not with us because we were not there and giving them enough support. Some of these programs and our school programs provide—not intervention; intervention is the wrong word—early assistance and provide them with the resources and the support they need. It is very important and very vital.

Now, the example that Mr Finn talked about of that person knowing everything about sexuality and so forth and not knowing the capital city of New South Wales is Sydney I think is a long exaggeration, but I get that.

Mr Finn interjected.

Mr MELHEM: Maybe they need to talk to the teacher or the parents about etiquette. Anyway, the point is this: it is one program, or a number of programs. It is part of the curriculum. What is wrong with teaching our kids about their body?

Mr Finn: Nothing. Nothing at all—age appropriate, though.

Mr MELHEM: Exactly, and that is what these programs are. Thank you for the interjections, Mr Finn. That is the point I am getting to.

Ms Terpstra: On a point of order, Acting President, I am having trouble hearing Mr Melhem's contribution with the interjections that are coming from across the aisle. I would like to hear Mr Melhem's contribution, and he should be allowed to continue in silence.

The ACTING PRESIDENT (Mr Bourman): Point upheld, but I know Mr Melhem is sailing close to baiting Mr Finn, so perhaps if we can just move on, that would be good.

Mr MELHEM: Thank you, Acting President. That is the point I am getting at: these programs are age appropriate. We have a particular program for primary schools, a more advanced program for high school and so forth. It is not one size fits all. It is all about making sure we start early with very limited education and then go on and start talking in a bit more detail in secondary school and high school. Proudly I will stand here and say I am very supportive of these programs in our school. Sure, there is always room for improvement, for changes and for delivery. You could have the best program in the world but have it be wrongly delivered. The delivery can always be fine-tuned. But as a concept, as what the state governments have done—and I want to commend Minister Merlino on the work he has done. He came from a very conservative background—and Mr Finn is talking about that and trying to bring that into the debate—but if he did not believe in it, he would not have implemented that. I commend him on the work he did in that space.

With these words, I cannot support what Mr Finn is proposing. I do accept where he is coming from and I respect his right to have his view and to air these views, but I think the kind of programs we have got in our school are there to protect our children, to protect all these kids and to make sure we give them the best start in life. I will leave my comments there.

Dr BACH (Eastern Metropolitan) (11:30): I was pleased to see this motion on the notice paper today, as I come to this debate from a place of some experience. Prior to coming into this house just two years ago I was the wellbeing leader at a large secondary school in my electorate. Prior to that I was the wellbeing leader at, again, another secondary school. In my earlier career as a teacher, I regularly taught health and human services and indeed sex education. There are many elements of this motion that I agree with, and more broadly the Liberals and Nationals will support it.

Nonetheless I agree with some of the points that Mr Melhem made also. Mr Melhem spoke about the fact that we should not go back to the old days, as he called them, where children who were questioning their sexuality or gender identity did not get the care and support they needed, and I agree with that wholeheartedly. Certainly my practice always as the wellbeing leader at a large secondary school in my electorate was to work with the psychologists who were part of that team that I led to seek to ensure that the significant minority of students who were questioning their sexuality and the much smaller minority of students who were questioning their gender identity received the evidence-based and age-appropriate support they needed. We know in particular that trans kids are some of the most vulnerable kids in our community, and it is essential that they get the support they need.

Nonetheless I am on the record on any number of occasions questioning not just the Department of Education and Training in this respect, Mr Finn, but the department and the government more broadly when it comes to the implementation of a whole series of programs. As a parochial teacher, I would like to see Victorian teachers, who I think overwhelmingly are just fantastic, being able to be given more time to do what they know and love—and that is, to teach their subjects. Something that the uninitiated perhaps do not fully understand is that the best pastoral care is delivered in the classroom in normal subjects by teachers that students know and trust. There is not a need to continually expand the number of programs that sit alongside the curriculum. That means we know there is precious little time to do the sorts of things that the majority of parents want to send their kids to school to do.

Back in 2019, before the pandemic hit, Victorian students received their worst ever results in numeracy, in literacy and in so-called scientific literacy. That was according to the Programme for International Student Assessment, the so-called PISA study. That is a matter of grave concern to all of us. Again, something that perhaps the uninitiated do not understand fully is that children often experience a decline in their wellbeing, a decline in their mental health, when they are really struggling in the classroom with their academic work. The two cannot be separated, as this government so often seeks to do—to have academic programs over here and entirely different wellbeing programs over here. There is a need, again as Mr Melhem said, for specific programs, and Mr Melhem talked about

some of them, regarding consent, for example—deeply important. There is a need to make sure that there are strong programs to support students who are really struggling with their wellbeing. As I have already said, trans kids are among the most vulnerable kids in our community, if not the most vulnerable kids in our community.

But in the delivery of such programs there does need to be due regard for the evidence. With all due respect, my strong view is that many of the wellbeing programs that have emanated from this government and its department of education are not based on the best evidence. For example, I have recently written about the move under this government to embrace so-called positive psychology. This is a movement that is entirely lacking in evidence. I would urge the advisers of the government to read a wonderful recent book by Professor Mick Power, professor of psychology at the University of Singapore—he recently, very sadly, died—entitled *Understanding Happiness*, in which he fully unpacks the paucity of evidence behind positive psychology. It is the notion, in short, that you should simply, when you find lemons, think, ‘Let’s make lemonade’. It is in fact an ideology that was fully embraced by the former President of the United States of America, Donald Trump—the idea that if you embrace a happiness agenda, if you simply become more positive, your wellbeing will increase. There is no evidence for this notion, and yet this is embraced fully by the government, by the Minister for Education and by the Department of Education and Training. The evidence points directly in the other direction. Americans are the most positive people in the world; they are also the most anxious people in the world. There is no linkage between positivity and mental wellbeing.

I agree with comments by both Mr Finn and Mr Melhem that the wellbeing programs we run in our schools must be based on the best evidence. My assertion as a former teacher, my assertion as a former wellbeing leader leading teams of psychologists, is that many of the programs that this government seeks to have implemented in our schools are not based on the best evidence. I have said before that, in seeking to support in particular the minority of students in our schools who have such a complex time grappling with issues of sexuality and gender identity, never once in my work with psychologists did they say to me, ‘Well, in order to assist these children’—who desperately need help and support to know that they are respected, dare I say loved; never once did they say—‘what we must do is use a resource from Victoria’s Department of Education and Training’.

There does need to be change. That change must respect, as Mr Melhem said, the need for really strong programs when it comes to consent, a really strong approach in our schools to supporting kids who are same-sex attracted and most certainly to supporting trans kids. Now, as we seek to move forward I hope to ensure that in our schools there is a greater focus on academic learning in the key areas of STEM—and we heard government members, including Dr Kieu, who is deeply passionate about STEM education himself, I fully concede that, talk about that need yesterday—and also literacy and that we strip away, not just in this area but in other areas too, a range of different programs that do not marry well with the formal curriculum.

As we do that we should have due regard for the important role of parents. I have previously been on the record praising the government for its embrace of an early intervention program called Functional Family Therapy. I have called on the government to roll out this program more broadly. It is a really good program. It has been called for by Berry Street, by Anglicare, by Social Ventures Australia—a whole range of wonderful organisations that the Victorian people know and trust. In that regard, in particular in working with kids known to child protection and especially vulnerable Indigenous kids, what that program, which is based on the very best evidence, seeks to do is to further empower parents, in particular fathers—to further empower parents and fathers. So I do have a worry that in some of the material that emanates from our Department of Education and Training there is not due regard for the role of teachers, which is different to the role of parents. We should be having the very highest expectation of Victorian parents, the vast majority of whom are fantastic. The role of parents does not need to be co-opted by schools and teachers. Schools and teachers have no wish, I can tell you as a former teacher, to co-opt the role of parents. There must be complementary programs in our schools; however, my view is that presently that is not done well.

If I had had my way, I would have liked to see a motion that was a little broader, as I said, that deals not just with these specific issues but a whole range of other issues that I think also impact the standard of education that our kids receive. Nonetheless this is the motion before the house. It does hit upon some significant issues, and the Liberals and The Nationals will support it.

Ms TERPSTRA (Eastern Metropolitan) (11:39): I rise to make a contribution on this motion standing in Mr Finn's name. It is couched in terms around protecting children, but I have grave concerns about the way that this motion is framed and about the way in which it is presented in this house. What it really seeks to do is drive a wedge—and, again, using children as one of those wedges—to say that the government is bad, that we are sexualising children, whereas there is nothing further from the truth. I am going to speak to this motion as a parent of children who attend government schools, and I find it quite distasteful that we find ourselves in a position where we are debating a motion that again seems to suggest that the curriculum that children are being taught is sexualising children, where it is not. It could not be further from the truth.

So we have got a motion that is framed in a way that seeks to lead us down a particular path which is ill conceived and inappropriate. It is frustrating to me as a parent of children who attend and have attended government schools that I am having to listen to a debate and participate in a debate that is completely misleading and is completely offensive, and I find it frustrating here that we are having to listen to people talk about children as if they know what is good for them—politicians in this chamber—where really I have faith, trust and confidence in the government school system to be able to educate my children in a number of ways that they need. But we are having discussions that some experts are better than other experts and there is this program and that program, predicated on the idea that the government is not getting advice and information from the best experts that it can that are available, and so I completely reject the premise of this motion as being just another stupid political wedge to have a crack at children who might be feeling vulnerable because they are perhaps questioning or curious about their sexuality and a whole range of things that often children find themselves going through.

I have to say we talk a lot about schools here in this chamber and in the other place. We talk about teachers and the amazing work that they do. But as a parent I will say this, and I have said it a number of times: I am my child's first teacher. Parents are their child's first teachers. Parents teach their children a whole range of things. But of course as your child gets older you need to send them off into the world, and we send them off to schools in the government system. The reason why I chose the government system for my children to attend school is that it is the system that has the most diversity. It embraces diversity, and I am proud to say that with my child who attends a government school, when I go to that school and drop her off I see children who are transitioning, I see children in wheelchairs, I see children who are from a diverse range of backgrounds—and that is the whole point about diversity. What this motion really tries to do is to say that all-knowing adults seem to be able to suggest what should be right for our children, notwithstanding the facts of what our own children are telling us—that they need help and support to deal with some of these issues, particularly if they are curious or questioning their own sexuality—and I find it offensive, as I said before, that we have to be here today talking about a ridiculous motion like this.

Some of comments that Dr Bach made I agree with. He was a teacher, of course, and he taught these sorts of programs that talk about assisting children to understand, work through and navigate their own personal development or the like. Those programs are appropriate. Of course children need to know that, and as kids get older they need to interact with other teachers in their lifetimes. But again it is just another wedge from Mr Finn. Now that he is off the Liberal Party benches, he is off the leash and he wants to come in here, throw another wedge at government and have us debate this stuff again. It is really offensive and ridiculous. With some of the points that have been made I just shake my head in disbelief that in 2022 we are still having these sorts of ridiculous discussions.

I commend the government, the Department of Education and Training and all our really dedicated, hardworking teachers for the care, compassion and concern they show in educating our young people

and helping our young people at schools. I have said I am my child's first teacher, but there are kids who cannot go to their parents and discuss some of these things because they are very sensitive in nature and perhaps their parents are not supportive. So of course schools often provide an environment where kids who might be curious or questioning can actually go to their teachers, discuss this sort of stuff and know that they will be supported in that in a non-judgemental way. So I completely reject the premise of this motion that Mr Finn has put forward and that we are sexualising children. Our children are telling us that they want help with navigating these sorts of things, so it is completely offensive to suggest that we are sexualising children in some type of way. I think the member might have to reflect on his own motivations in bringing this and his own strange way of internalising these sorts of matters. I could go on and on, but I will try and move on to other points, because we could just go down a rabbit hole that has no end. As I said, it is offensive to have to discuss this kind of motion again based on the frame that is being put forward.

But age-appropriate school-based sexuality education is one of the core teaching responsibilities that a school undertakes. It is important. I reflect on my own schooling. I remember many, many years ago when I went to school we learned about sex education and those sorts of things. That is not sexualising children. It is just ridiculous. It is learning about your body and about what safe boundaries are. Sometimes children may not have had the best start to life, and they need to understand and learn from a different source about what a safe boundary is and asserting their own safe boundaries with adults. That is entirely appropriate. There is absolutely nothing wrong with that. In Victoria it is compulsory for government schools to provide age-appropriate sexuality education within the health and physical education curriculum. Again, the curriculum is written by experts, it is put together by experts and to suggest that it is not is a complete falsehood and ridiculous. This curriculum is aimed at supporting students to learn about their bodies, brains, respectful relationships and health.

I have got just about 2 minutes on the clock, and I know Mr Meddick wants to speak on this. I will move on quickly so he can get a go before question time, but I just want to talk about consent very quickly and respectful relationships. The government has invested \$82 million in Respectful Relationships, including funding for professional learning for teachers on topics of consent, sexual harassment and building positive, respectful relationships. Since 2016 more than 35 000 educators have participated in this training from more than 1950 schools, including more than 380 non-government schools. This stuff matters because we see things in the media where boundaries have been breached. We see people in all walks of life behaving in less-than-respectful ways towards each other. We are seeing some of this being played out in the media right now with football players, for example. So what is wrong with teaching people about respectful relationships and boundaries? Absolutely nothing. It has got nothing to do with sexualising children. Ridiculous.

Let us talk about consent for a moment. Yes, any child has the right to say 'I welcome someone touching me' or 'I don't'. They have the right to say no to that, and it is important that we reinforce those notions. In the primary years, the curriculum focuses on relationships, body awareness, changes associated with puberty and age-appropriate information on how babies are conceived and pregnancy. In the secondary years, sexuality education focuses on developmental changes, transition, healthy and respectful relationships, safety and help seeking. These are things that are obvious and that are happening now.

If we all took a leaf out of Mr Finn's book, we would just be closing our eyes, sticking our head in the sand and saying that none of this stuff ever actually happens. We know that these things do happen, and we also know that children who might be questioning their sexuality are subject to bullying and harassment in schools and they suffer from depression and anxiety. So if it was a leaf out of Mr Finn's book, we would go 'Let's do nothing', put our heads in the sand and just talk about innocence. What we are saying over here on the government benches is, 'Let's help and support children navigate through whatever transition they need at the time they need it in a respectful way and an age-appropriate way'. I just want to say a huge thankyou to those dedicated teachers in our school system who help young people each and every day navigate some very difficult and challenging personal

journeys in their own lives. It is disappointing and it is shameful that we have to be here talking about this kind of ridiculous, stupid motion brought by Mr Finn.

Mr MEDDICK (Western Victoria) (11:49): I rise briefly to speak on this motion. It is a very disappointing, ill-thought-out and frankly offensive motion. I wish the member who brought this motion today cared as much about the real challenges facing young people in schools. I know about these because as a parent I have lived through them. One thing the member and I have in common is that we care about the safety of children. That is why I never left mine in the care of the church. All I am saying is that a child has never been harmed by a drag queen, but I cannot say the same for a priest.

I have spoken openly in this chamber about the fact that both of my children are transgender. Their journey to realise and accept this fact was not smooth, because they had not been told in their most formative years that this was okay, that this was normal. My children are both adults now, and I can only imagine how different their school lives would have been if they had had the support that is currently available in the education system, especially when they were beginning to realise they were different to how they thought they were meant to be, which I can tell you was much younger than when they actually came out.

The argument that schools are forcing or deliberately misleading children into gender dysphoria is shameful. Recently I led a task force into the establishment of LGBTIQ+ safe spaces in the Geelong, Surf Coast and Ballarat regions, and I know through this process that inclusive education and accessible resources will literally save lives. School education programs will do the same. Our kids need support, not the continued and persistent denial of lived experience—experience that should be celebrated.

To the member, I have a message. It is a message I saw articulated by brilliant young activist Matt Bernstein on Instagram a few days ago. They had this message to say: if you think kids are too young to learn about LGBTIQ+ people, it is because you only view LGBTIQ+ identity through the lens of sex—that you view queerness not as a complex part of someone's identity from the time they are born but as a series of sexual acts exclusively for adults. This is wrong. It is for this reason that I will be vehemently opposing this motion today. Not only that, but I hope these programs can be expanded and developed in even more schools across Victoria to save more lives. It is 2022 and beyond time that young LGBTIQ+ people should need to defend themselves and their lives against the continuous attacks from the likes of the member and the outdated, hurtful and harmful ideologies he seeks to continue—a crumbling artifice seeking relevance in a world that is fast leaving them behind.

Mrs McARTHUR (Western Victoria) (11:52): I rise to speak in support of Mr Finn's motion and his contribution which began this debate. The three parts of the motion are fairly straightforward and easy to agree with, and I also endorse the very erudite contribution of my colleague Dr Bach, who more than anyone in this place speaks from real experience about wellbeing programs for students.

I do believe that the innocence of childhood should be protected. I do deplore the sexualisation of primary school aged children, and I do believe any programs responsible for the early sexualisation of children either in their content or in the licence they give teachers to go too far should be replaced by properly bounded, age-appropriate material. Children should be free to develop at their own pace. They should be guided by their parents. It is just fundamental. Child safety is one thing, and I agree that proper sex education supports this, but indoctrination is another. And what we see in Victoria has gone way beyond child safety. It used to be that parents trying to protect their children from inappropriate sexualisation faced the challenge of advertising and marketing on television and more recently the internet. Now it is the government which is doing it. The biggest threat to children's innocence and parents' rights is no longer commercial. It is not Hollywood or television or big business marketing and selling, it is social engineering by government. And it is no wonder that some parents feel not just uncomfortable but isolated. Some feel they now have to protect their children from not just predators but the state—from the education system and their teachers, who are supposed to nurture and develop them.

It is often seen through a religious prism, and there is no doubt that many parents in different religious and cultural groups feel deeply uncomfortable with what is forced upon them. But it is not just a religious matter, it is also about the state interfering where it should not be. Nor is this interference with the curriculum the end of the matter. It is all of a piece. It fits with the creeping replacement of parental authority. This is exactly what we in this place unfortunately endorsed in passing the Victorian Change or Suppression (Conversion) Practices Prohibition Bill 2020. It is no longer a parent's right to choose how they bring up their child. They must affirm their gender identity.

While I oppose this creeping extension of government authority in itself, what is worse is that it seems to exclusively occupy the attention of the Department of Education and Training in the Andrews government. There is far more we could be doing, that we should be doing, which would actually help kids improve their life chances, their agency, their futures, their achievement and their self-esteem and incidentally which would liberate their teachers and improve their job satisfaction. Just this week, for instance, we heard that from next term all Victorian educational settings, from kinders to schools and even universities, must comply with new directions to provide culturally safe environments and to recognise that Australia's colonial history has caused significant trauma and hurt that individuals, families and communities still feel today. How insulting is this to schools and to teachers. Are they not already providing safe and caring environments? Do we need the full weight of the law and a heavily oversubscribed bureaucracy to enforce this? This is the same instinct which has brought about the problems Mr Finn has highlighted, and in the same way that we should allow teachers to use their own good sense to properly educate all pupils in their care regardless of their cultural or racial origin, we should also trust them to teach age-appropriate sex education programs.

These cultural obsessions are failing our pupils, failing the next Victorian generation. The evidence shows that we ought to concentrate on other programs. Last year in Victoria, for instance, the Mathematics Heads of Faculty Network wrote to the Victorian Curriculum and Assessment Authority, saying:

Standards have dropped, content has had to be omitted during remote periods of learning, assessments have become less rigorous, student understanding is often superficial, and resilience is low.

In March this year the latest NAPLAN data showed that the numeracy and literacy results of Victoria's most disadvantaged students took a serious hit in the pandemic. More than a third of primary school students assessed by the Smith Family made little progress in their literacy and numeracy, and in fairness, it is not just a Victorian problem. The OECD's most recent Programme for International Student Assessment report, which assesses the achievement of 15-year-olds in science, maths and reading, confirmed that yet again Australia's international assessment has fallen, a trend which has continued now for 20 years.

Worst of all, it is the disadvantaged who suffer most. NAPLAN results show that disadvantaged students are falling drastically behind their peers in literacy and numeracy skills, with year 9 students more than four years behind their most advantaged peers in reading in both New South Wales and Victoria. Regional schools and students suffer too. Last year just 37 out of 265 schools with median study scores in the top 50 per cent statewide were regional schools, and the attendance record in regional schools is demonstrably poorer. Why is this not the focus of our education system?

We need a return to the basics of education. We need the three Rs, not affirmation, not apologies, and I deplore the situation which occurred in my electorate when male students were asked to stand up at Brauer College and apologise for being male. At the Parkdale secondary school they were called oppressors—white, male and Christian. This is deplorable. This is the sort of thing that has to be stamped out of our education system. We desperately need students to be able to learn about the three Rs in preparation for their next level of education and the workforce.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

MONT ALBERT AND SURREY HILLS TRAIN STATIONS

Mr HAYES (Southern Metropolitan) (12:00): My question is to the minister representing the Minister for Transport Infrastructure. Residents have raised concerns with me regarding the government's fast-tracked project to close the Mont Albert and Surrey Hills train stations and build a new station on a narrow residential street and a local park. While they are supportive of the objectives of the Level Crossing Removal Project, the fast-tracking of this process has allowed the Level Crossing Removal Project to keep the building design of the new station secret from residents who live adjacent to the site, as well as the local council. While building works are well underway, residents still have no idea of what is actually being built. My question is: when will the building design and other documents, such as traffic, vegetation and acoustic reports, for this new station be publicly released?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:01): I thank Mr Hayes for his question. It has been directed to Minister Allan, and I will seek a written response for him on that matter.

Mr HAYES (Southern Metropolitan) (12:01): Thank you, Minister, for referring that on. My supplementary is: the government signed off on transport plans and building contracts for this project before the completion of community and council consultation. Is the process for this not flawed when you do not include key stakeholder feedback and important information on the impacts of this project in the design? So the question is: is the process for this project flawed?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:01): I thank Mr Hayes for his supplementary question, and I will seek a written response to those matters from Minister Allan.

SPC AUSTRALIA

Ms LOVELL (Northern Victoria) (12:02): My question is for the Minister for Small Business. Minister, SPC boss Robert Giles says higher energy prices will force the canned fruit and vegetable producer to raise prices again if it does not receive urgent government support. Minister, what advocacy steps will you take as small business minister to ensure that businesses like SPC and its supplier small businesses are not hung out to dry, squeezed to death by higher energy prices?

Ms Symes: Remember that time when we forced the coalition to step in and save SPC?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:02): Oh, yes, I think we did that a couple of times, Ms Symes. I thank Ms Lovell for her question, a really important question, matters of energy pricing being of course absolutely front of mind for the 2000 Victorian households and businesses that are gas consumers. There is obviously a great deal going on around the country but specifically along the eastern seaboard in terms of interventions by the regulator in the energy market and of course interventions by the federal government, and there are a number of discussions that Minister D'Ambrosio is leading on behalf of our government.

When I came into the small business portfolio one of the very first questions I asked the department was: is there an agreed definition of 'small business'? It turns out there is not. There are four or so—everybody uses a different one—but you kind of amalgamate them all and you get a bit of a sense of what is and is not a small business. By none of those is that glorious organisation SPC small, but it certainly would have plenty of suppliers that are small—that would meet some of those definitions if not many of those definitions of 'small business'. But the spirit of the question is still relevant to very large businesses and to small businesses alike, and it is an important question.

What our department is doing is working with industry to understand the impacts of high energy users. Our highest gas users in Victoria are in regional Victoria, and many of them are in food processing. There are a number of things that the government is doing across a range of portfolios to support energy transition for businesses large, medium and small, and of course the work that Minister D'Ambrosio is leading on behalf of the government in terms of contributing to that national discussion around pricing and reliability of our energy resources is incredibly important. We do have an extraordinary confluence of things that have occurred that are bringing this issue into exceptionally sharp relief for organisations. Some have been impacted very, very quickly, and there is an issue in my own electorate where there is a particularly acute impact as a result of a very local part of this issue. But for every business and indeed every household— *(Time expired)*

Ms LOVELL (Northern Victoria) (12:05): Thank you, Minister. As I said in my substantive, many of SPC's suppliers are small businesses. They are family-run businesses, and in fact you joined me at one of those orchards when we spoke about hail netting. So, Minister, I now ask: will you join me for a crisis meeting with SPC's CEO?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:06): Sorry, I did not quite hear that. Was the question: would I meet with the CEO of SPC?

Ms Lovell: No, would you join me for a crisis meeting with the CEO of SPC?

Ms PULFORD: I have not received a request for a meeting from SPC. I imagine that they probably would not in the first instance go to the Minister for Small Business on this matter. I would also make the point about the small business suppliers, insofar as I have met them and understand their businesses—and I do not pretend to know them as well as Ms Lovell or Ms Symes or indeed other members for Northern Victoria—that in my time as agriculture minister and regional development minister I certainly visited a few and worked with them on a number of their issues, including access to more diverse markets but also their supply agreements with SPC. Our government and indeed I think the former government also have played a very active role in supporting SPC's production to change. But those small businesses are mostly relatively small gas users— *(Time expired)*

Ms LOVELL (Northern Victoria) (12:07): I move:

That the minister's answer be taken into consideration on the next day of sitting.

Motion agreed to.

MINISTERS STATEMENTS: VICTORIAN TUNNELLING CENTRE

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:07): On Monday I had the privilege of welcoming the Prime Minister, Anthony Albanese, and the federal Minister for Skills and Training, Brendan O'Connor, to the world-class Victorian Tunnelling Centre at Holmesglen TAFE, which is a great example of collaboration between the Metro Tunnel project, the construction industry and TAFE. I must say how refreshing it was to have a Prime Minister who within the first month of being elected is on the ground to see firsthand how important vocational education and training is in delivering the pipeline of skilled workers we need now and into the future.

Together we toured these great facilities, which are purpose built to train the next generation of tunnel construction workers. We viewed the massive tunnel-boring machine cutter head, identical to those creating huge rail tunnels under Melbourne, as well as trialling augmented reality training equipment. We met students and trainers who could not speak highly enough of working with such incredible equipment and facilities. We were joined by Steve Dimopoulos, the member for Oakleigh; Matt Fregon, the member for Mount Waverley; and newly elected federal Labor MPs Michelle Ananda-Rajah and Carina Garland.

It is so good to have a Prime Minister who understands the real connection between hands-on learning, jobs and building infrastructure and, moreover, a Prime Minister and a federal minister who understand the value and the role of TAFE in providing high-quality skills and training that lead to great jobs and careers and respond to the needs of the economy.

PEST CONTROL

Mr BOURMAN (Eastern Victoria) (12:09): My question is for the minister representing the minister for environment. Pests are a problem for all Victorians, and as such the government has imposed certain obligations on some Victorians—landholders in this case—to keep control of those flora and fauna declared as pests. This can range from introduced species such as rabbits and foxes to blackberries. Landholders must control blackberries on their land at their own cost, which is an additional burden shouldered by them not only for the law but for the good of the overall environment. Imagine my surprise when a month and a bit ago I went out to the state forest around Big River to find that the blackberries were so thick that neither human nor dog nor deer could penetrate them. These were old-growth blackberries and clearly had not been disturbed for many years at best. My question is: when is the government going to start controlling all pests in all the land it is responsible for and not just those it finds signal the most virtue to deal with?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:10): Thank you, Mr Bourman, for your question. I will make sure the minister for environment gets that question and you receive an answer as is prescribed in the standing orders.

Mr BOURMAN (Eastern Victoria) (12:11): I thank the minister, and I look forward to the answer. My supplementary is: given the hideous amounts of money spent on helicopter gunships to control deer, will the government divert funding from that to controlling other pests it is clearly just ignoring and let recreational hunters do more to help control deer?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:11): Thanks, Mr Bourman, again for your supplementary question. It is a question for the minister for environment, and I will make sure she receives that question and you receive an answer in line with the standing orders.

CONSTRUCTION INDUSTRY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:11): My question is to the Minister for Small Business. Minister, the small businesses in the building and construction sector are under huge pressure, with surging inflation, specifically the cost of building materials, and in the domestic building sector many businesses are caught in the pincers of rising costs and fixed-price contracts. I therefore ask: what steps or advocacy have you taken or will you take as small business minister to assist these small builders?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:12): Our government is acutely conscious of the impacts of rising business costs on our business community, whether they be contractors, self-employed people or larger businesses, and of course through the construction industry, which is the focus of Mr Davis's question, it is not in any way uncommon for there to be multiple layers of contracting in the delivery of a project where you might have a large head contractor and a whole lot of much smaller businesses that are subcontracting.

The challenges that exist that are impacting the construction industry I think are well known and understood, but they do include things like freight costs, timber supply from Russia, steel supply, workforce availability and a very busy commercial and public sector pipeline of projects as well. We are really conscious of the cost escalation impacts on construction, particularly for those who have contracts locked and loaded at prices from, say, six or 12 months ago now needing to deliver in a

higher cost operating environment. The government are taking a number of steps, where we can, to ameliorate the things that are within our control, and my department is regularly meeting with peak industry organisations. The Treasurer indeed has been leading discussions with many people from throughout the construction industry. His advisory group is headed now by Rebecca Casson, again somebody with whom I and other colleagues are in regular contact.

The other thing that I would add, and it is part of the problem but not an insignificant part of the problem, is access to raw materials close to production sites. I am sort of veering out of my small business portfolio into my resources portfolio, but we are working really closely with the extractives industry to look at the role that extractives can play in terms of meeting demand and therefore placing downward pressure on costs. In road construction it might be as much as 50 per cent of the costs; in housing construction I think it is more like around 30 per cent of the cost, but it is significant. So we are working in a number of different ways to make sure that those approvals are occurring as quickly as they possibly can within a very heavily regulated environment.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:15): I therefore ask—and I thank the minister for that response: which small businesses and which small builders have you met with?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:15): I have met with very few people at all in the last week because I have been back in iso with the dreaded coronavirus infection. But certainly I can assure you that the Treasurer is leading engagement with the construction industry and that I, my office and our department are in constant contact with the dozens and dozens of industry peak organisations, and of course then when individual organisations seek to engage with us we do so.

MINISTERS STATEMENTS: EARLY CHILDHOOD WORKFORCE

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:16): Yesterday I updated the chamber on our historic \$9 billion investment in early childhood education, an investment that will transform the lives of children and families. Today I would like to acknowledge the important work of the early childhood profession and the contribution they will make to this reform. At the heart of our reform is our wonderful early childhood workforce. We are going to have to grow this sector by an additional 5000 teachers and educators, and that is on top of the 6000 that we are already recruiting to deliver universal three-year-old kinder.

This morning I had the privilege of joining my upper house colleague Minister Pulford at Samantha's Child Care in Camberwell to announce an expansion of the early childhood educator jobs initiative. The Andrews Labor government is investing \$3.9 million in this program, delivered in partnership with Jobs Victoria and Chisholm TAFE, and it will create a total of 200 traineeships and enable educators to earn while they learn. This initiative is just one of the many measures that will help attract and retain the workforce we need.

This reform sends a very clear message to the sector that we value their work, that we are investing and that we want to make working in the sector appealing and rewarding. This is also work we will do in partnership with the new federal Labor government, and it was a pleasure to meet with Minister Anne Aly last week to discuss our shared priorities. There really never has been a better time to join the early childhood sector and make a lasting impact on the lives of Victorian children.

APOLOGY FOR CHILD SEXUAL ABUSE LINKED TO GOVERNMENT INSTITUTIONS

Ms MAXWELL (Northern Victoria) (12:17): My question is for the Premier and is on behalf of my colleague Mr Grimley, who could not be here this week due to illness. The Royal Commission into Institutional Responses to Child Sexual Abuse documented hundreds of such cases which

occurred in Victorian government institutions. The Victorian government has not, however, made a formal apology to these victims. I have sought confirmation of this from ministerial offices and have had this fact confirmed. Then Prime Minister Scott Morrison apologised in 2018 following the royal commission, with Northern Territory and New South Wales apologising on the same day. Western Australia apologised in the lead-up to the national apology, with South Australia making theirs in 2008. Tasmania is progressing significant work in this space with respect to its Department of Education and will make a specific apology soon. You might think the royal commission has been and gone. Many victims are not here to receive the apology, but their families definitely are. Premier, will you apologise to victims of child sexual abuse who were abused in government institutions, including but not limited to schools, detention and health facilities, and out-of-home care?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:19): I thank Ms Maxwell for her question to the Premier on behalf of her colleague Mr Grimley. As you have identified, the commonwealth royal commission into institutional responses to sexual abuse exposed horrific instances of abuse against children in those facilities, and that did not exclude Victorian government settings. In relation to apologies, there was an apology from former Premier Steve Bracks in 2006 for victims in out-of-home care. In terms of the specific request that you have made, I will forward it to the Premier to get some further advice, but I probably would note also the recent apology from our government via the Premier in relation to the victims from Puffing Billy and related railway facilities. There is also a lot of work underway to implement recommendations from both the commonwealth royal commission and the *Betrayal of Trust* report, which will obviously underpin a lot of government policy, particularly in education settings, to ensure that we have the best policy settings to ensure that children are as safe as possible and that those awful practices that were exposed, particularly in past settings, are eradicated in any future settings.

The PRESIDENT: Ms Maxwell, before I ask you for a supplementary, I understand you mentioned Mr Grimley and I wish him well, but the question will be in your name.

Ms MAXWELL (Northern Victoria) (12:20): Thank you, President. Thank you, Attorney. In relation to institutional child sex abuse, the government must comply with model litigant guidelines when dealing with civil lawsuits. These can be easily accessed online and specify that the government must act fairly in handling claims, deal with claims promptly, not cause unnecessary delay, pay legitimate claims without litigation, not require the state to prove a claim it knows to be true et cetera. And yet I, along with many lawyers representing child sexual abuse survivors, know that this government is still not acting as a model litigant in these cases. I have heard countless examples of the government, specifically the Department of Education and Training, not upholding these standards. Some of these cases are being challenged despite sex offence convictions occurring decades ago. Premier, will your government immediately comply with its own model litigant guidelines with respect to handling civil actions by child sexual abuse survivors?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:21): I thank Ms Maxwell for her question—and of course Mr Grimley also—and her ongoing interest and advocacy in this space. You are correct, model litigant guidelines apply. There are also the common guiding principles. You articulated everything that should be done, and it would be my expectation that these are followed by all government departments. But in order to respond to your supplementary question in connection with your first question, I will pass that on to the Premier for an expansive response.

TAFE GIPPSLAND FORESTEC CAMPUS

Ms BATH (Eastern Victoria) (12:22): My question is to the Minister for Training and Skills. This year, Minister, 70 per cent of students trained by Gippsland TAFE Forestec are first responders, such as Department of Environment, Land, Water and Planning (DELWP) fire crews, SES and Victoria Police. Forestec's rowboat training coupe is currently injunctioned, and training in things such as

hazardous tree felling, removal of hazardous trees and machine assist has ceased. Minister, what is the government doing to facilitate first responders to complete their training in these vital skills?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:23): I do thank Ms Bath for her question. It is a relevant question, and I have sought advice from the department in relation to TAFE Gippsland and what measures they have got in place. I am optimistic that they do have a series of measures in place, because the management of TAFE Gippsland is exceptional, it is very connected to community and I know it is very, very supportive of Forestec and understands the important work that Forestec does.

Ms BATH (Eastern Victoria) (12:23): I thank the minister for her response. Will the minister commit to working with DELWP, noting it has jurisdiction over state forest land, to ensure that the first responders have adequate training to protect their own personal safety as they go about protecting the lives and safety of others during the fire season and storms? It is very important that they get that adequate training, so will the minister commit to working with DELWP to find the solution?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:24): In terms of Forestec in particular, there has always been a very good relationship between DELWP, the Department of Education and Training and TAFE Gippsland. I am sure that that will continue, and if there are areas that can be extended or improved as a result of this current situation, we will look into it and ensure that whatever is required delivers what is needed.

MINISTERS STATEMENTS: VETERANS SUPPORT

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:24): I would like to update the house on the veterans capital works, Victoria Remembers and Restoring Community War Memorials and Avenues of Honour grants. Recently I was joined at Oakleigh-Carnegie RSL by local member Steve Dimopoulos, a good MP; the president, Doug Pendergast; the secretary, Ann Barker, who was a good MP; and other members of that committee. Oakleigh-Carnegie RSL received \$30 570 through the veterans capital works grants program to create a dedicated library lounge area for veterans and \$30 000 through the Restoring Community War Memorials and Avenues of Honour grants program to repair and restore Oakleigh's memorial. I was also delighted to visit the Emerald RSL with the Deputy Premier, James Merlino.

A member: A good MP.

Mr LEANE: A good Deputy Premier. And I thank the RSL president, Peter Maloney, for hosting us. It was fantastic. They received funding to install seven plaques on the Anzac Place memorial and \$50 000 to support the upgrade of their facilities to provide a safe and harmonious environment for members, veterans and their families.

It was also a pleasure to head out to Ringwood RSL with Will Fowles, a good MP, a good candidate for Ringwood too, with the president of the committee of the RSL. The RSL are receiving funding for the conservation plan to restore and renew the fantastic murals commemorating Australian service men and women and the RSL on the underpass at Wantirna Road and the train line.

PUBLIC HOUSING

Dr RATNAM (Northern Metropolitan) (12:26): My question is for the minister representing the Minister for Housing. There have been some major problems with the government's failed public housing renewal program that began in 2018, which is still continuing, albeit under a different name. Many residents were aggressively relocated from their communities years ago, despite many of these estates remaining vacant ever since, while 120 000 people languish on the waiting list for urgent public housing. The redevelopment of the Abbotsford Street public housing in North Melbourne is one such example. The minister has previously given assurances that all residents will be able to return to their estate once the redevelopment is finished. However, I am hearing from former residents who have had

no communication from Homes Victoria and are anxious about whether the promised relocation will actually happen, despite it being due to be completed in early 2023. Minister, will you ensure all previous residents are contacted as a matter of urgency about their return to the estate?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:27): I thank Dr Ratnam for that important question, and I will seek a written response from the Minister for Housing in accordance with the standing orders.

Dr RATNAM (Northern Metropolitan) (12:27): Thank you, Minister, for forwarding that on. By way of supplementary, Abbotsford Street is one of a number of inner-city public housing estates that have been earmarked for redevelopment. The redevelopment model is based on evicting residents from their homes, tearing apart close-knit supportive communities and replacing the public homes with a mix of social and market housing. Like at Abbotsford Street, other public housing communities like Barak Beacon in Port Melbourne are being pressured to leave their homes with no time line or guarantee of return, let alone a plan for how the estate is going to be redeveloped. Minister, why are these public housing estates like Abbotsford Street and Barak Beacon estate, amongst others, being cleared of people if the government has no clear plans for how the estates will be rebuilt for public housing tenants nor a plan for tenants to return to their communities?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:28): I will also refer Dr Ratnam's supplementary question to the Minister for Housing, who I am sure will be able to advise her about the program underway.

YOUTH JUSTICE STAFF SAFETY

Dr BACH (Eastern Metropolitan) (12:29): My question today is for the Minister for Workplace Safety. Minister, a recent media report stated that Malmsbury Youth Justice Centre was last year revealed as 'among the most hazardous workplaces in Australia', not just Victoria, with workers sent to hospital after assaults by detainees 'at an average rate of almost one a month'. Minister, I have repeatedly asked you in this house whether you will intervene to ensure safe working conditions, and you have repeatedly said that that is not your job. Can you explain to Victorians why it is not your job as Minister for Workplace Safety to do something to fix this now infamously dangerous workplace?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:29): I thank Dr Bach for his question and do take issue with the misrepresentation of me. I have never said such a thing. What I have sought to explain to Dr Bach and to the house is the very important independent nature of the compliance and enforcement activities undertaken by WorkSafe in their capacity as the safety regulator. Try as they might, the opposition consistently come in here and try to misrepresent that as somehow the government not taking responsibility, and nothing could be further from the truth of course. Our government is deeply committed to making sure that workers in Victoria are safe from harm, and that includes in youth justice. I know that my colleague Minister Hutchins has been working very closely with the workforce and their representatives and the department to make sure that the reform and infrastructure improvements that are being made to youth justice facilities have workplace safety at the heart of their design.

As I have already advised Dr Bach previously, WorkSafe have got a significant program involving working closely with health and safety representatives in youth justice facilities in Victoria and working with the employers, the duty holders and the department to continue to do everything possible to ensure that workers are safe. They work in incredibly challenging environments, and I think that nobody in this house would deny that that is a fact. They are working in very challenging workplace environments with young people, and we absolutely acknowledge the significant amount of work that they do in that regard and applaud them for their hard work and dedication. I am sure that the department and Minister Hutchins will continue to have workplace safety as a key focus in that portfolio.

Dr BACH (Eastern Metropolitan) (12:32): It is not just my earlier statements that are at odds with the minister's responses in this house; it is the statements of the Premier. I would remind the minister again of what the Premier said when he appointed Minister Stitt to this portfolio. The Premier said:

In this role, Ms Stitt will continue our Government's commitment to making our workplaces safer and ensuring every worker makes it home to their loved ones.

Minister, neither of these things is happening. Was the Premier not telling the truth, or are you just failing in your duties?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:32): Aside from the complete disconnection between the substantive question and the supplementary, I am pretty proud of my very longstanding record of standing up for workers' safety, and I have the absolute privilege of being able to do that as Minister for Workplace Safety in the Andrews Labor government. We will always look at ways that we can strengthen the health and safety framework in this state, and I invite those opposite to actually support those endeavours now and again, because if my memory is correct they have opposed pretty much every piece of workplace safety legislation that we have ever brought to this place. So forgive me for not taking Dr Bach's question in the serious manner which he tries to present it in. They are not serious about workplace safety. Our side of the house are absolutely committed to continuing to make sure that Victorian workplaces are safe for our workers right across the state.

MINISTERS STATEMENTS: PROFESSOR RUTH BISHOP

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:33): I would like to take this opportunity to acknowledge the recent passing of Professor Ruth Bishop and to recognise her incredible contribution to medical research here and around the world. Professor Bishop may not be a household name, but for thousands of children around the world she was a lifesaver.

As a leading Melbourne Children's Campus scientist and microbiologist, her most significant discovery was the 1973 identification of rotavirus, the major cause of gastroenteritis in infants and children. From this discovery came the legacy of a rotavirus vaccine, which has resulted in thousands of children's lives being saved around the world, especially in low-income countries. But half of children globally still do not receive a rotavirus vaccine. Professor Bishop's research group at the Murdoch Children's Research Institute here in Melbourne then developed the oral RV3 vaccine, which can be administered after birth, unlike existing rotavirus vaccines. Professor Bishop's work will continue on, with the RV3 vaccine currently being further developed under the leadership of Professor Julie Bines. Professor Bishop's discovery was incredibly significant, and it earned her the Florey Medal, making her the first woman to ever receive the prestigious biomedical research award. She was also made a Companion of the Order of Australia.

Melinda Gates also recognised Professor Bishop's contribution, recently authoring an article entitled 'How a virologist named Ruth saved millions of children and led Bill and me to get into philanthropy', crediting Professor Bishop's work with being part of why they established the Bill and Melinda Gates Foundation. There have been few Australian scientists or clinicians who have had such an impact on child health worldwide. We have truly lost a great scientist who leaves a wonderful legacy for our medical research sector, especially for our young women researchers coming through the ranks. My thoughts are with Professor Bishop's family, friends and colleagues at this deeply sad time. Please accept my condolences and thanks on behalf of the Victorian community.

WRITTEN RESPONSES

The PRESIDENT (12:35): Regarding questions and answers today: Mr Hayes to the minister for transport, Ms Pulford, question and supplementary, two days; Mr Bourman to environment, Mr Leane, two days, question and supplementary; Ms Maxwell to the Premier, Ms Symes, two days,

question and supplementary; and Dr Ratnam to housing, Ms Stitt, two days, question and supplementary.

Constituency questions

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:36): (1858) My constituency question today is for the Minister for Police. The people of Glenroy, in my electorate of Northern Metropolitan Region, are concerned about the illegal dumping of rubbish, antisocial behaviour and hoon driving. Glenroy is such a diverse and wonderful community, and the people of Glenroy want a cleaner and safer suburb in which they can raise their families. I thank Dr Tom Wright, local resident and community advocate, who has raised these issues with me. The question I have for the minister is: will the minister commit to extra police patrols to better deter graffiti and antisocial behaviour near the Glenroy shops and surrounding streets; to deter illegal dumping of rubbish near railway lines in Outlook Drive, in May Street and in Robertson Reserve; and to deter hoon behaviour on Glenroy Road, Pascoe Vale Road and Daley Street?

WESTERN VICTORIA REGION

Mr MEDDICK (Western Victoria) (12:37): (1859) My question is for the Minister for Roads and Road Safety in the other place. Victoria Valley Road stretches for 60 kilometres from Dunkeld, through the Gariwerd mountains, to Budja Budja—in whitefella language, Halls Gap. Despite the road being narrow and winding through mountainous terrain, the speed limit is 100 kilometres per hour, which is the same as a city motorway. This road is lethal for wildlife. The nature and number of wildlife deaths is confronting for visitors and locals alike, also creating a burden for limited wildlife rescue services in the area. Local residents are united in their concerns and have sent notification to your office detailing the dangers of that road. Will the minister reduce the speed limit on this mountainous stretch of road as a first step to making it safer for humans and wildlife alike?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:38): (1860) My question is to the Minister for Emergency Services and concerns the Bannockburn SES unit's desperate need for new facilities. The unit is responsible for emergency response in the Golden Plains shire, and significant local population growth and proximity to busy roads between other growth areas have seen demand increase significantly. Requests for assistance, RFAs, have doubled in the last 10 years to over 100 in 2021. The corresponding increase in equipment and vehicles is compromised by sharing facilities with the Bannockburn CFA. The SES light rescue vehicle is stored at a private address and exposed to the elements. Equipment stored in multiple locations risks response times increasing. Both CFA and SES volunteers share one toilet—a problem, as at times there are 50 to 60 people on site. Minister, when will Bannockburn SES receive funding to build a new and adequate facility?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:39): (1861) My constituency question is to the Minister for Transport Infrastructure. Minister, whenever the prospect of a rail link to and from Melbourne Airport has been mentioned over the years, excitement levels in the north-western suburbs have risen dramatically. Whilst the rail link is long overdue, it is not just its advent that has locals excited. My constituents have longed hoped a train to the airport would mean a train station to service them. The prospect of a train station in maybe Niddrie, Airport West or perhaps Keilor has had them salivating. Sadly that appears not to be, and my constituents in the area are less than impressed. Minister, why are there no stations planned on this rail link between Sunshine and the airport, and is it too late to change these plans?

NORTHERN METROPOLITAN REGION

Dr RATNAM (Northern Metropolitan) (12:40): (1862) My question today is for the Minister for Housing. COVID has highlighted the inequalities and service gaps in our communities, especially for people living in public housing. The high-risk accommodation response program has funded important on-the-ground services and programs for residents living in high-density housing, but with the funding ending in July, community organisations will leave the estates and so many great local programs will end. In Carlton, Cohealth has been running a program that gives female residents the opportunity to connect socially and get active through swimming and other activities like yoga. They have been supporting women of all ages and abilities, including single mothers and their children, elderly women and people with mobility issues. The program is supporting the social, mental and physical health and wellbeing of these women, and for many participants this is their only opportunity to leave the house. My question is: will the government urgently renew HRAR funding to ensure we do not lose these important programs?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:41): (1863) My question is to the Minister for Transport Infrastructure in the other place, and it is from Monica in Melton: when will the minister please explain why the level crossings in Melton have not been earmarked for removal? There are three spots in the Melton area where traffic has to stop and wait for the train. There are level crossings on Station Road, Coburns Road and Ferris Road. Monica has to wait for nearly 20 minutes on Coburns Road, three roundabouts away from the railway line, and the Ferris Road crossing is right near the site chosen for the Melton hospital. Yet not one of these sites appears to be on the Level Crossing Removal Project's page or a list, or to be a priority for this government. When will this government make the level crossings in the western suburbs a priority?

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:42): (1864) My constituent question is for the Minister for Education and relates to special needs students. Communication between school and parent is absolutely vital. I have heard some sensational experiences in terms of communication and communication books with the parent and their school, and I have actually heard some incredibly disappointing ones where parents struggle to get adequate information about their child's daily activities and how best to support them in the school situation. We really need a positive two-way street, so the question I ask of the minister is: will he conduct an audit within Eastern Victoria Region of the policies that schools have for communications with students with disability so that we can actually get better outcomes for those student learnings, student preparedness and student pathways through school?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:44): (1865) My constituency question is for the Minister for Mental Health. Some of our youngest Victorians are being denied access to mental health and psychological services due to their vaccination status. I was recently contacted by a distressed parent with a child needing to attend a clinic in Melbourne for a formal ASD diagnosis. To bypass the lengthy wait in Northern Victoria for these services, the child was referred to a metro clinic where her younger sibling had been a client prior to the pandemic. When scheduling the appointment, the mother was told that as her child was not vaccinated she could only be seen via a telehealth appointment. Her assessment, which her sister had also done prior to the pandemic, needs to be face to face. Minister, when will all children, regardless of vaccination status, be able to access psychologists and mental health practitioners in a face-to-face capacity? These services to children must be delivered face to face, whether appointments for formal diagnosis and assessment or regular appointments, for their psychological wellbeing.

Mr Ondarchie: On a point of order, Acting President, I draw your attention to standing order 8.08, which requires constituency questions to be tabled with the member asking within 14 days via the clerks. I have a question that I asked of the Minister for Police on behalf of my constituents, question 1602, 133 days ago; a question to the Attorney-General on behalf of my constituents, question 1624, 121 days ago; a question to the Minister for Roads and Road Safety on behalf of my constituents, question 1730, 78 days ago; a question to the Minister for Roads and Road Safety, question 1768, 48 days ago; and a question on behalf of my constituents to the Minister for Health, question 1771, 47 days ago. I seek from you, Acting President, a response from the minister at the table as to where these responses are.

The ACTING PRESIDENT (Mr Bourman): Thank you, Mr Ondarchie. It is a valid point of order, but I have no mechanism to follow it up.

Ms Pulford: Thank you, Mr Ondarchie, for raising those. I will follow those up with colleagues and see that we get you a timely response to those matters.

Motions

SEX EDUCATION

Debate resumed.

Dr CUMMING (Western Metropolitan) (12:46): I rise today to speak to the motion that expresses its strong support for the protection of childhood innocence, calls on the Minister for Education to replace programs responsible for the early sexualisation of children and requests more age-appropriate human development programs. At the start of this year I struggled to support the Change or Suppression (Conversion) Practices Prohibition Bill 2020, and one of the main reasons why I could not support that bill was the lack of parental support or lack of parental rights to be told what is being discussed with their children, what is being taught to their children and what the parents' role is. I support this motion today for the very reason that parents have the right to know what is going on and what their children are being taught in schools. Our children are our future, and we need to protect our children's innocence and happiness for as long as possible.

I am always interested in this conversation about how we as a Parliament and we as a community could actually do better in looking after our children's wellness and wellbeing, especially after the last two years with the lockdowns that this government imposed on them—not allowing our children to go to school or to have a childhood protected from COVID and from lockdowns. Wellness is an interesting topic for children. A lot of schools now have great wellness centres, but there are a lot of schools in my area that are lacking. They need state government funds to support those services within the schools.

Another thing is, rather than just talking about sexualisation and talking about sex at school, I think there is not enough conversation about love. I do not think we as a community actually have a great conversation around love, what love is and how it is taught, especially to children and especially to teenagers, because there is many a survey that says a child or a teenager will actually tell you that they feel a lack of love, they feel lonely and they do not actually know what love is. That might be shocking for some. It might be shocking for some that children actually need to be taught love and that they might not be receiving love at home and might, when they go to school, not even feel love at school.

My daughter actually brought this up with me. She gave me a book recently which she has read, which is called *All About Love* by bell hooks. I do believe love should be taught and spoken about and we should have public meetings and this Parliament should actually talk about it more. There are not enough public discussions on love in our community. Youth culture today is actually critical. If you

spoke to a teenager, they would be critical about love. And there are a lot of adults that are very critical about love. I will quote the book. It says in one paragraph:

I am afraid that we may be raising a generation of young people who will grow up afraid to love, afraid to give themselves completely to another person, because they will have seen how much it hurts to take the risk of loving and have it not work out. I am afraid that they will grow up looking for intimacy without risk, for pleasure without significant emotional investment. They will be so fearful of the pain of disappointment that they will forgo the possibilities of love and joy.

So there are many young people who are not feeling loved and do not feel loved enough, which makes them feel very nervous and makes them feel scared. If you do not know love, how are you meant to feel secure? So we as a community need to actually love more. We need to teach it and we need to speak about it. There should be lectures to the community, and we should have more of a community conversation about love. In this Parliament I do not think we speak about love or our feelings enough, and feelings are quite important. That is why I support this motion today. It is not just about sexualisation. When you do not actually know what love is, you can really struggle in life.

True love is obviously a lifelong dedication to beauty, and love is unbreakable and love is strength and love is profoundly tender and love is warm and love is passionate. It is affection, and love is pure. Love is actually a pure feeling, and true love is a strong lasting feeling of fulfilment and passion and happiness. This is something that we need to instil in our children and instil in our community—that we should show love to one another. It is the foundation of happiness, and if we want a happy community, that is something that we should not be afraid to discuss. We should not mock it, we should not be afraid to talk about it and we should actually show it as much as we can.

For me, I would love, love, love it if our schools actually taught it, more often and every day, and our children actually felt it—and our teenagers especially. If we actually had a lot more love in the world, love in our schools, love amongst friends, we would not have a lot of the problems that we have today with children feeling insecure. The wellness of our children is so important, and to think that there are many teenagers and children walking around not feeling love or understanding what it is and then going into their adulthood being afraid of it is quite sad.

I support this motion wholeheartedly. I hope that this Parliament can go towards looking at ways that within our school curriculums this is something that is taught, that our children's wellbeing is at the forefront of all of our minds, especially within this place, and that when we make laws and when we go out as a Parliament we make sure that our children feel it. Our children are our future, and I and others would have said in this place, 'When it comes to marriage, love is love'. So let us hope that we go forward. I support this motion today.

Sitting suspended 12.55 pm until 2.04 pm.

Ms TAYLOR (Southern Metropolitan) (14:04): There has been some interesting discussion in this debate, and I think something that really strikes me is that when we have debates in this chamber—and of course as part of democracy it is very important that we do explore issues that impact community and the like, and that is certainly part of our role as MPs representing our constituents—we bear in mind the responsibility that comes with the debates that we undertake and the potential impact of such discussions, subject to the manner in which they are conducted, upon those in the community who may be impacted by the debate at hand.

So something which has personally caused me some discomfort with this particular motion is that I fear that, owing to the frame upon which it is premised, it may cause some significant concern, and it may cause pain for those who certainly in the community are quite vulnerable and have been the subject of hatred and bigotry over time. I am thinking specifically of members of the LGBTQI+ community, and I am just concerned. We certainly should have debates when it comes to so many issues in this chamber, and I do not want resile from that, but I certainly think that such debates should be undertaken with sensitivity for the impact which they may have on everyone in our community.

And so this is certainly a concern for me when we look at the frame upon which this particular motion is premised.

Certainly when we are thinking about teaching students about their bodies, their brains, relationships and health with evidence-based programs appropriate for their development and led by a trusted source, I would like to contend that that is actually important before they discover potential misinformation surrounding these topics online or in the playground. Rather than the inference that somehow young minds are being poisoned or are being tainted or are being influenced in a negative or a pejorative way, couldn't it be said that actually the curriculum or the purpose and the rationale behind the curriculum is actually to empower young minds and to prepare students for the future in a very complicated world? I would like to think that rather than the very negative inference that has been painted here today regarding the Victorian curriculum in this regard, perhaps—just perhaps—when you actually look at the curriculum in detail and you look at the rationale behind it, the purpose and the outcome are actually very good and very sound.

We are as a government committed to ensuring all young people are able to make safe, responsible choices and are equipped for a healthy and fulfilling adult life. I am not sure why there is so much conjecture about our government backing in and implementing this kind of education and empowerment, I would say, in our schools. Age-appropriate, school-based sexuality education is one of the core teaching responsibilities a school undertakes, and in Victoria it is compulsory for government schools to provide age-appropriate sexuality education within the health and physical education curriculum. Many Catholic and independent schools also teach the Victorian curriculum, which supports students to learn about their bodies, brains, respectful relationships and health. So I am truly perplexed about this motion here today and what it is seeking to achieve—because I fear that the actual motion could cause more harm than good, and I fear that some of the most vulnerable people in our community are the direct target in the end, unfortunately, as a result of some of the inferences that have been expressed in the chamber today.

In particular, if we zone in on things such as Respectful Relationships, this was introduced by our Andrews Labor government. Respectful Relationships is an initiative to support schools and early childhood education settings to promote and model respect and equality. The \$82 million invested in Respectful Relationships includes funding for professional learning for teachers. It includes topics of consent, which some of my learned colleagues have already spoken to today—an incredibly important concept—and to embed that in an age-appropriate way is surely a gift to a student rather than a hindrance to their better development and a healthy and happy life. Also, on topics such as sexual harassment and building positive, respectful relationships, since 2016 more than 35 000 educators have participated in this training at more than 1950 schools, including at more than 380 non-government schools as well. The Respectful Relationships whole-school approach recognises that schools are a workplace, a community hub and a place of learning. Everyone involved in our school community deserves to be respected, valued and treated equally. We know that changes in attitudes and behaviours can be achieved when positive attitudes, behaviours and equality are lived across the school community and when classroom learning is reinforced by what is modelled in our school community. It also supports educators to teach our children how to build healthy relationships, resilience and confidence.

I think in particular when we are looking at this issue of equality, key underlying determinants and contributing factors in the perpetuation of violence against women include: a lack of gender equality, rigid gender roles and identities, weak support for gender equality, masculine organisational cultures and a masculine sense of entitlement; secondly, cultural norms around violence—for example, social norms and practices that are violence supportive, weak sanctions against violence or violence against women and previous exposure to violence; and a lack of access to resources and support systems—for example, support for privacy and autonomy of the family, unequal distribution of material resources and limited access to systems of support.

On this wide, sweeping kind of slash against bits of something or nothing—I do not know—I am not sure what sort of detailed investigation has been undertaken in the lead-up to this motion being brought to Parliament. I suspect not the most in-depth investigation has been undertaken, because when you look at some of the fundamental values-based educational components of the Victorian curriculum which are seeking to manifest some fundamental cultural change which can lead to a much fairer, more equal and, dare I say, less violent society, what is the problem? I really do not understand. I know as a child we had a certain amount of education on various matters, and I am very grateful for that growing up, but I am just really pleased to see how far we have come—that we can recognise in an age-appropriate way that children can be empowered at a young age to understand the importance of respecting each other and to have a sense of why all genders must be treated equally.

That is why I am perplexed about this motion, because when you actually look at the curriculum and you look at the detail, you can see that it is actually only lending itself to the betterment of our community, to a more equal and empowered community. For goodness sake, what is wrong with teaching children the importance of consent and what it actually means? Surely that is a value and something to be fostered.

Dr KIEU (South Eastern Metropolitan) (14:14): I rise to speak on the motion put forward by Mr Finn. Yes, every child is worth fighting for, and we are fighting for every single one of them. It is a policy and a priority of the Andrews Labor government to support and educate and give a good start in life to all students, including those in three- and four-year-old kinder and early childhood education. I would like to take this opportunity to thank our minister, the Honourable Ingrid Stitt, for the very historic project and the \$9 billion to be rolled out in the next few years to make it universal for every three- and four-year-old, because we know that for a child 80 per cent of their brain development is taking place between the ages of zero and five years old, so that is very important.

And we do not stop at that. We have a very supportive and very high quality program for primary and secondary students in not just academic areas but also general skills in life. In Victoria it is compulsory for government schools to provide age-appropriate sexuality education within the health and physical education curriculum. Not just public schools but many Catholic and independent schools also teach the Victorian curriculum, which supports students to learn about their bodies and also respectful relationships and health and to understand about consent.

The Department of Education and Training provides optional teaching and learning resources for schools to use in delivering sexuality education, such as the evidence-based and developmentally appropriate *Catching on Early* resources. These resources were developed in partnership with experts to support primary schools to teach the sexuality education component of the curriculum. The resources also include information to be sent home to parents about the nature of the lessons, the intention behind the lessons and suggested discussion points between the parents or the carers and the children. The children and students are encouraged to speak to their parents or carers about their experiences growing up but are never required to speak about sex. Parents and carers play an important role in the shared responsibility of sexuality education, and they are encouraged to discuss any concerns about the delivery of the sexuality- and puberty-related curriculum directly with the school staff at the local school of the children.

We have also introduced *Respectful Relationships*. It is an initiative to support school and early childhood education settings and promote and model respect and equality. In fact the Andrews Labor government have invested \$82 million in *Respectful Relationships*, which includes funding for professional learning for teachers and also includes the topics of consent, sexual harassment and building positive, respectful relationships. *Respectful Relationships* is a whole-school approach and recognises that school is a workplace—not just a place of learning but also a workplace—and also a community hub. Everyone involved in our school community deserves to be respected, to be valued and to be treated equally. In the health and physical education curriculum, students develop the knowledge, the understanding and the skills to strengthen their sense of self and build and manage safe and respectful relationships.

We also teach about consent. The Minister for Education also announced in April last year, 2021, that age-appropriate consent education would become a mandatory component of the Victorian curriculum from term 2 of 2021 onwards. In the primary years the curriculum focuses on relationships, body awareness about the changes associated with puberty and age-appropriate information on how babies are conceived and pregnancy. This is very important understanding and education. I can give an example. When I was in secondary school, no longer a primary student, and I went out with my girlfriend at the time, days later she was so worried because she thought that holding my hand would make her pregnant. That is a true story. I wish I had had those lessons about some of the things that have been outlined here.

I want to take the last few minutes to talk about Safe Schools and also to dispel some of the misinformation about Safe Schools. As I said, we want Victoria's children and young people to not only achieve academically but also be happy, confident, resilient and safe. In particular students cannot learn effectively if they are being bullied at school—and that is particularly true for LGBTI students. It has to be emphasised that the Safe Schools program is not a compulsory part of the Victorian curriculum and nor is a sex education program. Safe Schools is a program to support teachers so they feel equipped to deal with the diverse needs of our student population. Nothing about the Safe Schools program encourages students to question or change their gender or sexuality. The program does not teach sexual practices or provide or encourage the use of props—whatever they are. It is about providing evidence-based information, age-appropriate resources and professional learning to school staff for schools to use as they see fit.

It is a sad fact that LGBTI young people still experience high rates of bullying, and the vast majority of this abuse occurs at school. Some of the statistics paint a very, very sad picture—for example, for LGBTI students, three in 10 could not concentrate in school because of being bullied and isolated, two in ten missed classes or days in school, and sadly one in 10 did not use the toilets because of their sexuality. So teaching students about bodies, brains, relationships and health with evidence-based programs appropriate for their development and led by a trusted source is important before they discover potential misinformation surrounding these topics online or in the playground.

Mr FINN (Western Metropolitan) (14:22): I thank members who have spoken on this motion today. As I say, I think it is a very important motion. There has been obviously some sort of getting together of the great minds of the Socialist Left in regard to this and an attempt to slander me and my motives. I have been accused today of everything but the Kennedy assassination, and maybe that is coming next if I am lucky enough, but I want to assure the house that what we are talking about here is protecting young children from concepts and ideas that may damage the innocence of their childhood—simple as that. It has got nothing to do with anything else. That is what this motion is about. So it is a very simple proposition. If you want to protect young children, primary school children, from harmful concepts, you vote for this motion. If you do not want to protect them, you will vote against it. So it is a very simple proposition. Even Ms Taylor might be able to understand it, it is so simple. I urge—

Members interjecting.

The DEPUTY PRESIDENT: Order! Mr Finn, I think you should withdraw that.

Mr FINN: Well, okay, she will not understand it.

Mr Gepp: On a point of order, Deputy President, you have invited the member to withdraw, and I think he should withdraw rather than make another disparaging comment.

The DEPUTY PRESIDENT: If you could just withdraw.

Mr FINN: Yes, I will withdraw, Deputy President—there is a bit of that going on today. The fact of the matter is that this is a very simple proposition. Anybody who tries to make it more than it is in fact misleading the house. I urge members to support this motion. I urge members to have another

think about it because, as I say, this has got nothing to do with many of the things that members opposite have been raising at all. It is very straightforward. I thank the opposition for its support, and I urge members of the crossbench to support this motion. I hope that we can all, as one, stand up and say that we support the innocence of childhood. I do not see the controversy in that, to tell you the truth. I am hopeful that those who have expressed a view contrary to the view that I have placed will have a rethink of that, because I think that the innocence of childhood and children themselves are worth fighting for. They are worth protecting, and I am hoping that we will do that right now.

House divided on motion:

Ayes, 13

Bach, Dr
Bath, Ms
Bourman, Mr
Burnett-Wake, Ms
Crozier, Ms

Davis, Mr
Finn, Mr
Lovell, Ms
McArthur, Mrs

Ondarchie, Mr
Rich-Phillips, Mr
Somyurek, Mr
Vaghela, Ms

Noes, 21

Barton, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Hayes, Mr
Kieu, Dr
Leane, Mr

Maxwell, Ms
Meddick, Mr
Melhem, Mr
Pulford, Ms
Quilty, Mr
Ratnam, Dr
Shing, Ms

Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Watt, Ms

Motion negatived.

Bills

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT
(FACILITATING TIMELY REPORTING) BILL 2022**

Second reading

Debate resumed on motion of Mr DAVIS:

That the bill be now read a second time.

Mr GEPP (Northern Victoria) (14:32): I am pleased to rise to speak on the Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022 brought to this place by Mr Davis. I attended the meeting of the Scrutiny of Acts and Regulations Committee as we do on each Monday prior to the sitting week, and it just so happened that this week the SARC dealt with this particular bill—dealt with it by way of report and that was tabled yesterday in this place.

Mr Davis: On a point of order, Deputy President, perhaps for the assistance of the chamber, the Scrutiny of Acts and Regulations Committee wrote to me at 12.01 today just as question time was starting. I have a response coming to SARC in the next hour or so—

Mr GEPP: That is not a point of order.

Mr Davis: No, no. I am just pointing that out.

The DEPUTY PRESIDENT: Mr Gepp, it is not a point of order. I think it is just a point of clarification.

Mr GEPP: On the point of order, Deputy President, I am not sure where in the standing orders we have points of clarification. Mr Davis will get an opportunity to respond at the end of the debate.

The DEPUTY PRESIDENT: Mr Gepp to continue.

Mr GEPP: He continues to make things up, but I am not surprised that he is so defensive about the SARC, particularly when we cast our minds back to the debate about the public health and wellbeing act and the hyperbole, the flourishment of invective that we got from Mr Davis during those debates about the role of the SARC, the reports that the SARC made around those particular acts and Mr Davis's view that the government of the day ought to have withdrawn the public health and wellbeing bill to allow SARC to continue its work because it had written to the government before the bill had been passed through the Parliament. There are a lot of similarities between that process and this particular process.

Mr Davis interjected.

Mr GEPP: Well, Mr Davis, if you knew anything about the SARC and if you knew anything about the role of the SARC, you would know that the SARC deals with the bills after they have passed through a house and before they get to the second house. That is generally when it reports on its matters. That is what it did; that is what it does.

Mr Davis interjected.

Ms Stitt: On a point of order, Deputy President, the level of interjection from Mr Davis is getting a bit beyond belief, so I would like to be able to hear Mr Gepp's contribution.

The DEPUTY PRESIDENT: I do not think it is actually a point of order, but I appreciate the sentiment. Mr Gepp, without assistance.

Mr GEPP: Thank you, Deputy President. So that is the role of the SARC. The SARC gets the bills that are tabled in the other place this week. We will get those bills after they have passed through the other place and before they come to this.

Mr Davis interjected.

Mr GEPP: President—

The DEPUTY PRESIDENT: Order! Mr Davis. Mr Gepp, without assistance. You can make your point in your contribution.

Mr GEPP: He is like Gerry Gee. I can feel his hand up my back every time. My lips are moving and no sound is coming out of my mouth. It does not have to, because he is over there.

So that is the way that the SARC works. The bills pass the other place. They go to the executive officer. They go to the parliament-appointed, pre-eminent authority for the human rights charter, who provide assistance and recommendations to the SARC. The SARC then tables those reports at the beginning of the next sitting week in both houses. That is the way it works.

I remember all too well as the chair of the SARC, because each time I tabled a report during that process on the public health and wellbeing act, Mr Davis was continually on his feet berating the SARC, berating me—that is okay—and berating the government, saying that we ought to allow the SARC to do its work. Of course I am not surprised that he has been interjecting on this point continuously just in the few minutes that I have been going, because those words are coming home. Those chickens are coming home to roost, because on Monday the SARC dealt with this bill, and it raised some serious, serious concerns with the bill. Mr Davis either knows that this bill is reckless in a number of key areas—and I will come to those—or he has been very lazy and very sloppy with the drafting of the bill and he has no idea of the impact or the effect of what he is proposing to the house. But it is important that the house understands clearly and unequivocally what Mr Davis is asking this place to pass.

The first point that the SARC report touched on was clause 4. Clause 4 of the bill—the amendments to the Independent Broad-based Anti-corruption Commission Act 2011—amends various provisions and declares the Parliament's intention that applications under three key sections, 59M, 100 and 147,

be determined with as much speed as the requirements of the act and proper consideration of the application permit.

Now we turn to the SARC's report, and it says:

The Committee notes that Section 85(1) of the *Constitution Act 1975* provides that the Supreme Court of ... Victoria shall be the superior Court of Victoria with unlimited jurisdiction.

In other words, the Supreme Court is the supreme court jurisdiction in this state. The committee made the general observation that the Supreme Court of Victoria may take an unspecified length of time to determine any applications made to it, including those sections that I referred to earlier: 59M, 100 and 147 of the IBAC act. The report goes on to say that under section 17(b)(iii) of Parliamentary Committees Act 2003:

If a bill does not repeal, alter or vary section 85 of the Constitution Act 1975—

that is, the section of the constitution that provides that the Supreme Court shall be the superior court of Victoria with unlimited jurisdiction—

but an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that ...

under the act. And when you consider the SARC report, it raises some very, very serious concerns. It says that the amendments being proposed under clause 4 of Mr Davis's bill:

... may declare Parliament's intention that applications made to the Supreme Court of Victoria pursuant to sections 59M, 100 and 147 be determined 'with as much speed as the requirements of this Act and the proper consideration of the application permit'.

And it notes the second-reading speech of Mr Davis:

The Supreme Court must be free to make its decisions unimpeded—

but then we get the qualifier—

but should be aware of Parliament's intention that applications be determined with as much speed as is relevant within the requirement of this Act.

But SARC noted that the bill actually does not repeal, alter or vary section 85 of the Constitution Act, which again:

... provides that the Supreme Court of the Victoria shall be the superior Court of Victoria with unlimited jurisdiction.

Clause 4 seeks to wind back that power. Why does Mr Davis want to do it? Those three sections that I referred to:

Section 59N of the IBAC Act provides for the determination of a claim of privilege made by application to the Supreme Court of Victoria under section 59M.

Clause 4 of Mr Davis's bill inserts:

It is the intention of the Parliament that an application under section 59M be determined with as much speed as the requirements of this Act and the proper consideration of the application permit.

Again, he is pulling back. He wants to wind back the power of the Supreme Court.

Section 101 provides for the determination of a claim of privilege made by application to the Supreme Court of Victoria under section 100. Clause [4]—

of Mr Davis's bill—

inserts subclause (7) after section 101(6) which states:

It is the intention of the Parliament that an application under section 100 be determined with as much speed as the requirements of this Act ...

In other words, although the bill does not repeal or does not vary section 85 of the constitution, which states clearly that the Supreme Court is the superior court of Victoria with unlimited jurisdiction, that is the absolute effect of Mr Davis's proposition before this house.

Section 148 provides for the determination of a claim to determine privilege or application of secrecy made by application to the Supreme Court of Victoria under section 147.

Yet Mr Davis's bill says:

It is the intention of the Parliament that an application under section 147 be determined with as much speed as the requirement of this Act and the proper consideration of the application permit.

Again, it seeks to impose itself across section 85(1) of the constitution, notwithstanding that the bill makes no attempt to repeal or vary section 85 of the Constitution Act 1975. We can see at every step along the way in relation to just clause 4 that Mr Davis is knowingly putting before this house a proposition which is incompatible with section 85(1) of the Constitution Act. I do not say this. The government does not say this. This has come from specialist advisers who provide advice to this Parliament through SARC. So it is not me standing here making this stuff up, it is us receiving the advice from pre-eminent experts in these fields, who are saying, 'Houston, we have a big problem'. But it does not stop there, it just does not stop there—if only it did.

I want to go to clause 6 of the bill, which inserts new section 162AA. It provides that a special report may be transmitted to each house of Parliament:

... despite any proceedings—

you are listening carefully to this—

that are pending in a court in relation to—

- (a) the subject matter of the report; or
- (b) any other matter or thing that may be relevant to the report.

Well, so what?', you say. 'What does that really mean?'. Well, it is significant, because when you read the SARC report and the advice—and I should say that this advice was adopted without dissent on Monday—clause 6 of Mr Davis's bill intersects with section 17(a)(i) of the Parliamentary Committees Act, and that particular part of the act deals with rights and freedoms: right to a fair hearing, protections and presumption of innocence. But clause 6 of Mr Davis's bill, through its new section 162AA, provides that IBAC may transmit a report to the Parliament under section 162—and I will underline this—despite any proceedings that are pending in a court in relation to the subject matter of the report or any other matter that may be relevant to the report. Existing subsection (5) of section 162, which is what we are talking about, provides that:

If the IBAC—

this is the current IBAC act—

is aware of a criminal investigation or any criminal proceedings or other legal proceedings in relation to a matter or person to be included in a report under this section—

which is critical—

the IBAC must not include in the report any information which would prejudice the criminal investigation, criminal proceedings or other legal proceedings.

Subsections (5) to (8) of the current IBAC act provide protections so that a fair hearing can be conducted for a specified person. IBAC must not include information in a report which would prejudice a criminal investigation, criminal proceedings or other legal proceedings. So it is just a little

sleight of hand. David Copperfield I think wrote this, not David Davis. There has just been a little sleight of hand, because what does Mr Davis's bill do? New section 162AA provides that:

The IBAC may cause a report to be transmitted to each House of the Parliament under section 162 despite any proceedings that are pending in a court in relation to—

- (a) the subject matter of the report; or
- (b) any other matter or thing that may be relevant to the report.

So you can see that the very protections that are offered under the current IBAC act for rights and freedoms—right to a fair hearing, protections, presumptions of innocence et cetera—would be completely and utterly removed, would be gone.

Most concerningly, if Mr Davis's bill is passed by this place, if it is passed by the Parliament, the clerks will be compelled, should IBAC decide to just put in a report, irrespective of any other matters that are going on in any other jurisdiction which may prejudice somebody's rights or privacies or right to a fair hearing et cetera, et cetera, to publish it. And not only does it have to be published in each house of this place, the report is taken to be published by or under the authority of each house and is then subject to absolute privilege. The person concerned has nowhere to go. Mr Davis has stripped that individual of all of their rights. Now, he knows that, and if he does not, shame on him. I suspect he does. I suspect he absolutely understands the effect of these provisions, and yet he still wilfully brings this before this Parliament and wants this Parliament to pass a bill that would bypass the constitution of Victoria and strip individuals of their rights, of their privacy, of their right to a fair hearing, all because he wants to make a political point.

But it does not stop there. I wish it did, but of course it does not stop there. When we think about what happens to individuals and these sorts of bills, the other thing that SARC does responsibly, through the experts that give us the advice about these matters legally under the Parliamentary Committees Act 2003 and under the charter of human rights, is to look at other jurisdictions around this country as to where these rights may well have been repealed in some way, shape or form. And, guess what, nowhere else in the country does any other jurisdiction seek to do what Mr Davis is proposing to do here in Victoria. No other jurisdiction in this nation is flirting with any idea, any notion, of bypassing the constitution and introducing a bill that is absolutely contrary to what is in the constitution, and no other jurisdiction in these sorts of matters is seeking to introduce a bill or has an existing bill which would strip an individual of their right to privacy, the right to a fair hearing or the respect of the Supreme Court. No other jurisdiction seeks to do that.

Mr Davis obviously knows what he has put before this house, and if he does not, shame on him, because when you bring matters of this importance to this place you should dot every i and cross every t. You should not leave it up to other people to mark your homework and give you an F for fail, and that is exactly what this bill is—it is an F for failure. It contravenes the constitution of Victoria, it does not recognise the sovereign right of the Supreme Court of Victoria and it wilfully strips individuals of their rights, potentially, to privacy and a fair hearing. It compels the officers of this Parliament to accept a report stripping individuals of those rights and compels them to publish that under the privilege of this place. I understand that SARC may well have written to Mr Davis today, and Mr Davis will have the opportunity to respond. What SARC will do is publish that, as we do faithfully with every piece of correspondence that we receive from every author of every bill that goes through this place, and we will publish it without comment, because it is not our role as the Scrutiny of Acts and Regulations Committee to comment on the merits of the bill; that is a matter for the Parliament. But it is our role to identify where a bill intersects with the Parliamentary Committees Act, where it intersects with the charter of human rights and where it attacks those things.

Just on the charter of human rights, clause 5 of the bill also deals with the charter of human rights. We note that clause 5 seeks to substitute existing subsections 162(2) and (3) and provides that IBAC must give a public body or person adversely named in a report three months to respond, and then there is a

whole heap of examples of where that is to apply. But all of those rights are trashed based on the reading of the bill that is before this place.

I go back to the debate that was held here a couple of weeks ago when Mr Davis tried to take my friend and colleague Ms Shing out for a walk around the park—you know, publicly—and get stuck right into her. When chairing the committee hearing and inquiry in which IBAC were—

Mr Davis interjected.

Mr GEPP: Hang on, Mr Davis. You will get your go. Right now you are walking on jelly that is not even set. You will get your go, but you are being exposed. The emperor has no clothes today, because sometimes when you walk into this place and you carry on like a pork chop and you want to point the finger and you want to throw rocks from a very close proximity, you want to be careful that you are not throwing them into a trampoline and they are going to come back and scone you as well. That is what is happening here today.

You tried to take Ms Shing out for a political lap of the oval and give her a public touch-up for her chairing of a committee at which IBAC were present. She quite rightly said at the start of that inquiry and advised all parties that there are rights and requirements for these very technical and very sensitive matters, particularly when they involve individuals, and we have got to be very, very careful not to trample on those rights, not to transgress. And when she, as the Chair, quite properly identified that those lines were being crossed, she dealt with it. And I would suggest to the Parliament that the SARC report from Monday vindicates Ms Shing's chairing of that particular inquiry and says quite clearly that what she was doing under the Parliamentary Committees Act 2003 and the charter of human rights was observing the rights of individuals and the rights of some organisations and ensuring their right to privacy, their right to a fair hearing and their right to be able to respond to particular matters without people waltzing in here and transgressing under the name of privilege and stripping them of their rights.

So at the very least Mr Davis ought to apologise to Ms Shing in his reply. And you should immediately apologise to Ms Shing for your grubby tactics of bringing into that debate her personal relationships with people and trying to muddy those waters. Shame on you for doing that. You should apologise and you should do so unreservedly when it is time to get to your feet. I also remind you of your contribution during the public health and wellbeing act debate and your urging the government based on SARC reports. Firstly you criticised SARC because you said we did not go far enough—because you know better.

Mr Davis interjected.

Mr GEPP: Mr Davis, I accept that you know better than the pre-eminent expert in this state on the charter of human rights. I understand completely that you trump him in terms of your qualifications. You trump him in terms of your expertise. You trump him in terms of your knowledge. And how do I know that? Because of the piece of paper that you have put before this Parliament today—it is clear that you know what you are talking about. Rubbish you do. You have exposed yourself today. The emperor has no clothes today. And why? Because all of the debates, all of the arguments and all of the nonsense and the drivel that Mr Davis continually brings into this place, particularly on a Wednesday, are coming home to roost today. This is the most sloppy bill that I have seen in my time in this place. Granted the combined years on our side of the bench do not match Mr Davis's longevity in this place, and we are constantly reminded of that, but as a person who has been in this place for that long, Mr Davis should know better than to bring in this sort of bill. It is the Swiss cheese of bills. There are that many holes in it a mouse would not get a feed on it. There is not enough cheese in this Swiss cheese bill for a mouse to get a decent feed. It is full of holes, and the Parliament should reject it.

I would invite Mr Davis to do what he suggested the government do during the public health and wellbeing bill debate: pull this bill today, take it away, take on board what has been said to him by SARC—the pre-eminent experts in this state, who advise this Parliament every sitting week on every

bill that has come before this place—and withdraw this bill today. Take away this mess, this Swiss cheese of a bill, put it in your back pocket and stop playing politics with serious matters—and while you are at it apologise to Ms Shing.

Mr BARTON (Eastern Metropolitan) (15:02): I rise to speak about the Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022. This is a technical bill, and we sought external advice around this bill. As I have said many times in this house, the work of IBAC and Victoria's other oversight agencies is critical to holding the government to account and ensuring the integrity of our public institutions. It is extremely important that they have the laws and funding they need to be able to do this important job, and I continue to advocate on behalf of the Victorian community to ensure that they have both.

The intention of Mr Davis's bill, which is to ensure the timely tabling of IBAC reports while preserving protections of the rights of individuals, appears sound; however, it is unclear how the bill will contribute to this outcome, and it would appear that it is likely to actually have the opposite impact. My concerns with the bill are particularly informed by the comments made and questions raised by the Scrutiny of Acts and Regulations Committee. In particular SARC has questioned how new section 162AA of the bill interacts and conflicts with existing sections of the Independent Broad-based Anti-corruption Commission Act 2011. The new section provides that the IBAC may transmit a report to Parliament:

... under section 162 despite any proceedings that are pending in a court in relation to—
the subject matter of the report; or
any other matter or thing that may be relevant to the report ...

However, existing section 162(5) of the IBAC act prevents IBAC from including in its reports any information which would prejudice a criminal investigation, criminal proceedings or other legal proceedings.

There is clearly also a risk that contempt of court proceedings may apply if IBAC transmit a report to Parliament which prejudices a legal proceeding. Further, such provisions would also appear to engage and possibly conflict with the human rights of individuals to natural justice and due process. I also hold significant concerns about the provisions contained in Mr Davis's bill that set statutory time lines for individuals and organisations to respond to adverse findings in an IBAC report. Three months would appear to potentially be excessive and I would assume possibly greater than the period IBAC currently provides in relation to engagement with individuals and organisations subject to adverse findings.

It also seems likely that such a provision to further understanding of IBAC's processes may require IBAC to provide multiple periods of three months for individuals and organisations to provide feedback. This retrospective element of this bill may also further delay investigations that are currently afoot and require IBAC to provide a further three-month consultation period for individuals and organisations subject to adverse findings on which they have already been provided material. Rather than resulting in more timely reporting, even the simplest analysis of the bill makes it clear that these amendments are more likely to result in longer delays to the timely finalisation of IBAC reports and undermine IBAC's ability to do its important job.

I will always fight for transparency and will always fight to hold government and public officials to account. Unfortunately this bill does neither of these things, and for these reasons I will not be supporting the bill.

Ms BURNETT-WAKE (Eastern Victoria) (15:06): I rise to speak in support of the Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022. This bill seeks to ensure that all reports of the Independent Broad-based Anti-corruption Commission, IBAC, are tabled in Parliament in a timely manner. It does this while preserving relevant protections for those who IBAC may comment on in an unfavourable manner. The opposition have introduced

this bill after a string of legal setbacks and roadblocks that have delayed the tabling of IBAC reports to this Parliament.

These reports hold the answers about many allegations of corruption by the Andrews Labor government. Victorians deserve to have these reports tabled as quickly as possible, particularly in the lead-up to the November 2022 election. To date we know that the Andrews Labor government is involved in at least three inquiries into serious corruption. These are Operation Sandon, Operation Watts and Operation Richmond. We know that Premier Andrews has been questioned behind closed doors at IBAC at least twice, but he has still failed to advise Victorians whether he is under investigation or whether he is attending in a witness capacity. An ethical, transparent and accountable leader would face the people who voted him in and would let them know exactly why he is being questioned. This is not the case here.

The only hope Victorians have of finally knowing the extent of this government's corruption is to wait for these reports to be tabled, and at the moment there are just too many roadblocks and delays. It is in the public interest that all IBAC reports are tabled without unnecessary delay. Under the current legislation, section 59N provides that on an application the Supreme Court must determine whether an IBAC document is the subject of privilege or any secrecy requirements. Section 59N lists numerous things that the court must do if the documents are bound by privilege or secrecy and the things that must happen if they are not. This bill would implement a further section in section 59N to make it clear that Parliament's intention is that these applications be determined with as much speed as the requirements of the Independent Broad-based Anti-corruption Commission Act 2011 and the proper consideration of the application permit. It implements this intention in sections 100 and 147 as well.

This bill would also introduce a new section 162AA, which allows IBAC to cause a report to be transmitted to each house of Parliament despite any pending court proceedings in relation to the report. This seeks to balance the rights of the people to initiate court proceedings with the right of the public to know what is happening at IBAC and what their elected officials are up to. It is in the interests of all Victorians that all corruption be met with strong legislative powers that have transparency and accountable government at their heart. Corruption impacts public trust in government. It erodes the trust the public have in their public sector. It has a significant adverse impact on the economy. When governments make backroom decisions that lack transparency, inequality between communities is only widened.

We, the opposition, are concerned at the delays in the tabling of IBAC reports, particularly those involving the Andrews Labor government. I have previously spoken in this chamber on our motion to increase funding to IBAC and the Ombudsman. This would have provided an immediate injection of \$10 million into IBAC and \$2 million into the Victorian Ombudsman to ensure these bodies are equipped to complete current investigations before Victorians vote in November. In yet another attempt to evade transparency and integrity, the Andrews Labor government opposed this motion.

A responsible government should stand against corruption. The Andrews Labor government has instead opted to starve IBAC of funding to slow down the multiple corruption allegations it is currently undertaking. The government is desperate to prevent Victorians from knowing the truth about these investigations ahead of the November state election. The government does not uphold principles of accountable, transparent or responsible government. They continuously spin and evade questions from the opposition and journalists. When corruption allegations are referred to IBAC they need to be investigated in a timely manner, and when they concern our public officials it is in the public interest that reports are tabled in Parliament as soon as practically possible.

The provisions in this bill strike an appropriate balance between preserving the rights of those whom IBAC may comment on unfavourably and the public interest in having these documents tabled quickly. As it stands, there are too many legal roadblocks stalling the tabling of IBAC reports, which is allowing corruption to thrive. Victorians first heard about Operation Sandon almost three years ago, and they still have not seen the report. The government may think it is a case of out of sight, out of

mind, but Victorians deserve to see these IBAC reports before the November 2022 election. They deserve to know whether their leaders are corrupt, and they must know this before making a decision on whether to vote them in or out. These critical IBAC reports should not be denied to the Parliament or the people of Victoria any longer. I commend this bill.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:12): There are a number of points I want to make about this bill. This is not a bill that we have arrived at casually or lightly, and it is important to understand that this has been thought through with great care. This does come directly in response to the IBAC Commissioner himself. The Attorney is aware of the correspondence that I have received and she has received from the IBAC Commissioner, and I think it is worth quoting this. This is dated 31 May this year, and he talks about a number of issues that he faces. He talks about:

... the speed with which the litigation is determined is largely under the control of the court—

as it generally should be—

and dependent upon the priority which individual judges are prepared to give to the particular litigation.

He goes on to say:

A recent example of a challenge which is in the public domain arose in IBAC's Operation Sandon. In that matter, Mr Woodman is challenging aspects of the natural justice process and IBAC has undertaken not to table the report until the matter is resolved. As a result, despite the importance of the recommendations that are likely to be made arising out of that investigation, the completion of the report has stalled.

The IBAC Commissioner says:

The tabling of the special report in Parliament has been delayed until the litigation has concluded and any findings by the court have been addressed.

The commissioner continues:

As such, the timeframe for the tabling of the Sandon IBAC report is now beyond IBAC's control.

An amendment to the IBAC Act that provided for the expedition of the determination of questions of privilege would aid a much more timely completion of investigations. It is also of interest to note that challenges based on natural justice grounds are limited in the case of at least one interstate integrity agency.

This goes directly to the point made earlier by Mr Gepp. In fact it is not correct to say that no other jurisdictions have those limitations. He goes on:

For example, section 64 of the Northern Territory *Independent Commission Against Corruption Act 2017* provides that "*an action does not lie against the ICAC—*

that is their body—

... to restrain the ICAC from doing anything under Division 7, or to compel the ICAC to do something under that Division".

He concludes:

Division 7 contains the provisions regarding reports, public statements, and recommendations.

Given recent challenges, these would be useful amendments to IBAC's governing legislation.

We actually canvassed quite widely and I spoke to a number of very experienced legal people around these matters, and indeed the drafting of this bill brought forward a softer set of powers for IBAC here than the Northern Territory version provides, a softer set of conclusions. We consulted at length with parliamentary counsel, and I thank them and put on record my thanks to them for their advice and the different options they put forward. We did look at the possibility of making section 85 changes but chose not to do so, because we wanted to not limit rights in any unnecessary way. Really all this bill does is two very straightforward things. It first of all does not change the rights of the Supreme Court in the sense of—

Mr Gepp interjected.

Mr DAVIS: No, listen to what I am saying. Just be patient. It does not change them in terms of the clarity with which it signals the view of the chamber, the view of the Parliament, that these are important matters and ought to be given weight, but it makes it clear that the normal rights and so forth ought to be continued in those early clauses. It also makes it clear that at the end of the day natural justice rights do need to be protected, but that is not a limitless point. It is not a limitless outing. There is a balance to be struck which actually enables IBAC, where necessary, to table where it is being tied in legal knots. We know what is going on at the moment with a number of these particular inquiries.

I understand the government's extreme sensitivity. These matters go right to the core of this government, right to the Premier. He has been to IBAC twice that we know of at least, and the view is that he has probably been a third time as well. The details of those are secret so we do not know the full details of the purpose for which he was there, the details of the way he was dealt with there and whether he was just simply a witness in some matters or whether he is a person of specific interest. Those matters are not in the public domain.

Separately the opposition obviously has the view that the changes made in recent years that unwound some of the powers of IBAC ought to be reversed, but that is a separate matter from what we are considering today. But in terms of the overall powers, this bill does provide some opportunity. Mr Gepp talked about the Scrutiny of Acts and Regulations Committee. I want to indicate to the chamber that SARC did review this, as I understand, on Monday, and his office did write to me at 12.01 pm today—I think question time had begun about a minute before. In an effort to assist the chamber I have responded, and there are copies of that response. I sent that to the Scrutiny of Acts and Regulations Committee at about 3 o'clock today, so I think that is a relatively expeditious response—3 hours is pretty close when 1 hour of it was spent in question time. So, Mr Gepp, there is a response to your—

Mr Melhem: 'Gepp'—get it right.

Mr DAVIS: Gepp, I am sorry. I am trying to do my best.

The ACTING PRESIDENT (Mr Bourman): Mr Melhem, if you are going to interject, you need to be in your own place.

Mr Melhem: Well, I can't. There's someone else in it.

The ACTING PRESIDENT (Mr Bourman): Be that as it may, Mr Melhem, they are the rules.

Mr DAVIS: In response to some of the points made by Mr Gepp before about the pandemic bill, let me be quite clear here. The pandemic bill was rushed through this Parliament in a very, very fast time—

A member interjected.

Mr DAVIS: No, no. It was actually, and the state-of-emergency legislation the year before was rushed through very quickly without proper opportunity for the lower house in the first instance to see the SARC report. We certainly believe that SARC reports ought to be seen by both chambers in a timely way. I have never deviated from that view, and indeed my response to you today, chair of SARC, is to actually indicate quite clearly that I do believe SARC is an important committee—and that, I think, is an expeditious response.

But I do want to make the point, as I do to SARC, that it is for these reasons we believe the bill strikes an appropriate balance. Those about whom serious adverse findings are made must be afforded appropriate and reasonable opportunity to comment, but equally, corrupt persons about whom serious negative findings have been made by IBAC should not be afforded endless protection by a legal merry-go-round designed to effectively block the release of reports and shield corrupt conduct inside

government—and indeed outside government—from public scrutiny. That is the balance that is to be struck. I understand it is a balance, and I understand that we need to step carefully in this area.

The three-month provision in this bill, including the retrospective three-month provision, is designed to make sure that there is a reasonable period, and there is also an opportunity for IBAC to provide a longer period if that is deemed appropriate. At the same time, at the moment we are in a position where IBAC is being stymied. Key reports that are not able to be tabled are in effect being covered up, and that is the balance we have got to strike. Now, it may be that some in this chamber would prefer to align themselves with those about whom adverse findings may have been made. That is a matter for them, but I certainly do not believe that is the appropriate way to go. I think we need to strike a fair balance.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:23)

Ms SYMES: Mr Davis, who have you consulted with in relation to this bill?

Mr DAVIS: A range of legal people, including obviously parliamentary counsel, who drafted the bill.

Ms SYMES: Mr Davis, have you received advice from the IBAC that, regarding the proposed intention of your bill—if we refer to clause 1, that the purpose of the act is to amend the Independent Broad-based Anti-corruption Commission Act 2011 to facilitate timely reporting by the IBAC—your bill would achieve that purpose?

Mr DAVIS: The IBAC are obviously aware that the bill is in the public domain, but I have responded to the original documentation sent to both you and me by the commissioner.

Ms SYMES: Mr Davis, has the IBAC Commissioner or anyone at IBAC provided you with a view on this bill?

Mr DAVIS: On the need for such a bill, yes, as you understand. You have got the same correspondence that I initially received as well.

Ms SYMES: Have you received advice on your bill and the impact and the effect of the clauses contained in this bill?

Mr DAVIS: I have received advice, but not from IBAC.

Ms SYMES: Mr Davis, did this bill go through shadow cabinet, and can you explain that process?

Mr DAVIS: Ms Symes, as you will understand, cabinet processes and shadow cabinet processes are such processes, so it is a decision of the opposition.

Ms SYMES: I just want to know if this bill went through a shadow cabinet process.

Mr DAVIS: Well, it is a decision of the opposition.

Ms SYMES: Can you clarify what you mean by ‘the opposition’?

Mr DAVIS: The opposition is the opposition, as you understand.

Ms SYMES: Mr Davis, I am just seeking to understand whether this went to shadow cabinet. I do not believe that shadow cabinet attracts the same cabinet-in-confidence-type provisions that

government cabinet does, and I am just wondering if this went to shadow cabinet or if this is just a bill that has been presented by you alone.

Mr DAVIS: It is a position of the opposition.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4 (15:26)

Mr GEPP: Mr Davis, can I take you to clause 4 and in particular to section 85(1) of the constitution. As I mentioned in the debate, SARC noted that:

... Section 85(1) of the *Constitution* ... provides that the Supreme Court of ... Victoria shall be the superior Court of Victoria with unlimited jurisdiction.

And SARC made the general observation that:

... the Supreme Court of Victoria may take an unspecified length of time required to determine any applications made to it—

including—

pursuant to sections 59M, 100 and 147 of the IBAC Act.

Was this considered as part of the drafting of the bill?

Mr DAVIS: Yes, and a decision was made not to amend section 85 of the constitution deliberately so. This section in effect signals an intention of the Parliament but does not change the ability of the Supreme Court to make the steps that it considers appropriate.

Mr GEPP: Thanks, Mr Davis. Whilst currently the Supreme Court may take an unspecified length of time, isn't the effect of your proposed bill that the Parliament can impose a shorter consideration period on the Supreme Court than currently exists under the constitution?

Mr DAVIS: No, that is not what it means. What it means is that the Parliament has signalled the importance of these matters but the Supreme Court is not limited by this in any actual way.

Mr GEPP: I just want to be clear. Section 59N, for example, of the IBAC act:

... provides for the determination of a claim of privilege made by application to the Supreme Court of Victoria under section 59M. Clause [4] inserts subclause (7) after section 59N(6) which states:

It is the intention of the Parliament that an application under section 59M be determined with as much speed as the requirements of this Act and the proper consideration of the application permit.

Can you take me through that?

Mr DAVIS: The proper consideration of the act is exactly what it means, and the Supreme Court determines what proper consideration of the act is.

Mr GEPP: But I am curious as to why you have put the amendment in there. If what you are saying is that the net effect is that there is no change, then I do not understand why then you have the need for the amendment or the wording in the bill as it is currently constructed.

Mr DAVIS: It is a signal to the Supreme Court about the importance that the Parliament attaches to this matter, but it does not limit the Supreme Court in any way.

Mr GEPP: And are you saying that that does not currently exist?

Mr DAVIS: This clarifies the importance that the Parliament attaches to these matters and that expedition is an important matter, but actually it does not limit the capacity of the Supreme Court to do the proper consideration of any application.

Mr GEPP: Thank you, Mr Davis. I just want to be crystal clear about what you are proposing, and that is that you are proposing through this bill that this Parliament publicly states a particular intention around any matter contained in this bill that is being dealt with by the Supreme Court and seeks to give guidance—

Mr DAVIS: It is not an individual matter.

Mr GEPP: Just let me finish the question. And it seeks to provide guidance or clarification, as you call it, to the Supreme Court of Victoria on those matters. Is that what you are proposing? Is that what you are telling us?

Mr DAVIS: Mr Gepp, what I am making clear is that the Supreme Court is not in any way limited, but it is open to the Parliament to express a view about the importance of expedition in these matters, and obviously it is not a specific matter that is referred to in this; it is not an individual case. That is a general point, but it leaves it in such a position that the proper consideration of the application is able to go forward as the Supreme Court sees fit.

Mr GEPP: Thank you, Mr Davis. I am no lawyer, but in all the time that I have been here what I have heard consistently and what I hear consistently around parliaments—state parliaments and the federal parliament—is that when a matter is before a court, a jurisdiction, people in these places are extraordinarily careful not to engage on those matters but in terms of the separation stand back from and allow those jurisdictions, including the Supreme Court, to do their work free of any political views being expressed under privilege in this place. Isn't that the case?

Mr DAVIS: And this bill is true to those points.

Ms SYMES: Mr Gepp covered off most of the themes that I was interested in in relation to this clause. I guess just to give Mr Davis an opportunity to explain to the house: if it is a signal, what will the practical effect of this clause achieve?

Mr DAVIS: Well, the court will understand that the Parliament is concerned about the pace at which things are dealt with, but it will not in any way influence the decision of the court on any particular matter in the sense that it will be able to give proper consideration of any particular application within its own rules and its own way, as it should.

Ms SYMES: Mr Davis, are you aware that the Supreme Court is not handling these matters appropriately?

Mr DAVIS: Well, I will be very careful in what I say about any particular matter at the Supreme Court and would not want to reflect on any particular matter in terms of the Supreme Court's decision-making.

Ms SYMES: Well, I appreciate that. I guess I am just a bit perplexed about the problem that we are trying to fix here. But effectively if we have a clause that is just a signal, just a 'Hey, we'd like you to do something that we're not sure you're not already doing', would you confirm that this clause has no effect and the status quo could remain?

Mr DAVIS: I think I have made the point very clear: it leaves the power and the decision-making in the hands of the Supreme Court, as it should. But Parliament is free to make a point, not about a specific case but a general point, that something is of importance.

Mr GEPP: Sorry to keep harping on about this, but this separation of powers intrigues me. Was that discussed during deliberations in the drafting of the bill by whoever in the opposition was involved in that process, and how did you arrive at the position that you have with that very important principle of separation of powers?

Mr DAVIS: I am very aware of the issue of separation of powers, as is everyone in the opposition, and we are very respectful of the separation of those powers. But we also believe that this is an important step forward.

Clause agreed to.

Clause 5 (15:36)

Ms SYMES: Mr Davis, what is your understanding of what currently occurs in relation to time frames using the ‘reasonable opportunity’ measure?

Mr DAVIS: My understanding is that there are issues with the time frame that IBAC confronts. This is with respect to clause 5; I think you are talking about that now. With respect to that, I think there is some understanding, as you are well aware, that there are some issues of delays and some inability to move reports forward in a timely way.

Ms SYMES: Mr Davis, IBAC often uses iterative processes when dealing with responses to adverse findings, so responses may very well throw up new material and in return result in further adverse findings. Under the proposed clause, would the time frame reset at every new interaction that came from IBAC to individuals—that is, the three months?

Mr DAVIS: You will see, for example, in clause 5(2) substitution in the principal act of ‘or the later time agreed with the IBAC’, which actually provides exactly such an iterative process as you are considering.

Ms SYMES: Mr Davis, do you not think that it is likely that individuals that are subject to adverse findings will seek the maximum time of three months, which may very well be longer than what is the current practice, using reasonable opportunity, and therefore lead to delays in IBAC publishing special reports?

Mr DAVIS: I think the truth of the matter is that in fact some of the processes have become slow and cumbersome and there are issues. It is obviously a time period where a balance has to be struck, and you could make arguments for different time periods, either longer or shorter. We think it is a reasonable balance.

Ms SYMES: But, Mr Davis, on that response you are conceding that clause 5 may in instances delay reports, contrary to the purpose of the title of your bill.

Mr DAVIS: With respect, I do not believe I have conceded that at all. I am just conceding that you could argue for different time periods as an appropriate balance. We think three months is a fair point. But it is pretty clear that this would enable IBAC to move more swiftly than it currently can.

Ms SYMES: In clause 5, what allows IBAC to move more swiftly than three months when the requirement is for individuals to respond within three months? What in this gives IBAC the capacity to make it shorter than three months? If somebody meets the three months, they are meeting the clause, aren’t they?

Mr DAVIS: The reality is that the time periods at the moment are often much greater, as I understand it.

Ms SYMES: How have you formed that view?

Mr DAVIS: Speaking to a range of legal people.

Ms SYMES: Could you clarify what you mean by ‘legal people’?

Mr DAVIS: I am not going to name a group of specific people who have certainly spoken to us, but there are a wide group of people who have spoken to us, and as you are aware, having received

similar correspondence—or in fact the same correspondence as me—from the IBAC commissioner, which allows a very reasonable understanding that there are challenges at the current time.

Clause agreed to.

Clause 6 (15:41)

Ms SYMES: Mr Davis, I am hoping that you can explain the effect of your new clause—how you reconcile that the proposed provision may lead to circumstances in which IBAC publishes a report where the Supreme Court later finds the subject of the adverse finding was not provided an appropriate opportunity to respond.

Mr DAVIS: Clause 6, as I think is perhaps best outlined in the second reading and in the actual clauses:

... ensures that a special report may be transmitted to each house of Parliament under section 162 despite any proceedings that are pending in court in relation to the subject matter of the report or any other matter or thing that may be relevant to the report.

You see, the challenge is that in certain circumstances legal machinery may well be used to prevent the tabling of a report. This gives certainty to the IBAC, and I have no doubt it will be exercised responsibly.

Ms SYMES: Mr Davis, I am just unclear how the Supreme Court can grant an effective remedy in cases where it would be too late to provide the person or body appropriate time to respond to the adverse material.

Mr DAVIS: Well, the bill provides an adequate balance for the opportunity for people to respond to adverse commentary but provides capacity for the IBAC to proceed in the circumstances outlined in clause 6.

Ms SYMES: Mr Davis, you would be aware that the current section of the IBAC act, section 162(5), provides:

If the IBAC is aware of a criminal investigation or any criminal proceedings or other legal proceedings in relation to a matter or person to be included in a report under this section, the IBAC must not include in the report any information which would prejudice the criminal investigation, criminal proceedings or other legal proceedings.

Read together with your proposed new section, does this not create uncertainty about how IBAC is to proceed in circumstances where legal proceedings are pending? Because I do not believe that you are proposing to repeal in any way section 162(5).

Mr DAVIS: I have no doubt that the IBAC will use these additional clauses responsibly in the context of the overall act.

Ms SYMES: But, Mr Davis, doesn't that put IBAC in a position where, if it proceeds to transmit a report to Parliament containing material that may prejudice legal proceedings, that potentially allows or facilitates the possibility of the court process being undermined and the rights of individuals to seek effective remedy? You are creating a situation of conflict and tension.

Mr DAVIS: I do not believe that that is the case. I believe it will be exercised responsibly in the context of the overall act.

Ms SYMES: Mr Davis, would affected persons be able to seek injunctions prohibiting IBAC from reporting until the legal proceedings are completed on the basis that it would render those proceedings futile?

Mr DAVIS: This would provide greater capacity for IBAC to table reports—that is the point—but at the same time it would be exercised responsibly in the context of the act overall.

Ms SYMES: Mr Davis, can you explain how your clause avoids a contempt of court proceeding that would apply if IBAC transmits a report to Parliament which prejudices a legal proceeding, whether knowingly or not?

Mr DAVIS: This provides IBAC with the capacity to table.

Ms SYMES: Are you proposing any protections against contempt for the Parliament or the IBAC?

Mr DAVIS: IBAC has a clear position under these clauses to be able to table.

Ms SYMES: I guess this is just a statement. Mr Davis, it is my view that your proposed provision contradicts section 162(5) of the IBAC act and creates legal uncertainty and therefore, along with many of your clauses, is a very flawed clause which renders this bill very irresponsible and should not proceed.

Mr DAVIS: With the greatest of respect, we will have to agree to disagree on that matter. The bill has been carefully formulated. It has had good input, and indeed I put on record my thanks to parliamentary counsel for their advice on many of the points in this bill and some of the decisions that we made about striking a fair balance.

Mr GEPP: I just have one question for Mr Davis. Mr Davis, the Scrutiny of Acts and Regulations Committee report tabled yesterday in the Parliament noted that there is no equivalent provision to your proposed new section 162AA in similar legislation elsewhere in Australia. Can you respond to that claim by the committee?

Mr DAVIS: There are certainly no identical provisions, but there are provisions that give greater powers to similar bodies to IBAC in other jurisdictions—to have greater power. Indeed the commissioner in his correspondence to both of us drew on an example in the Northern Territory, which provides that:

An action does not lie against the ICAC:

...

to restrain the ICAC from doing anything under Division 7, or to compel the ICAC to do something ...

This is section 64 of the Northern Territory act.

Clause agreed to.

Clause 7 (15:48)

Ms SYMES: Mr Davis, is my reading of the clause that the transitional provisions would have retrospective application to existing investigations correct?

Mr DAVIS: Yes.

Ms SYMES: So the application of the proposed clause means that anyone after commencement who has an adverse finding that they are in the process of responding to would have the clock reset for the three months, because that is when the bill would come into effect and therefore your new provisions in section 162 would allow for that up to three-month period to respond. I guess my question in relation to the impact of this clause would be again coming back to my concerns about the inability of this bill to meet the purpose clause, because I cannot see how that will not possibly slow up processes that I believe you seem quite desperate to speed up.

Mr DAVIS: The Attorney will understand the challenge of drafting transitional clauses in that inevitably a slightly different balance has to be struck from the main clauses in the bill. That is the conundrum in this clause as well. There are several possible scenarios that can be constructed here, but we think that the three-month period is a reasonable balance, again, and consistent. If somebody had been shown some adverse finding the day before the clause came into operation, it would seem unfair that they got substantially less than someone else who was shown a particular adverse finding

against them and was getting three months. So that, in a sense, is a default to being even and fair. But at the same time, three months is a reasonable period—again struck as a balance in the overall act—noting that at the moment there is no similar provision of that type that would provide a reasonable period. So it is more likely, we believe, to provide a shorter time period for conclusion of the matter than a longer time period.

Ms SYMES: That may be the case in certain circumstances, but not all, I would propose, Mr Davis, because if this bill passes the upper house and then proceeds to the lower house and people know that they are going to get three months to be able to respond once the bill is enacted, if it was to pass the Assembly, isn't that just creating a situation where the retrospectivity due to the transitional provisions means that processes are in fact going to go out longer than for somebody that is required to respond under the current requirement, which is 'in a reasonable period'?

Mr DAVIS: We do not believe it will be longer. In fact we believe it will be shorter, because at the moment people are taking advantage of this capacity to string things out. This at least will put some conclusion on it. At the moment it is possible to drag things out for a very, very long period.

Ms SYMES: I guess, on that, I am just a bit confused by some of your responses to my questions. Is it your view that court processes are holding people up or that people are not responding to adverse findings? This is not in response to any of the court proceedings of the Supreme Court that you have conceded may or may not be as fast as you would like to be; this bill does not change that. This is in specific response to people's requirement to respond to adverse findings. Currently the terminology for IBAC is that people are to be provided 'a reasonable opportunity'. I just do not see how three months is going to achieve your purpose clause as opposed to 'reasonable opportunity', and particularly when you look at the anomaly that has occurred through your transitional provision, I think that if people are afforded three months and there is an adverse finding for them, most people will go for the maximum.

Mr DAVIS: I am very amenable to a proposal for a shorter period, Attorney, if that is your proposal. We think it has struck a reasonable balance. We do not believe that this will provide on balance longer periods for people responding to adverse material. Indeed we think it will provide generally a shorter period, because there is a defined period. But if your proposal was to provide a shorter period, we would certainly be amenable to discussing that.

Ms SYMES: In response to that, Mr Davis, I guess my concern is that I do not know who your legal people are and who you are getting advice from, because I do not have information that leads me to believe that people being given 'a reasonable opportunity' is in fact not working in relation to when people should be responding. You are the one that has come up with three months. I am just exploring why and how you think that that produces a more timely outcome than what is currently contained in the IBAC act, because I certainly have not spoken to anybody that has been asked to respond to adverse findings and I have not spoken to any legal people that are representing people that have been asked to respond to adverse findings. So I guess I am a little bit curious about how you formed the view that your bill will facilitate—if we go to the title of your of bill—timely reporting.

Mr DAVIS: The point is, I think, that it provides a sharp definition rather than an open-ended definition, and in that sense it will assist, again, all of these. There is obviously a balance to be struck, and we can concede the challenge of drafting transitional provisions in this sense.

Clause agreed to; clause 8 agreed to.

Reported to house without amendment.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:55): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:56): I move:

That the bill be now read a third time.

The DEPUTY PRESIDENT: The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 16

Bach, Dr
Bath, Ms
Burnett-Wake, Ms
Crozier, Ms
Cumming, Dr
Davis, Mr

Finn, Mr
Hayes, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs

Ondarchie, Mr
Quilty, Mr
Ratnam, Dr
Rich-Phillips, Mr
Vaghela, Ms

Noes, 17

Barton, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Kieu, Dr
Leane, Mr

Meddick, Mr
Melhem, Mr
Pulford, Ms
Shing, Ms
Stitt, Ms
Symes, Ms

Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Watt, Ms

Question negatived.

Sitting suspended 4.03 pm until 4.22 pm.

Business of the house

NOTICES OF MOTION AND ORDERS OF THE DAY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (16:22): I move:

That the consideration of notice of motion, general business, 789, be postponed until later this day.

Motion agreed to.

Mr DAVIS: I move:

That the consideration of order of the day, general business, 3, be postponed until later this day.

Motion agreed to.

Motions

AUTISM

Mr FINN (Western Metropolitan) (16:23): I move:

That this house:

(1) recognises:

(a) the vast and disparate needs of those on the autism spectrum and their families;

- (b) that autism is regarded by many on the spectrum as a gift to be celebrated, allowing creativity and intellectual prowess to blossom;
 - (c) that families with a child on the spectrum often face particular challenges and difficulties and need assistance from government and private agencies;
 - (d) that siblings of those on the spectrum often struggle under the burden of the circumstances created by their unique situation;
- (2) applauds teachers, therapists, physicians, researchers and many others working to enable those on the autism spectrum to achieve a standard of life that is self-satisfying, allowing them to reach their full potential; and
 - (3) further urges the government to conduct a watching brief to ensure services for those on the spectrum and their families are maintained at the necessary level.

This is a motion which refers specifically to people on the autism spectrum, their families and a whole range of changes that have occurred over recent years. I was out during lunchtime having a chat to the wonderful people from Amaze who help so many families with autism. They are out in Queen's Hall, and if any members have not had a chance to go and have a chat to them this week, I suggest that they do, because it is really quite an experience. They do an amazing job. I said to them that what they are doing is a relatively new change, because when we had our son and he was diagnosed with autism 19 years ago, there was not that sort of support available that there is now, which is a very good thing.

I will remember going to see the psychiatrist and having him tell us that our son had autism, giving us a piece of paper and telling us to go home. I had some vague understanding of what autism was. I had heard of it, but I had absolutely no idea—and all of a sudden to be told that my son had autism and to be told to go home was a bit overwhelming. I can well understand why a lot of people over a long period of time would feel frustration, annoyance and, I suppose, anger at being told that their child has autism. Autism is something that I really have to point out is different for everybody. Just because you have met somebody with autism does not mean you know all about autism, and I discovered that myself in the almost eight years that I was Shadow Assistant Minister for Autism. I went into the job thinking that I knew a bit about it, and the longer I was in the job, the more I realised how much I did not know. To meet so many people across the state, as I had the opportunity to do over those years, was a very great honour, because there were some stories of great hardship, some stories where families had crumbled and stories of great victory, if I could call them that, where those families and those individuals had overcome the difficulty to go ahead and make a life for themselves, which is both self-satisfying and productive for the community. That is something that I will never forget, and I am very grateful to have had the opportunity to do that.

I should also congratulate Dr Cheryl Dissanayake, who is the director of the Olga Tennison Autism Research Centre at La Trobe University. Cheryl, if I could be so bold as to call her that, which I usually do, was awarded an Order of Australia for her work on the Queen's Birthday, and I was absolutely delighted to see that because OTARC has done a power of good work over such a long time, of course funded by the generosity of the late Mrs Olga Tennison. They have led the world in many ways in research into autism and research into how families with autism can be assisted. So to Professor Dissanayake I offer my very warmest congratulations; as I did privately, I offer those publicly. It is a great pat on the back for her, but it is also a great pat on the back for all of those researchers and all of those people involved at the Olga Tennison autism centre at La Trobe University. I will remember Mr Ondarchie and me visiting there—was it last year? No, it would have been three years ago, pre COVID, and I think Mr Ondarchie was just as impressed as I was. I had been there previously, but even in the short period of time that I had not been there they had made even greater advances than they had previously. So I was quite, I have got to say, blown away by what they were doing there, and I say more power to them. They really are something very, very special, and I congratulate them and thank them for the work that they do.

I think that there is perhaps a misconception in the community that people with autism are in some way less than fit to fit into proper society, and that is a misconception, because the overwhelming

majority are more than able to fit into society and to make a valuable contribution to our society. Of course autism, as I said before, is a spectrum, so you have some who are sitting in the corner rocking back and forth and you have others who are rocket scientists or surgeons or people who are just absolutely brilliant in their own right. That is something that a lot of people do not realise. The spectrum gives us everything, and that is something that I think we—

Dr Kieu: Physicists.

Mr FINN: Physicists, absolutely, and everything; it gives us everything. There is a degree of genius involved with autism. My son, for example, has a memory which I would kill for. My memory is shocking. His is just brilliant. He is 21—

Mr Ondarchie: What?

Mr FINN: Yes, I know. It is unbelievable, isn't it? He can remember what happened 20 years ago. I can barely remember my name half the time. But his memory is just remarkable, and he can tell you exactly where we were on a particular date, what we were doing, where we were going, how we got there—the whole box and dice. It is absolutely remarkable.

The thing that we really have to be doing and concentrating on in the autism area is realising that every person on the spectrum has a particular gift. Some have more than one gift, but they have at least one special gift. What we have to do is find out what that gift is, channel that gift in the right direction and make sure that that person on the spectrum has the appropriate job. Mathematics, for example, is an area where people on the spectrum absolutely shine. Many of them have a capacity to do numbers—and I am sorry Mr Somyurek is gone, because he would know a bit about that himself—in a way that is quite remarkable, and a lot of businesses employ specifically people on the spectrum for that reason, because they do things with such precision and have an understanding of numbers that not many others do. That is something that a lot of people do not realise. People say, 'Autism, it's a disability'. Well, it can be, but it can also be a very great gift if it is viewed the right way.

Mr Ondarchie: It's an ability.

Mr FINN: Well, it is more than an ability. It is a super ability in a lot of ways. That is not to say that there is not great difficulty with families sometimes going down that path, and there is violence because of the meltdowns when children, and in particular males, go through puberty. They can become very violent, and I have experienced that myself. It is not pleasant, and it does present the possibility that families come under a huge amount of pressure because of that. That is something that we should all keep in consideration and all keep in mind in terms of providing support, whether that be moral support, financial support or whatever it may be, for those families who find themselves in that particular situation.

I should say that, whilst I was a little bit sceptical to say the least about a giant welfare program based in Canberra, I have come to see from my own perspective that the NDIS has been just an extraordinary assistance to so many people who did not have that assistance before. I know my wife and I tried for many years to do it alone, and that was pretty tough. The NDIS now is being of major assistance, and that is a very, very good thing indeed.

Before going to the second part of the motion, I should go back to the part of the motion that refers to the siblings of those on the spectrum often struggling under the burden of the circumstances created by their unique situation, and I want to mention that in particular because brothers and sisters of children in particular on the spectrum quite often do it tough. They are sometimes neglected because so much attention is needed for the child on the spectrum, and they quite often miss out on a lot of things that they would normally go to or be involved in. That is not something that a lot of them complain about, but it should be recognised as a sacrifice that they make, sometimes willingly and sometimes not willingly. So I tip my hat to and I salute those siblings who give total support to their brother or sister. Of course some have more than one person on the spectrum in the family, and that

can just add to the pressures and to the difficulties involved. I have seen over the journey a number of parents who have had two, three and even on one occasion four children on the spectrum, and how they have managed to get through that I do not know. My admiration for their courage, their guts, their determination is boundless. They are just extraordinary people, and generally speaking their children have turned out to be fine adults, doing what they want to do to a very large degree.

There are a lot of people, as is mentioned in section (2) of the motion, teachers, therapists, physicians, researchers and all the others, working to enable those on the autism spectrum to achieve a standard of life that is self-satisfying, allowing them to reach their full potential, and the commitment of most of these people is just astonishing. They give their lives to help these kids. They commit to it almost seven days a week. It is just remarkable. I have met many of the teachers and so forth. It is a passion with them and something they are never going to give up on, not until they get to where they want to be. They are never going to give up, and I commend them for the work they do every day. I just wonder where we would all be, those of us in the autism community, without that commitment, without that determination that these people have to provide the support and the change quite often that certainly has been needed and probably is still needed. I just say to them, 'Thank you for the work that you do', because it is truly remarkable and something that we are all deeply appreciative of.

I mention in this motion at section (3) that this house:

further urges the government to conduct a watching brief to ensure services for those on the spectrum and their families are maintained at the necessary level.

It should be pointed out that services for autism sometimes can be pretty expensive. You cannot say that one size fits all because it does not. Particularly with regard to autism it does not, and that adds costs. You have got various changes. You are trying to put a round peg in a square hole sometimes, and that does not work. You have actually got to personalise these services to the individual traits, to the individual characteristics of the people involved. That is going to cost money, and indeed it does. Given the numbers of people with autism, on the spectrum, that we have in this country now, and particularly in this state, that is going to cost a lot of money, and indeed it does cost a lot of money, but it is necessary. If we are going to provide a standard of living, if we are going to provide a degree of independence, if we are going to provide the necessary wherewithal to allow people on the spectrum to live a decent life, that money will have to be spent. I am not big on spending money, as members of this house would be aware, but sometimes you just have to, and on this occasion I certainly believe that we should.

I have to commend the government for its support for the autism community. I know the opposition up until relatively recent times was also very enthusiastic about supporting the autism community. So I would like to think that that bilateral support would be there and that both sides—all sides, in fact—would be supportive of this motion and indeed supportive of those who are in the autism community and in need of that support.

I know there are a couple of others who are really itching to speak on this, so I will leave it there. I urge members to support this motion. I think it is very important that we send a message to those in the autism community, whether they be on the spectrum themselves or whether they be families with autism. And I say 'families with autism' very specifically because once a member of the family has autism everybody in the family is affected by it. So it really is a question of families with autism, and we need as a Parliament to send a message to those people that we stand with them, that we support them and that we have their back. So I urge you to support this motion today, and I urge you, if you have not already, to wander through Queen's Hall and have a look at some of the wonders that are on display today and, I think, tomorrow as well. They are well worth the trip out there. Before you do that, make sure you vote for this motion.

Ms WATT (Northern Metropolitan) (16:41): I rise to speak on this motion, and in doing so I would like to note that I am really proud to be part of a state government that supports Victorians with disabilities. Can I take a moment before I leap into my remarks to acknowledge and thank my friend

Chris Varney. He is my friend and mentor and would be known to some of you as an extraordinary leader in the community. His leadership of the I Can Network is absolutely extraordinary. So, Chris, thank you for guiding me and guiding our community to a place where we now celebrate, honour and respect people with autism in such a profound way, including right here in our Parliament.

About one in every 100 Victorians is autistic; however, many autistic people live without a diagnosis, and the true rate of occurrence may be higher. Autism is a lifelong developmental disability that shapes people's social communication and interaction, patterns of behaviour, interests and activities. Autistic people may also experience different reactions to what they see, hear, smell, touch or taste. Many autistic people do not see autism as a disability but rather as a different way of seeing and interacting with our world.

I would like to pause here for a moment to acknowledge that my use of language is very much guided by the many autistic and neurodiverse Victorians who told us during development of the *Victorian Autism Plan* that they have a strong preference for the use of identity first language—that is, for the use of 'autistic people' rather than 'people with autism'. Language is a powerful, powerful tool for changing community attitudes, promoting inclusion and fostering disability pride. It is our job to make Victoria inclusive and accessible for every autistic person to foster opportunity, community and pride. Autistic Victorians experience persistent barriers to inclusion and participation in social, economic and civic life. The Victorian Parliament's inquiry into services for people with autism spectrum disorder gave unprecedented insight into the daily experiences of exclusion and marginalisation faced by autistic Victorians, their families and carers. The 2017 final report of the inquiry highlighted numerous ways in which autistic people miss out on education and employment, social and civic activities and access to quality services. This leads to poorer health and mental health outcomes, lower income and fewer opportunities for active participation in their communities and the economy.

The *Victorian Autism Plan* was originally built on core elements of *Absolutely Everyone: State Disability Plan 2017–2020*, which guided Victoria's work to be more inclusive of all people with disability. The plan drives changes in areas where autistic people have told us that they are most missing out, such as community inclusion, early identification and diagnosis and pathways and support through key life transitions. It also incorporates commitments to removing specific additional barriers faced by the autistic community. While we have supported our progress through the five-year autism plan with a range of investments, ahead of the plan's release we supported early actions through an allocation of \$22.4 million in the 2017–18 budget. We also provided an additional \$7.1 million to support the release of the plan in 2019.

The Andrews Labor government also committed \$7.4 million over four years in the 2020–21 state budget to deliver an additional 3150 publicly funded autism assessments. This builds on the existing public assessments delivered across Victoria's 13 child and adolescent mental health service catchments. The Victorian government also allocated \$1 million over two years to continue the Change Your Reactions campaign. This investment is part of the broader *Inclusive Victoria: State Disability Plan* investment of \$15.1 million over two years. This will complement work underway to refresh the autism plan at its midway mark.

Other investments that will support the *Victorian Autism Plan* outcomes include \$35.903 million over two years to provide effective and timely support to Victorians with disability who are not eligible for the NDIS and to ensure our service system responds to the needs of NDIS participants. Like Mr Finn said, the introduction of the NDIS has made a profound difference to the lives of people with autism, and I really do think that any additional investment to make that easier is a very good thing. There was also \$560 million to upgrade 65 schools across Victoria. Included in that is \$326 million for 36 specialty schools, improving educational outcomes through world-class classrooms and learning facilities. We are investing an entirely unprecedented \$1.6 billion to make sure our youngest Victorians with disability are supported in the classroom through an Australian-first disability inclusion package. The record investment will transform support for students with disability in Victorian government schools, doubling the number of students receiving extra support in the

classroom to 55 000. All schools will benefit from the change, enabling them to better support students who have previously been ineligible for targeted support, such as those with autism, dyslexia or complex behaviours. Building on the achievements through the *Absolutely Everyone: State Disability Plan 2017–2020*, the midway refresh of the *Victorian Autism Plan* will support alignment with the new commitments and systemic reforms in the *Inclusive Victoria: State Disability Plan 2022–2026*.

There is so very much that I could go on with when it comes to our work, including the additional 175 actions to improve outcomes for people with disability across all life domains. *Inclusive Victoria* contains six systemic reforms to drive long-term change for all people with disability, including autistic Victorians. These are: the co-design with people with disability, ensuring people with disability are at the table in designing policies, services and programs; Aboriginal self-determination, working with Aboriginal Victorians with disability and listening to what works best for them; intersectional approaches, recognising and addressing the intersection of ableism with other forms of structural discrimination; accessing communications and universal design, building accessibility into everything we do; disability-confident and inclusive workforces—I am kind of excited about this one—skilling up workforces to understand the social and human rights model of disability; and effective data and outcome reporting, getting better at measuring and sharing the progress of actions in the new disability plan.

While I say this I am actually repeating some words that were spoken by Minister Carbin at the launch this week here at Parliament House—and can I just thank the minister for speaking to the community about what it is that the Victorian government is doing. There is so very much that we are doing, but it is worth saying that there is still much more to go. We have made really big progress, including recently I had the distinct pleasure of joining the minister for a sensory room launch with Netball Victoria, which was a really special moment to see inclusion and participation in sport for people with autism. It is a really big thing. Families now can go along to netball and have a space where they can enjoy the game but also take some time out if they need to. So thank you to Netball Victoria and so many others in our community who have stepped up to make our community more inclusive and more welcoming for people with autism. It is by working together with people with disabilities in collaboration and partnership that we will get there. And we will continue to draw on the expertise of our Autism Plan Advisory Group, which includes representatives from key organisations, including a number of autistic-led non-profit organisations, some of which you will see in Queen's Hall today and in fact all this week. So thank you to those that have turned up. It is community expertise, it is the vision and it is the ambition that will help us drive change through the *Victorian Autism Plan*.

Can I just wrap up by saying thank you for being here, thank you for stepping up for your community in a really real and tangible way. It is leaders like Chris that make life for the next generation all that very much easier. So thank you to Chris, Amaze and all of the wonderful organisations out there today making the celebration of this very significant week all that much more powerful by their inclusion today.

Ms BATH (Eastern Victoria) (16:51): I am very pleased to rise this afternoon and throw my support behind Mr Finn's motion on the autism spectrum and endorse each and every one of the four points that he raises in relation to autism. Also it is wonderfully coincidental and synchronous that he has put this motion forward in the week that we have in Queen's Hall various elements and organisations that support families with autism and really lead the way in terms of support, information and a positive outcome. Amaze is in there, and I have had a great conversation over the last few days with David Tonge from Amaze. I endorse Ms Watt's comments around I Can Network—I remember going to a school where Chris presented, and the children were all spellbound by his enthusiasm and positivity that he carries on in the lives of others—the Yellow Ladybugs, Different Journeys, Olga Tennison, Aspergers Victoria and La Trobe University research, and in doing so I congratulate the Parliament for also having this as a great initiative.

We learn by understanding, and we understand when we talk to those who are directly involved in either living with autism and being on the spectrum or being a family member or providing those services and being the conduits to the important information and education and diagnoses. I do have a very personal experience with autism, because I have two fantastic sons and my second son was born a bit different. It took me probably about five years through various different diagnoses and going to various different specialists to find out and gain a diagnosis. I asked him this afternoon if I could make some mention about it, and he said, 'Yes, Mum, go for it. You raised me. I give you my full endorsement to have a conversation'.

If I can start with the end, he had some very significant struggles, as we all did, growing up, but gaining a diagnosis is so significant. It is a horrible thing to say, but finding out 'what's wrong with me' is very important. Then 'what's wrong with me' actually turns into what is flourishing and what opportunity exists in that person and in that beautiful spirit. But at the launch and as you go through the whole process it is finding out whether there is anything happening with the eyes, ears, nose or body and kinetics and physiotherapy and going through all those diagnoses and not meeting some benchmarks but being extremely successful in others. These are some of the things that our journey took us on. Along the way, a child psychologist looked at him and said, 'I can give him 3 hours of assessment', and he did, 'but I can tell you now he has got Asperger's syndrome.' He is on the spectrum and, we later learned, has dyslexia. In fact I almost think the dyslexia was as significantly challenging in that space and in schools. Schools play a really important role in a child's development—a significant role in a child's development.

One of the things that I think is really important from the *Combined Next Steps for Victorian Autism* policy is early diagnosis. The dot points—I am sure people have read them—talk about the increased proportion of autistic children assessed and diagnosed by the age of three. If a child is diagnosed within 24 months, they found, 8 per cent have an intellectual disability. If it takes three to five years, it ends up being that 24 per cent or so have an intellectual disability. The same goes for if there is early diagnosis—around working through and being educated in a mainstream school with early diagnosis. The later the diagnosis, the less the proportion of children going through mainstream school.

One of the key things I think for me that this document spoke about is neurodiversity training and embedding mandatory training on inclusive education and autism in initial teacher training and teacher registration requirements. One of the important things I learned is that many teachers are really supportive of children in their classrooms—absolutely the length and breadth of their classrooms—but sometimes they do not have those background skills because they did not learn through the training process how to understand a child who has a learning difficulty or is on the spectrum and what to do. It is very, very important that the school embraces those learnings and provides training for staff but also that the education department provides, both in the public and private sectors, time off for particular learning and that they have a special classification for teachers to be able to provide that throughout the school. It is vital that children are understood and that individual support plans are then provided for those students. The parents also need to have a choice around whether they go to a mainstream school, and it depends on the level—1, 2 or 3—of diagnosis and disability. But can that child go into a mainstream school, or do they need to go into a special developmental school or a special school? Can there be a blend? Depending on the educational setting, the school and the town that those parents or carers live in, there can be a blend. That requires a whole other level again of support networks within that education system.

Children have the capacity to grow, and it takes a village to raise a child. When you are the parent of a child on the spectrum, sometimes those speed humps are so significant, and it is vital that people outside the family group can provide that lifeline of support. We had a teacher who provided educational support, confidence and validation of who my son was, and we paid for that every week. The NDIS did not exist back then. We just did it because we knew we had to get through some of the speed hurdles in his life. The other really important thing is that some of the children sometimes do not meet the criteria, and I think government needs to be flexible about criteria—the IQ was too high,

but the behaviours were significant. As we know from various other reports, often it is not just an autism spectrum diagnosis, they often have mental health issues, depression and anxiety. When people do not understand that child or behave in a way that understands that child, it does impact on them. We have had doors with big dings in them, we have had him sitting in a cupboard banging his head. It is heartbreaking as a parent. However, it is also the most rewarding and most worthwhile thing to see them come through some of those huge anxieties and out the other side. But it does take not only the family unit but the education system, valuable support crews and physiotherapists and the like. Really, often we need to treat the mental state of the family and support network. There are some great support networks around.

I could speak a lot about the people who come into my electoral office who I have got to know. They are a privilege to know—families of children of all ages, classes and states but particularly those parents with children on the spectrum and with disability. In the Latrobe Valley there is Voices for Special Needs, and they are adamant about standing up for the rights of children. Quite often some of these children are not verbal, so you have to negotiate and understand what is happening there. They go to school, and they cannot come home and say, ‘Mum, I had a bad day’ or ‘I had a good day’. That is why I asked this afternoon a constituency question about providing an audit on how schools communicate with families, because communication is key. Some schools do it brilliantly in terms of a diary or an education book, and I have heard from parents that other schools do not do it well at all, and that does not serve the school, the student or the parent.

You can see that this is a topic that I am very passionate about. I would like to put on record my thanks to, having worked as a teacher in my school in Mirboo North, the very wonderful teachers aides, who go 110 per cent—210 per cent—more for their students, and the other teachers, who do an amazing role. I call on the government, though, to be mindful of really meeting the needs of the parents, not just going through the hierarchical education system. Sometimes the education system wants to protect its own rather than look at the wellbeing of the student and parent.

Dr CUMMING (Western Metropolitan) (17:01): I rise today as well to advocate for more to be done for people with autism and especially their families, seeing that there are far too many children out there and families out there that cannot afford the assessment for their children. There are far too many people out there at this time who are not able to get the proper diagnosis that they need and the proper help that they need. It is far too expensive. The waiting list to actually get an assessment is far too long. It can take years, and we need to actually shorten that time. There are plenty of studies to show that the sooner you can get diagnosed, even in your younger years, the more help you can actually get. Therefore we need to do more to make sure that we can get those assessments within the school system, within the schools, as well as having that training for teachers so that they can recognise what is going on—that neurodiversity training that is much needed. It is needed in all of our schools for these children to actually get diagnosed.

In my time here in Parliament I have raised this numerous times. I have seen far too many kids that have no obvious physical or neurological impairment but maybe have difficulties with concentrating or communicating or understanding. These learning difficulties are not being diagnosed, or they can have a very late diagnosis, which does not help those children through their school years. For me, I am very pleased to get up this week to push once again and advocate for having more robust policies. We need to identify supports. This government also need to put their money where their mouth is and actually have the packages within the schools so that families and children can get diagnosed within the school system. I will leave my contribution there, because I know there are many others today that wish to speak on this important topic.

Ms MAXWELL (Northern Victoria) (17:04): I am very pleased to be able to speak to this motion today—a motion which was a topic jointly determined by the crossbench and our new member, Mr Finn. It is absolutely something that many of us in this chamber are very passionate about. I will keep my contribution brief because I know we are very limited for time.

I would firstly like to acknowledge the tireless efforts of workers in the education sector, service providers and all those who work with those who live with autism and their families, and I think that Ms Bath articulated that so eloquently—and I hate to say this, but so did Mr Finn. I do not think ‘eloquent’ and ‘Mr Finn’ have probably been used in a sentence in this Parliament. In saying that, I think that it is so lovely to hear from people who have that firsthand experience with their own children. I think it certainly helps us to realise the compassion they have and the dedication to strive to support their child each and every day.

I have had the pleasure also a number of times of visiting the Mansfield Autism Statewide Services—

Mr Finn: I have been there. It is extraordinary.

Ms MAXWELL: It is an extraordinary place, Mr Finn. They provide assistance not only to children but to families right across Victoria. They are currently transforming a 40-hectare property into a residential complex and an onsite family camp. This camp provides an opportunity for families to spend time with their child in an environment and a setting that is so casual and so relaxed that it is so therapeutic not only for the children engaged in that education setting but for the families able to enjoy and see firsthand—

Mr Finn: That is very important.

Ms MAXWELL: Absolutely, Mr Finn. Those families see firsthand the smile on those children’s faces when they are engaging with the horseriding or feeding the chickens. It is an incredible farm, and I would encourage anyone to actually go and visit and see the work that they are doing. They hold a rideathon as one of their key fundraisers, called Operation Gamechanger, and whenever I can I sign up to raise money to assist them in their endeavours to meet their target, which is \$100 000. I know the state government has contributed to the Mansfield autism school.

I have also had the great pleasure of visiting our very own Wangaratta District Specialist School. That provides educational support for children with a range of intellectual disabilities, including autism. I must say that meeting the staff, children and families in these settings really does have a profound impact on you when you go and meet and see these beautiful children. Some of them are non-verbal, and I was actually so inspired by the teachers, and how they find ways to communicate was exceptional. It is really difficult to articulate the importance of their work. I guess at the end of the day, when you have a child that is smiling and the next morning is still wanting to go back to school it says a lot for that individual school that they are attending.

I would like to say thank you to all the people who provide support to people living with autism and their families—to autistic people. As I said, it is an enormous commitment, and it is done with so much compassion and empathy and dedication. So many people I have met from the autism school in Mansfield—you could never imagine them doing any work other than the work that they do.

As this motion notes, autism has a spectrum, and so the needs of each person are different, as Mr Finn stated in his contribution. I appreciate and applaud the shift in seeing disability in conjunction with ability. We all have ability, and the difference that can make to our lives, recognising that ability, can make a significant difference to potential outcomes for each individual. For those living with disability and the challenges that this brings, recognising ability and potential should inform how support can be delivered, and I think that Ms Bath alluded to that as well. It should also contribute to bridging any divides in understanding and acceptance.

Part (3) of the motion recognises the important role of the government and private agencies in assisting families, and we have a long way to go to improve how schemes such as the NDIS really deliver what families need, not what the organisations believe they need. I realise that NDIS is a federal scheme, but ultimately people have little concern for which level of government has responsibility. They just want help. When systems like the NDIS fail, this can send a family into such a horrific crisis that they simply do not know where to turn. I know of the lived experiences of families right now who are really

struggling to get the support that they need for their child. When it reaches crisis for them it results in calls to the police and often ambulance services, and no parent ever wants to have to make those calls. It is incredibly traumatic for the entire family, including siblings and the child that is suffering.

Once again I will talk about the early intervention that can help prevent a matter from leading to crisis, and we need to ensure that those supports are there at the earliest point of time. We almost need—and excuse my arrogance if it is already out there—some sort of Lifeline phone call where, when people are in that crisis mode, they can ring and they can find some sort of 24-hour access.

Mr Finn: That was our policy at the last election. Sadly we did not get implement it.

Ms MAXWELL: Well, people need this.

Mr Finn interjected.

Ms MAXWELL: When you are finished, Mr Finn. When you have nowhere to turn, sometimes you just need to pick up that phone and be able to remove yourself from a situation so that you can have someone help you to gather your thoughts and talk you through the process that you may know in your mind but at that particular time are just not able to gather your thoughts about, because you are so immersed in the crisis and the trauma that is happening around you and within your family.

I will leave my contribution there and note that tomorrow there will be a briefing at Parliament on public policy issues impacting Victoria's autism community. I certainly look forward to attending this briefing and welcoming the panel to Parliament. I thank the house and, as I said, Mr Finn for bringing this motion before the house, and I think it is an incredibly important topic that I hope will be continued in the very limited number of weeks that we have left before us here in this place.

Ms TAYLOR (Southern Metropolitan) (17:13): I am certainly very happy to speak on this motion, noting that about one in every 100 Victorians is autistic, so certainly it is a very important conversation to have. However, many autistic people live without a diagnosis, and the true rate of occurrence may be even higher. Autism is a lifelong developmental disability that shapes people's social communication and interaction, patterns of behaviour, interests and activities, and autistic people may also experience different reactions to what they see, hear, smell, touch or taste. Many autistic people do not see autism as a disability but rather as a different way of seeing and interacting with the world. I think pursuant to the conversation we have had today that we certainly would be unified on that front, and I am very pleased that there is that very honouring and appropriate perspective in this space.

I would also like to pause here for a moment to acknowledge that my use of language is very much guided by the many autistic and neurodiverse Victorians who told us during the development of the *Victorian Autism Plan* that they had a strong preference for the use of identity-first language—that is, for the use of 'autistic people' rather than 'people with autism'. Language is a powerful tool for changing community attitudes, promoting inclusion and fostering disability pride. It is our job to make Victoria inclusive and accessible for every autistic person and to foster opportunity, community and pride. *(Time expired)*

Business interrupted pursuant to sessional orders.

Statements on reports, papers and petitions

OMBUDSMAN

Investigation into Environment Protection Authority Decisions on West Gate Tunnel Project Spoil Disposal

Dr CUMMING (Western Metropolitan) (17:15): I stand to talk today about the Victorian Ombudsman *Investigation into Environment Protection Authority Decisions on West Gate Tunnel Project Spoil Disposal*. There are a number of good things to come out of this report—firstly, that the spoil coming from the West Gate Tunnel Project is well below the levels at which the regulations had

been developed; and secondly, that the EPA has accepted the recommendations by the Ombudsman and will review their approach to community engagement.

This report does raise a number of other questions. In April 2017 John Holland consortium was selected as the preferred tenderer to design and construct the West Gate Tunnel. This project includes tunnelling under extensive industrial sites in the west. It includes the area near Coode Island, and that is the site of one of our worst industrial fires, which 200 tonnes of firefighting foam containing PFAS was used to extinguish. It also includes the old Mobil refinery. A report called the Golder report was included as part of the environmental effects statement for the project. However, this report was only intended as a guide. It never tested for PFAS. In 2018 the consortium had another report prepared to determine the contamination status of the ground to be tunnelled. It did not sample rock and soil for PFAS at the depth of the tunnel, only groundwater. Apparently West Gate Tunnel Project officers told the EPA that the consortium could not take further samples, as it could not access the bores on private properties or under roadways—and we wonder why the cost of this project has blown out by \$4 billion. How could they have ever accurately provided a tender when they did not know what and where the contamination was?

Next there is the issue of the EPA's role in the matter. The EPA is an independent regulator. They were actually pressured to become involved, and let me quote the report:

... it appears the EPA was ... pressured by the Working Group to assist in the development of bespoke environmental regulations at the behest of a private contractor.

And I quote:

It is also problematic for the EPA as an independent regulator to be so influenced by the MTIA and WGTP. While the disposal of spoil from the WGTP may have been an inter-agency issue, it should not have fallen on the EPA as the regulator to 'fix' the Government's contractual problem.

The EPA should never have had to resolve a contractual issue. They spent hundreds of thousands of dollars on legal advice about the best way to solve those contractual issues. If the MTIA, the Major Transport Infrastructure Authority responsible for rolling out the West Gate Tunnel, the level crossing removals, the Metro Tunnel, North East Link, Melbourne Airport rail and the Suburban Rail Loop, are not capable of sorting out contractual issues, what hope have they got delivering these projects?

Finally, there is the issue of community engagement. The EPA decided that the community was so outraged and the outrage was just so great that a meeting with the community would be a waste of time. The community had to make an FOI request. They had to take legal action because they were not provided with any information. This government has legislated that local government must undertake extensive community engagement. They have gone to the extent of making local government undertake deep-dive delivery engagement, yet their own authorities and their own contractors do not follow the same rule—complete hypocrisy. Had this government engaged with the community who had genuine concerns about spoil and the risk to their health, had the MTIA engaged with the community, had the contractors engaged with the community, the anger and the worry would have been alleviated. If not, there would have been more of a level of understanding because all the community wanted was the information.

DEPARTMENT OF TREASURY AND FINANCE

Budget papers 2022–23

Mr MEDDICK (Western Victoria) (17:20): It is always a pleasure to speak on the state budget, especially when this year the budget was the most animal friendly in Victorian history. But this did not just happen by coincidence. Here are some of the things that the Animal Justice Party were able to achieve for animals in this year's budget and the impact that will have.

Ballarat Animal Shelter will receive a brand new purpose-built shelter. Having visited several shelters throughout my work as chair of the Taskforce on Rehoming Pets, I cannot stress enough how huge this will be for companion animals and the community of dedicated rescuers and carers in this region.

Millions have also been secured for plant-based meat production. Plant-based meat is the future. It is climate resilient and kind to animals. This investment will no doubt make Victoria a leader in its production.

Safe Steps is the only 24/7 family violence response centre in Victoria working tirelessly to protect animals and their owners in situations of family violence. In similar work, the Geelong pets in crisis project through Cherished Pets increases the availability of pet-friendly accommodation, making the transition to safe housing inclusive. I am thrilled that both groups have been recognised and supported in this year's state budget.

Friends of Bats have secured a sprinkler and monitoring system to protect Geelong's flying fox colony in heat events. For the first time expert bat rescuers will be able to monitor colonies remotely, giving them a better chance of saving these precious lives during extreme heat.

Over the last 10 months rescuers and carers have rescued over 20 koalas in and around the Ballarat region, most with injuries due to vehicle collisions after development decimated their habitat. Support was desperately needed to adequately assess and care for these animals as local carers rapidly reached capacity. I am thrilled that through this budget they have secured funds to aid in the development of a koala-specific hospital as well as funds to properly research and understand Ballarat populations.

Surf Coast Wildlife Shelters and Amaroo Wildlife Shelter have both received vital funds to support their ongoing work protecting our precious native animals.

One of the most significant announcements has been the recognition of animals raised in farming systems. Lamb Care Australia will receive vital funds to aid with vet fees and food for their 2022 rescues. This is absolutely crucial as we enter the cold snap of winter, when the death toll of paddock animals is expected to significantly rise.

I am truly overwhelmed by the support for a trial establishment of three LGBTIQ+ safe spaces, one each in Geelong, the Surf Coast and Ballarat. This is the result of my work to establish a task force involving extensive consultation with individuals and groups impacted by the disproportionately high rate of suicide for LGBTIQ+ youth and a cause very close to my heart. I know that this important funding announcement will literally save lives.

Lastly, there is Victoria's first-ever pet census. The more we know about our companion animals, the more we can do to protect them. A pet census in Victoria will help us do just that.

This was the most animal-friendly budget, as I said, in Victorian history, thanks to the advocacy of the Animal Justice Party and a government that listens.

ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Closure of the Hazelwood and Yallourn Power Stations

Ms BATH (Eastern Victoria) (17:24): I am really pleased this afternoon in statements on reports to talk about the inquiry of the Economy and Infrastructure Committee into the closure of Hazelwood and Yallourn power stations and the report card on the Latrobe Valley Authority. This was an inquiry that I led and put to the house, and I thank all the members of the house that voted in favour of this inquiry to do a deep dive into the opinions, the considerations, the experience and the understanding of businesses, industry and community groups in the Latrobe Valley to help determine their future and their prosperity with the massive changes that are occurring with the closure of Hazelwood first and then, we now understand, Yallourn power station in 2028. This was an inquiry that the government voted against but that went on anyway, and the report was then heavily based around government MPs—basically nicely stacked. That is life.

But let me give you a compare and contrast on just a couple of the recommendations from the committee report—from the Labor MP report versus the minority report that I wrote on behalf of The Nationals and the Liberals. Recommendation 2 relates to both the worker transition service and the worker transfer scheme. To quote the Latrobe City Council's submission to this inquiry:

However, without sufficient published data, there has been significant community doubt as to the effectiveness of some of these programs ...

worker transition service included. The now passed on and very much respected CFMEU Victorian secretary Mr Geoff Dyke, who I had the pleasure of meeting on a number of occasions, talked about other things, including:

... the worker transfer scheme that we trialled for Hazelwood. That was partially successful. We got 90 young employee's jobs at the newer power stations and retired 90 ...

Our data suggests that we could have transferred up to 200 workers, or over 200 workers, and the scheme promised ... 150 ...

so 90 compared to 150. On those two particular topics this is what the government recommendation came up with—stay tuned:

That the Latrobe Valley Authority, in partnership with other agencies and Departments within the Victorian Government (including but not necessarily limited to Regional Development Victoria and the Department of Jobs, Precincts and Regions), consolidate an analysis—

are you ready for that?—

of the outcomes of the Worker Transition Service, and the ways in which this work can apply to future worker transition supports. This analysis should include the extent to which affected workers' needs and priorities have been, or are able to be, met.

Here is my contrast:

That the Victorian Auditor General's Office (VAGO) be asked to conduct an investigation into the effectiveness of the Worker Transition Service ... and recommend ways to improve—

the worker transitional service—

... including the appropriate organisation to manage the transition services ...

and including also the worker transfer scheme.

This analysis should include the extent to which affected workers' needs and priorities have been or are able to be met ...

in the future. Notice the difference here. One is an internal review by government and government departments. It is an internal assessment of 'How do you think we went?'. The Latrobe City Council is saying there is insufficient published data around this, but the government wants to report on itself. I am going to this week write to the Auditor-General and ask that they consider investigating the effectiveness. The Auditor-General is there to look at the public sector, how the efficiencies run, how the transparency is and how best any future scheme can meet the needs of the population it is there to serve—rather than an internal assessment.

The final one that just gets me to the core is recommendation 8:

That the Latrobe Valley Authority identify gaps in community awareness of its work and continue to address these gaps or misunderstandings ...

My recommendation, by contrast, is that the Latrobe Valley Authority:

... focus on delivering effective transition ... outcomes and not spend any of the 2022–23 Budget ... of \$7.5 million on self-promotion ...

(Time expired)

WILD HORSE CONTROL*Petition*

Mrs McARTHUR (Western Victoria) (17:29): This morning I was proud to table e-petition 413, which calls for the cessation of aerial and ground shooting aimed at eradicating Victoria's historic and magnificent brumby population. 1650 Victorians supported this campaign, and two similar petitions last year tabled by Wendy Lovell and me were supported by 1154 and 2463 residents. A 2020 petition gained an enormous 14 671 signatures, and the Change.org petition is up to 187 472 signatories. All of these people appreciate the inadequacy of the ecological arguments, regret the total lack of effort put into alternative solutions and are appalled by the cynical talk of 'management' of wild horse populations by Parks Victoria, the Department of Environment, Land, Water and Planning and Minister D'Ambrosio.

The mask has dropped on this one. At the recent Public Accounts and Estimates Committee hearings Parks CEO Matthew Jackson confirmed to me that only 10 horses had been rehomed from the Barmah National Park and that trapping operations had been suspended. He also confirmed that 400 Barmah brumbies would be shot this year and that they plan to kill hundreds more in the Alpine National Park. He also confirmed that they would be shot.

Another important development has happened in recent weeks. The sad reality of what 'management' really means has been revealed in the tender documents issued by Parks for a contract to control horse numbers. This document is a real eye-opener. In fact it is absolutely shocking. The first thing that rings alarm bells is the military, national-security-grade secrecy. Horses are the 'primary target', and confidentiality agreements must be signed. Contractors will work with:

... Parks Victoria staff who have operational knowledge of the program on a "need to know basis" ... The highest levels of information security are required and all operations will be conducted—

wait for it—

covertly.

Further:

Leaks of information of any kind by the contractor will be deemed a breach of contract.

They will immediately terminate:

Any contractor personnel deemed by Parks Victoria staff as being unfit to maintain information security ...

The operations themselves are simply and similarly terrifying. The contract notes:

A drone may be used for surveillance and finding animals ...

... working dogs ... may be used for the purpose of locating feral animals, especially in the unforeseen event of wounding ...

Most shocking, however, is that the plan includes sawing through horse carcasses with chainsaws and then camouflaging them so that they are 'removed from view'. We have been shocked to hear that not only will the horses be shot but hundreds of carcasses will be hacked up and left to rot.

Quite apart from the consequences for visitors to the national park, what about the environmental and public health risks this poses? The dangers of botulism spreading to watercourses from decomposing animal carcasses is well known. I look forward to the EPA's response to the many complaints made about this appalling proposal.

None of this is scaremongering. It is there in black and white in the tender document—and it is no wonder that they want a secret and brutal operation when you consider the reality of what ground and aerial shooting actually mean. Ground shooting in rough and remote wooded terrain is hard enough, and shooting from helicopters is even worse. There is no way that targeting herds of moving animals

from a moving platform can avoid significant and lasting cruelty to animals injured but not killed outright.

So I am delighted to table this petition and to support those who are fighting so very hard against this historically illiterate, culturally offensive and ecologically unnecessary barbarism. It should be as unthinkable to eradicate our brumbies as it would be for the USA to destroy all the mustangs in the American west or the UK to destroy its New Forest ponies. I am inspired by the time, effort and money which so many brumby supporters are putting into preventing— (*Time expired*)

DEPARTMENT OF TREASURY AND FINANCE

Budget papers 2022–23

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (17:34): I am pleased in the reports section tonight to talk about the state budget and specifically the transport infrastructure section of the state budget. We know that this Andrews Labor government has botched so many major projects. There have been cost overruns and time delays in almost every project—more than \$28 billion of cost overruns. This is a government that cannot manage money. It cannot manage major projects, and these cost blowouts are damaging the state budget. We heard, for example—the clerks will be well aware—that in fact the huge cost blowouts are eating the budget from the inside. We have seen the downgrading of the state’s credit rating. The huge blowouts in costs are actually pushing the state further and further into debt. The debt figures from New South Wales show that, whilst their debt has increased, their debt is about half the size of the debt of Victoria as a share of gross state product—about 13.7 per cent. The Victorian percentage is up over 26 per cent—\$167 billion is where we are heading.

The report today from the Auditor-General, *Melbourne Metro Tunnel Phase 2: Main Works—June 2022*, is damning reading. He concluded the project is facing time and cost pressures. He concluded some work has been de-scoped and almost all the risk contingency funds have been used. Ninety-eight per cent of the risk contingency funds have been already used, and the project is years from completion.

But it is important to note that the high-capacity signalling was in 2017 pointed to as cutting-edge technology that would enable people to get home sooner and safer every day and that would mean more trains and less waiting. That was what was said by the government in 2017 as they claimed they were producing a modern railway system. Now what we find is a massive de-scoping. More than 25 kilometres of the project, about a third of what was previously announced, will not have the high-capacity signalling in place, significantly reducing the speed of trains in those areas. What is the sense, after all, of producing a modern train system that is a go-slow one? This is like Thomas the Tank Engine type technology. Instead of the high-capacity signalling that we expected on the Metro Tunnel, we now find that it will not be able to operate with the high-capacity signalling that was expected and would have been part of any modern railway. I mean, it is frankly a circus that you would be building this with part of the system with high-capacity signalling and another large part of the railway without high-capacity signalling. It is just extraordinary.

In this chamber some years ago I raised a very significant issue. Let me just say I am invested in the Victorian Comprehensive Cancer Centre, the Peter MacCallum project. We spent \$1 billion to build the best imaging equipment and the best treatment of cancer in the Southern Hemisphere at the VCCC, and now they are putting a railway there despite warnings that actually the electromagnetic radiation will interfere with the high-technology imaging machines and the treatment machines at the VCCC. What a circus. I mean, they knew this ahead of time. I asked the then health minister, Jenny Mikakos, in this chamber about this issue. She gave an evasive answer, but it is clear that the government knew this was an issue at the time—

Mr Leane interjected.

Mr DAVIS: Well, no, it is not just her. I actually think it is Jacinta Allan and the Premier who are responsible for this. The report found that the Andrews Labor government ignored the significant risk of the electromagnetic interference and the serious impact on the MRI machines at Peter McCallum. I mean, this is actually disgraceful. We have got a \$1 billion investment in the hospital, and now we are tampering with it.

Mr Leane: John Thwaites.

Mr DAVIS: John Thwaites would not have been happy with this. He would not see this as a good outcome.

Mr Leane interjected.

Mr DAVIS: No, I am pointing to the last health minister, who was actually the one who was asked the question about exactly this and the failure of the Minister for Transport Infrastructure, the Treasurer and the Premier to deal with this. This is a major risk.

What the report shows is that the cost has now blown out by \$3.58 billion when you go back and compare it to Labor's original estimates. \$3.6 billion is a massive blowout on a project that the Auditor-General has blown the whistle on today—a project that people wanted to work properly but is a second-rate railway. I mean, this is Puffing Billy or Thomas the Tank Engine technology. They have really got this very wrong.

Adjournment

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:40): I move:

That the house do now adjourn.

LALOR ROADS

Mr ONDARCHIE (Northern Metropolitan) (17:40): (2003) My adjournment matter this evening is for the Minister for Roads and Road Safety. Lalor residents are concerned about traffic, congestion, the time it takes them to get to work and the time it takes them to get home. Last year I surveyed Lalor residents, and they reported to me their frustration with choked roads and traffic that is banked up. Surveys are a great way to hear what your community want to say, and they gave me good responses. I really appreciate the people of Lalor who responded to me.

The same residents that I surveyed last year have come back to me again and reported that they do not feel safe travelling through the Settlement and Dalton roads roundabout, an issue which I have raised here repeatedly. They have also reported to me a number of other intersections that trouble them as well. The action I seek from the minister by way of directing the Department of Transport is to investigate the light sequencing and safety of intersections such as High Street and Childs Road, Dalton Road and The Boulevard, Edgars Road and Barry Road and where Kingsway Drive crosses Edgars Road and High Street. I want my residents to be able to get home safely and efficiently and spend more time with their families.

ELECTRIC BUSES

Mr BARTON (Eastern Metropolitan) (17:41): (2004) My adjournment is for the Minister for Public Transport. The New South Wales government announced yesterday that they will be investing \$218.9 million over the next seven years to support the bus fleet to move to electric. They have also committed to setting aside a further \$2 billion to begin the transition. This is so that all New South Wales public buses are renewable power electric buses by 2030. The ACT has the same ambition for 2040. Transitioning the bus fleet to electric is not only critical to reaching net zero but also reduces noise on our streets, improves air quality and provides commuters with a better ride.

A \$20 million zero-emission bus trial in Victoria is expected to begin in 2024. The trial will include 27 electric buses that will be operating on nine routes across the northern suburbs. My understanding is that this is in preparation for all buses bought from 2025 onwards to be electric. But we need to move faster. We need to have charging infrastructure in place now, and we need to start building multiple electric bus depots tomorrow. We know that buses last roughly 20 years. This means that diesel buses we buy today will not be replaced by electric buses until 2042. With a looming climate crisis that is too late.

Transport is the third-highest emitting sector of Australia's economy. There is a serious need to accelerate Victoria's shift to electric buses and increase public transport patronage. Post pandemic we have struggled to get people out of their cars and back onto trains, buses and trams. This all has to be addressed if we are going to mitigate our transport emissions. Minister, will the government match New South Wales's commitment to convert all public buses to renewable-powered electric buses by 2030?

KINSHIP CARERS

Dr BACH (Eastern Metropolitan) (17:43): (2005) My adjournment matter tonight is for the Minister for Child Protection and Family Services. Well, it has been another day here in Parliament and another extraordinary revelation of the failures of Minister Carbine and more broadly the failure of the Andrews Labor government to keep our most vulnerable children safe. Today the Auditor-General tabled a report in this place into kinship care.

In Victoria on any given night around 9000 children are in the care system. Some are in residential care units, some are in foster care. Overwhelmingly these children are in kinship care, not with their nuclear families but with an aunty or a grandmother—overwhelmingly a grandmother. And yet we learned today because of the work of the Victorian Auditor-General's Office that 99 per cent of the time the Andrews Labor government was failing to meet its own target to even bother to check if these children are safe and well. Children in kinship care have overwhelmingly experienced unspeakable trauma, including sustained physical and sexual violence, so it is imperative that we know whether or not the placements that these children are in are stable and safe.

The vast majority of Victorian carers are saints—I speak from some experience as I started my life in foster care—and yet there is a requirement for the government, given that these children are in fact wards of the state, to take some interest in the safety and wellbeing of these children. But on 99 per cent of occasions the government has not even bothered to check up on the wellbeing and safety of these children in care, and so the Auditor-General has quite rightly concluded that what the Andrews Labor government is doing is not keeping these most vulnerable children safe but placing them at further risk of harm. So the action I seek from Minister Carbine tonight is for him to urgently release a plan to ensure the government can meet its own targets—that is all I am asking—in order to seek to ensure that when children are placed into kinship care they are kept safe, there are checks upon their wellbeing and kinship carers also receive the support also that they need.

DENTAL SERVICES WAITING LISTS

Ms VAGHELA (Western Metropolitan) (17:46): (2006) My adjournment matter is directed to the Honourable Martin Foley MP, Minister for Health, Minister for Ambulance Services and Minister for Equality in the other place. My adjournment matter relates to the minister's portfolio responsibility of health. In December 2021 the Victorian government announced a boost for dental catch-up care. The \$27 million package was announced to deliver more check-ups and treatments right across Victoria and intended to run until June this year. The funding was announced to help public dental providers catch up and meet increased demand for dental services, targeting waiting lists and providing immediate access to public dental services and treatment for Victorians who have delayed or deferred treatment during the pandemic. The package was intended to reach every corner of the state and help an additional 40 000 Victorians get the check-ups and treatments they desperately need. I understand that this dental funding was part of the Victorian government's \$91 million investment over four years

in responding to community-based healthcare demand, which has increased because of deferred care during the pandemic.

Poor oral health can result in people experiencing pain and developing other serious health problems. It is extremely important that all Victorians have access to regular dental care when they need it. Long waiting times for dental care can also result in existing dental problems worsening. The action I seek from the minister is to provide me with an update on how many residents from the Western Metropolitan Region have benefited from this initiative to date and to advise me on what support will be available to my residents in Western Metropolitan Region beyond June 2022 to assist them with their dental health needs.

ALBERT STREET, SEBASTOPOL

Mrs McARTHUR (Western Victoria) (17:48): (2007) My adjournment tonight is for the Minister for Roads and Road Safety and relates to major roadworks being undertaken on Albert Street, Sebastopol. I have spoken in this place previously, and will continue to do so, regarding the damage these poorly planned works are causing to local traders along the street. Entrances to these businesses have all but been cut off, limiting customer access. Some businesses say their income is down by 75 per cent. A car wash has gone from cleaning 150 cars a day to three. A bakery and a laundromat are among those seriously impacted, with equipment damaged and business lost, when the water main was cut without notice on at least eight occasions. The businesses rightly want and need and deserve compensation from the Victorian government. It is the state roadwork activity that is causing the damage.

However, this is not the only problem arising. There are now questions being asked about the staging of this contract and the contractual arrangements themselves. I am advised by observers from within the construction industry that this project should have been undertaken in stages instead of as one big whack of work that is now delivering pain for residents, traders and motorists. It has been described as outrageous. Questions are also arising in relation to the contract formulation and signing. There appears little to no evidence that this contract, potentially worth about \$30 million, went through a proper tender process before being awarded. There is significant disquiet that the contract was potentially handed to the head contractor, Seymour Whyte, on a cost-plus basis. This may explain the huge resources being thrown at it with little consideration of the impact on others. For example, I am advised that gawk screens on barriers are being used and that these are entirely unnecessary for the circumstances and indeed are not recommended by VicRoads. Serious questions are therefore being asked about the huge cost of this project.

The action I seek of the minister is to make public the contractual arrangements for this job and the process by which the head contractor was selected. This project is smothered in problems, and Ballarat taxpayers and indeed the taxpayers of Victoria deserve to know why.

ENERGY POLICY

Mr QUILTY (Northern Victoria) (17:51): (2008) My adjournment matter is for the Minister for Energy, Environment and Climate Change. The Victorian energy upgrades scheme is a government program where the government gives credits to companies when they install energy-efficient electronics. The government then forces energy retailers to buy these credits with cash. That financial cost is then passed on to consumers in their electricity bills. For example, a company will buy a light bulb, pay someone to install it in your home and receive a credit for the supposed energy saving. They sell that credit and make a profit. The energy company is forced to buy the credit and charges its customers to make up the loss. Essentially, anyone paying an electricity bill is being forced to buy high-quality electronics for other people. This is how the scheme is meant to work. The Liberal Democrats do not support this scheme, because it creates an enormous number of problems and there is little evidence that it works.

The government has been so generous with awarding credits that instead of just offering discounts on fridges, companies have been buying fridges in bulk and giving them away. Either there is no requirement that these energy-efficient appliances replace less efficient ones or the requirement was never enforced. Many of the businesses receiving these fridges have no food or drink on their premises and no need for a fridge. We have heard stories of people getting three or four fridges and new fridges going straight for sale on Gumtree and eBay. The fridge problem got so bad that at one point this year half the energy credits awarded related to fridges. Apparently the problem is the way the credit for fridges is calculated. The government messed up the figures, which resulted in too many credits being awarded. Now, the government has responded by halving the number of credits received from fridges—not recalculating the amount based on some objective reason; they have just picked an arbitrary reduction and are hoping that works. What we are finding out here is the government has no idea how much energy is saved and how that relates to carbon emission reductions. The calculation was never based on benefits, outcomes or costs. It is just giving away money and hoping there are benefits in the future.

The Victorian energy upgrades scheme forces almost everyone to pay an arbitrary amount of money for electronics for others in the vague hope that it might do something good to reduce carbon emissions. That is not good enough. It is a waste of taxpayer money, and the benefit is not being demonstrated. As energy costs rise, consumers will move to replacing their own goods with more energy efficient ones. They do not need subsidies and schemes to push them along. I call on the minister to scrap the Victorian energy upgrades scheme and put an end to the free fridges.

KIALLA WEST PRIMARY SCHOOL PEDESTRIAN CROSSING

Ms LOVELL (Northern Victoria) (17:53): (2009) My adjournment matter is for the Minister for Roads and Road Safety and highlights the lack of action by the Andrews Labor government regarding the dangerous Kialla West Primary School crossing. The action that I seek from the minister is for the minister to provide immediate funding to urgently implement the four short-term, interim safety measures discussed by Regional Roads Victoria (RRV) during a meeting with Kialla West Primary School on Thursday, 26 May 2022. Considering it will be four years in September since a tragic accident at the crossing severely injured a school family, I ask the minister to provide a definitive time line as to when construction will start on a pedestrian underpass, which is the only real option to ensure the safety of students, teachers and parents at the Kialla West Primary School.

The danger that Kialla West Primary School students, staff and families face each day when using the school crossing on the Goulburn Valley Highway is a topic that I have raised many times in this place. Nearly four years after a horrific two-vehicle collision at the crossing badly injured four members of a school family, there have been no meaningful safety upgrades to ensure the safety of pedestrians and drivers. Small safety improvements were made at the school after the September 2018 collision, but the crossing essentially remains as dangerous now as it was back then, and only a pedestrian underpass will remove the chance of another tragic collision.

In July last year Regional Roads Victoria informed Kialla West Primary School that the impact of such a project on the nearby Calder Woodburn Memorial Avenue avenue-of-honour trees would need to be investigated. A letter from Heritage Victoria to RRV dated 4 March 2021 was only recently obtained by the school. It clearly states the need for RRV to submit conceptual designs for the underpass so that any impact on the avenue of honour trees can be considered. In response the government did nothing. In December 2021 in a response to a question from me the minister indicated that the inspections would be carried out and designs submitted to Heritage Victoria for consideration. Six months later the government has still done nothing.

In a meeting with Kialla West Primary School leaders in May 2022 an RRV officer spoke of four interim, short-term safety measures that could be implemented at the crossing to improve safety. No work to implement these measures has commenced. Every day the government fails to act is another day that our children are in danger of serious injury or worse. RRV have suggested interim safety

measures at the crossing, and the minister needs to provide funding so they can be implemented immediately. These are only interim measures, and the minister must ensure designs for the pedestrian underpass, the only viable safety option, are completed as soon as possible and submitted to Heritage Victoria.

WYNDHAM INDOOR LEISURE AND AQUATIC CENTRE

Dr CUMMING (Western Metropolitan) (17:56): (2010) My adjournment matter is to the Treasurer in the other place, and the action that I seek is for the Treasurer to explain why no funding was provided in the 2022–23 budget to enable Wyndham City Council to build an additional indoor leisure and aquatic centre. Australians love being active. They love their sport, they obviously need recreation facilities and they need those opportunities, so it is vitally important that we have those individual community health centres. Access to community and sports infrastructure is vital. These are important settings for developing social connections with others and the community in which we live, especially at this crucial time.

However, the development of housing in Wyndham has outpaced the development of community and sports infrastructure. Wyndham has a population of over 300 000 residents, and almost half of these residents were born overseas, from 162 different countries. In 2015 the council prepared an aquatic strategy, and planning for a new aquatic centre at Tarneit has been undertaken. Their long-term capital works program states the future indoor leisure and aquatic facility will cost about \$100 million. Council are intending to fund half the cost of the facility, and they are advocating for the government to help with funding so they can meet the diverse needs of their growing community.

We all know that community facilities such as sporting facilities are needed for people's mental health. They help them get connected to their community, they help them to make friends and they help them to get out and about, especially in this Melbourne weather, where it is constantly four seasons in one day. When they have these facilities that can withstand the weather, the community can get out and continue to be active and have the social supports to make sure that their mental health and wellbeing are being looked after. I do hope the government looks at finding the funds, especially the Treasurer to help his own electorate, for Wyndham City Council.

RESPONSES

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:59): Today MLCs addressed eight adjournment matters to six different ministers. I will pass on those matters to those ministers and expect responses in line with the standing orders.

The PRESIDENT: The house stands adjourned.

House adjourned 5.59 pm.

Joint sitting of Parliament
LEGISLATIVE COUNCIL VACANCY

Members of both houses met in Assembly chamber at 6.18 pm.

The Clerk: Before proceeding with the business of this joint sitting, it will be necessary to appoint a Chair. I call the Premier.

Mr ANDREWS (Mulgrave—Premier): I move:

That the Honourable Colin Brooks, Speaker of the Legislative Assembly, be appointed Chair of this joint sitting.

He is willing to accept the nomination.

Mr GUY (Bulleen—Leader of the Opposition): I second the motion.

The Clerk: Are there any other proposals? There being no other proposals, the Honourable Colin Brooks, Speaker of the Legislative Assembly, will take the chair.

The CHAIR (Hon. C Brooks): Under the Constitution Act 1975 this joint sitting must be conducted in accordance with rules adopted by members present at the sitting. The first procedure, therefore, will be the adoption of rules.

Mr ANDREWS (Mulgrave—Premier): I move:

That joint rule of practice 2 be the rules for this joint sitting.

Mr GUY (Bulleen—Leader of the Opposition): I second the motion.

Motion agreed to.

The CHAIR: The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

Mr ANDREWS (Mulgrave—Premier): I propose:

That Mr David Limbrick be chosen to occupy the seat that he vacated in the Legislative Council to contest the federal election.

He is willing to accept the nomination. In order to satisfy the joint sitting as to the requirements of section 27A(4) of the Constitution Act 1975, I also advise that I am in possession of advice from the Liberal Democratic Party's registered officer that Mr Limbrick is the selection of the Liberal Democratic Party, the party previously represented in the Legislative Council by Mr Limbrick.

Mr GUY (Bulleen—Leader of the Opposition): I second the proposal.

The CHAIR: Are there any further proposals? As there are no further nominations, I declare that nominations are closed. The question is:

That Mr David Limbrick be chosen to occupy the vacant seat in the Legislative Council.

Question agreed to.

The CHAIR: I declare that Mr David Limbrick has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

I now declare the joint sitting closed.

Proceedings terminated 6.20 pm.