

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FIFTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 25 October 2005**

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*Parliamentary Services* — Secretary: Dr S. O'Kane

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The Hon. J. W. THWAITES

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

Mr R. K. B. DOYLE

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. P. N. HONEYWOOD

**Leader of The Nationals:**

Mr P. J. RYAN

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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP



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**Tuesday, 25 October 2005**

**The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.**

**ABSENCE OF MINISTERS**

**The SPEAKER** — Order! Prior to calling for questions without notice, I wish to advise the house that the Premier is absent from question time today. The Deputy Premier will be answering questions for the Premier, and the Minister for Gaming will be answering questions relating to multicultural affairs. I also wish to advise the house that the Attorney-General is absent from question time today. In his absence the Minister for Agriculture will handle questions relating to the Attorney-General's portfolio. The Treasurer will handle questions relating to industrial relations.

**QUESTIONS WITHOUT NOTICE**

**Melbourne: car park levy**

**Mr CLARK (Box Hill)** — My question without notice is to the Treasurer. I refer the Treasurer to his new car parking tax, and I ask: after months of incompetence, confusion and delay, will the Treasurer guarantee that there will be no future extension of his tax to residential parking and no extension of this tax beyond its current boundaries?

**Mr BRUMBY (Treasurer)** — The only confusion around at the moment is the confusion in the Liberal Party about who the next leader is going to be. That is the only confusion that is around at the moment.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer, to answer the question.

**Mr BRUMBY** — Here we have the Leader of the Opposition saying today:

Look, I overtly praise Ted, and I think he's doing a great job for me ...

I would not say that.

**The SPEAKER** — Order! I have asked the Treasurer to answer the question, and I ask him to address his comments to the question asked by the member for Box Hill.

**Mr BRUMBY** — The question asked by the honourable member for Box Hill was raised last week in Parliament in the consideration-in-detail debate.

**Mr Perton** interjected.

**Mr BRUMBY** — The member raised the issue then, and I answered the issue in the consideration-in-detail debate.

*Honourable members interjecting.*

**Mr BRUMBY** — It is a pity a few of you were not in the house! You had gone home early!

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Box Hill has asked the question, and I ask other members of the opposition to cease interjecting in that way to allow the Treasurer to answer. The Treasurer, to answer the question.

**Mr BRUMBY** — As I said, this question was answered last Thursday in the house. The map and the map boundaries are contained in the bill which was passed by the Legislative Assembly last Thursday, and as I indicated last Thursday, the boundaries will only change if there is an amendment to the proposed act.

**The SPEAKER** — Order! Before calling the next question I wish to advise the house that the Treasurer will also handle questions relating to the planning portfolio.

**Bushfires: prevention**

**Ms ECKSTEIN (Ferntree Gully)** — My question is to the Minister for Environment. I refer the minister to the Bracks government's commitment to making the whole of Victoria a safe place to live and raise a family, and I ask him to advise the house on action being taken to increase safety during the coming fire season.

**Mr Perton** interjected.

**The SPEAKER** — Order! I ask the member for Doncaster not to yell out in that manner when questions are being asked.

**Mr THWAITES (Minister for Environment)** — I thank the member for her question. Climate change advice is that the next few months will be warmer and drier than average, and the advice that we have — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of conversation and interjection is far too high, and I ask members to be quiet and to cooperate with the Chair to allow question time to proceed in an orderly manner.

**Mr THWAITES** — The advice that we have is that in coming years we will have an increasing challenge with warmer periods and this will lead to greater risk of bushfire. Therefore we do have to take more action to be prepared — and that is what we are doing. The government is determined to make Victoria as safe as possible from the threat of bushfires. In that regard the government has committed \$168 million in new funding over the next four years for fire prevention and suppression. Already, 90 extra full-time staff have been employed, and in addition to that recruitment we have purchased new specialised fire equipment, including bulldozers.

We are investing in new road upgrades and we are also improving the community engagement in fire prevention. One of the most important ways we can reduce the risk of the spread of wildfire is by fuel reduction burning. In 2005–06 the Department of Sustainability and Environment is planning to conduct 400 fuel reduction burns covering an area of 130 000 hectares. In 2004–05 the department undertook fuel reduction burning of 127 000 hectares, double the annual area burnt in previous years.

This year we are proposing to boost spring fuel reduction burning. Traditionally most of the fuel reduction burning has been done in autumn; however, in order to increase the total amount of fuel reduction burning we are now increasing spring burning, particularly in high-risk areas and to protect towns and property. Already this spring some 22 burns have been carried out. Fuel reduction burning always carries a risk that a burn will escape, and as a result of concerns about this and in particular the Wilsons Promontory fire earlier this year, the emergency services commissioner, Bruce Esplin, is advising the department on improvements that can be made to fuel reduction burning.

To reduce the risk of escapes when there is a fuel reduction burn, the department has adopted the same chain of command that is used in a wildfire, and that chain of command system will be used in conducting the fuel reduction burns. In addition, all the officers in charge of those burns are undergoing training courses to confirm their skills and to ensure that they have the capacity to safely conduct fuel reduction burning. The department has also engaged 150 additional firefighters on three-year contracts to assist in fuel reduction burning and to be available during that fuel reduction

period and the fire suppression period from October to May each year. This will provide us with a greater permanent supply of trained firefighters.

The government is undertaking a comprehensive approach to fire safety. While fire reduction burning does remain controversial with some, it is an important part of our fire strategy, and we are determined to continually improve our performance.

### **Bairnsdale Secondary College: language disorder program**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Education Services. I refer to a report in last Friday's *Bairnsdale Advertiser* of a cut in funding from \$262 000 to \$39 000 for services to the 45 students at Bairnsdale Secondary College who have been diagnosed with a severe language disorder. I ask: did the minister direct that this funding cut occur?

**Ms ALLAN** (Minister for Education Services) — I thank the Leader of The Nationals for his question. He may recall that during the sitting week before last the member for Gippsland East raised a similar issue of concern. I would like to repeat, for the benefit of the Leader of The Nationals and all members of the house, that every year under the Bracks government there has been an increase in support to students with a disability. These are the students who need support the most, and we have increased support to this group enormously. The Leader of The Nationals will also recall that during the last two weeks of Parliament I reported the changes to the language disorder program to the house.

They are changes that resulted in every school in Victoria receiving support under this program from 2006. We are working with some individual schools, and I acknowledge that Bairnsdale Secondary College is one of those schools. It has supported students with a language disorder in a particular way within the Bairnsdale community for a number of years, and it is certainly to be commended for the support provided to those students. We are working with the school, because we have introduced a fairer, more equitable model, and every school in the state gets support under this new program. It means that students with a language disorder receive support in the classroom every day of the school week, whereas under the existing model schools have not been able to offer this support to all students every hour of every school day. That is the model we are moving towards.

We acknowledge that for the Bairnsdale Secondary College there are some particular challenges with the

way this model has been introduced. The department has been working very closely with the schools; we have not just introduced a new model and left schools to flounder. We are working with Bairnsdale Secondary College to ensure that appropriate support is provided for all students at the school with a language disorder. I repeat: we are a government that very much supports students who need support, and that is particularly so with students with a disability or language disorder.

### **Terrorism: Mercury 05**

**Ms GILLETT** (Tarneit) — My question is to the Minister for Police and Emergency Services. Can the minister inform the house how the Mercury 05 exercise assisted — —

**Dr Napthine** interjected.

**Ms Beattie** — Who is going to be your leader?

**The SPEAKER** — Order! If the member for South-West Coast and the member for Yuroke wish to have a private conversation, I suggest they take themselves somewhere else.

**Ms GILLETT** — Can the Minister inform the house how the Mercury 05 exercise assisted Victoria Police in preparing its counter-terrorism measures for the benefit of community safety?

**Mr HOLDING** (Minister for Police and Emergency Services) — I thank the member for Tarneit for her question. As members would be aware, over the last few weeks both state and federal government agencies, and indeed interstate law enforcement agencies as well, have been participating in Australia's largest counter-terrorism exercise, Mercury 05. This has enabled us to test not only the relationships and cooperation between state and federal agencies but also the emergency management arrangements that exist throughout Victoria for emergency management of a general nature and specifically for emergency responses to counter-terrorism situations.

The exercise was conducted between 10 and 21 October and included an intense period between 17 and 21 October that focused on the operational deployment of assets throughout Australia. With the lead-up to the Melbourne 2006 Commonwealth Games there was a particular focus on the emergency management arrangements here in Victoria and particularly on our counter-terrorism arrangements.

I would like to begin at the outset by acknowledging all of the emergency and law enforcement agencies that participated in the exercise, particularly those that have

a focus here in Victoria. As well as Victoria Police, which played a leadership and coordination role, there was close involvement from commonwealth agencies, the Australian Defence Force (ADF), the Australian Federal Police and the commonwealth Attorney-General's Department, and also many agencies in Victoria, including the Country Fire Authority (CFA), the Metropolitan Fire Brigade, the State Emergency Service (SES), the Department of Human Services, Rural Ambulance Victoria, the Metropolitan Ambulance Service and a range of other organisations that provided a close level of coordination and cooperation.

The scenario as it unfolded contained a number of elements including the arrest and interview over a protracted period of time of a terrorist suspect at Melbourne Airport. It raised legal, custodial and detention issues, issues around interview and intelligence gathering, and it was a great success. The scenario also involved the management of a situation involving a counter-terrorism response to the taking of hostages, particularly Commonwealth Games athletes and consular officials, by an extremist group of terrorists and the deployment of ADF personnel to respond to and resolve that hostage situation. It also involved Victoria Police and other personnel involved in victim identification, hostage debriefing and management and containment of the terrorist stronghold itself. The scenario included the detection and management of a major explosive device in the vicinity of a Commonwealth Games event venue with a number of different agencies providing support.

At this juncture I want to congratulate particularly Victoria Police for its role — the special operations group, the bomb response unit, the police operations centre; all the forward control elements of Victoria Police were excellent in coordinating and leading the exercise — as well as all the other emergency agencies that took part. The Metropolitan Fire Brigade provided support to the CFA in Bendigo, particularly through the deployment of a rapid decontamination unit, and the SES provided support in terms of a decontamination capacity across an area the size of a football field. It also included significant triage and hostage support capabilities being deployed by the SES, and all of those operational elements of the exercise were a great success.

Overall the exercise had the benefit of providing Victorians firstly, but all Australians as well, with the reassurance that our emergency management and specifically our counter-terrorism arrangements are working effectively and that appropriate inter-agency cooperation and intelligence sharing was exhibited. It

also gave an opportunity for emergency service organisations to deploy a range of assets which would be used in a range of counter-terrorism contingencies, and the deployment of those assets occurred successfully over the course of the exercise.

Overall Victorians and Australians can feel very confident that we have in place excellent counter-terrorism and emergency management arrangements. Victorians can feel confident that our emergency service organisations are cooperating closely. All the personnel who participated in the exercise are to be congratulated for the professionalism they exhibited during the course of Mercury 05, and we look forward to what we hope will be an incident-free and successful Melbourne Commonwealth Games in 2006.

**Police: numbers**

**Mr WELLS** (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. I refer to the minister's comments in which he claimed that there has been an increase of 35 per cent in police staffing on the Mornington Peninsula, and I ask: is the minister aware that due to his incompetence the Mornington Peninsula is 60 police short of the required operational number, and what will he do to address this police shortage?

**Mr HOLDING** (Minister for Police and Emergency Services) — I admire the member for Scoresby's — —

*Honourable members interjecting.*

**Mr HOLDING** — Let me put it on the record that I admire the audacity of the member for Scoresby in coming into this Parliament to raise the issue of police numbers, because all honourable members will recall that the previous government promised 800 police and cut 1000. That government drove the attrition rate in Victoria Police to the highest level of any state in Australia — 6.2 per cent. We have an attrition rate of 2.3 per cent, the lowest police force attrition rate of any state or territory anywhere in Australia.

We promised 800 police in our first term, and we overdelivered on that commitment. We promised 600 police in this second term, and we are on track to deliver on that commitment. The member for Scoresby asked where they are. In division 5 of region 1, which is where the Frankston area is located, there are 54.62 additional police since we came to office in 1999. It is not surprising, therefore, that the crime rate in Frankston is also down.

The crime rate is well down on the rate we inherited in 1999, because the crime rate is well down across the entire state. In fact we are enjoying a crime rate that is 16 per cent below the national average. Victorians are very proud of these outcomes, and they are very pleased to see that by 2006, over the two terms of the Bracks government, we will have in excess of an additional 1400 police. We know that already there are already an additional 54 police on the beat in division 5 of region 1 than there were when we came to office in 1999. We are happy to have our record in relation to police numbers contrasted with that of the opposition. It is no surprise that members of the opposition are having a debate about yesterday's men and whether or not Mr Walker is in fact yesterday's man — —

**The SPEAKER** — Order!

**Mr HOLDING** — We are happy to contrast that — —

*Honourable members interjecting.*

**The SPEAKER** — Order! When I call the house to order I expect the minister to cease speaking. I ask the minister to return to answering the question.

**Mr HOLDING** — We are happy to have our record in relation to police numbers contrasted to that of the previous government. We are happy to have on the record the fact that there are an additional 54 police on the beat in the Frankston area and on the Mornington Peninsula, supporting that local community to achieve a crime rate which is lower than that which we inherited when we came to office and which is equivalent to the level that existed in 1994.

**Avian flu: control**

**Ms BARKER** (Oakleigh) — My question is to the Minister for Health. I refer the minister to recent worldwide concerns regarding bird flu, and I ask the minister to advise the house of Victoria's pandemic flu preparedness plans?

**Ms PIKE** (Minister for Health) — I thank the member for Oakleigh for her question. While we hope a flu pandemic does not occur, I can advise the house that Victoria's flu pandemic plan is highly developed, even though the likelihood of a flu pandemic remains very small. It is important to note that while there are some instances of people being infected with bird flu from contaminated birds, to date there has been no proven case of person-to-person transmission of the bird flu virus. Therefore there is no evidence of a bird flu pandemic in humans at present. However, as I said, we have plans in place, and I would like to advise the house of those plans.

We have a well-developed system in place to rapidly identify, test and isolate patients suspected of having avian influenza and to manage the contact a patient may have with others in the community. General practitioners and emergency departments have been advised to be alert for cases of flu-like illness in travellers who have returned from areas where avian influenza has been found and if a person has come into contact with birds.

If there is a suspected case of bird flu, GPs and hospital emergency departments have been advised to test for influenza while wearing personal protection and to send samples to the Victorian Infectious Diseases Reference Laboratory for testing. We are very fortunate to have VIDRL in Victoria. It is the leading diagnostic testing laboratory in Australia, and it can rapidly assess whether bird flu is present. Further analysis and testing is then carried out by the World Health Organisation's collaborating centre on influenza, which is also located in Victoria, and one of the four worldwide WHO collaborating centres. Victoria really is the centre of the testing regime for avian influenza.

If a person is contaminated with the bird flu virus, the people they may have interacted with — family, work colleagues, friends and neighbours — may be asked to stay at home and be given antiviral drugs. If a person at home and in quarantine becomes increasingly unwell, an ambulance crew skilled in treating highly contagious cases will take that person to a hospital infectious diseases unit. We have here in Victoria a small quantity of the antiviral drug Tamiflu for rapid use if a case of avian influenza in humans is detected here. We know the federal government has a stockpile if necessary. The aim is to minimise the spread of the virus by administering antiviral medication.

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of noise in this chamber is too high. I ask members on both sides to be quiet and to allow the minister to answer the question.

**Ms PIKE** — The final piece of information I wish to provide to those in the house who are interested is that if a pandemic results we could see between 13 000 and 148 000 people being admitted to hospitals in Victoria over a six to eight-week period. That is an enormous number of people. We have specialist infectious disease units which are equipped and staffed to prevent the spread of infectious diseases, and they will be used to treat patients. Of course other wards could be progressively dedicated to flu treatment. In conclusion, while we certainly hope a pandemic does not occur, and to date the evidence is that the likelihood

is very low, we are nevertheless very prepared here in Victoria to respond to any incidence of bird flu in humans.

### **Rail: driver shortage**

**Mr MULDER** (Polwarth) — My question is to the Minister for Transport. I refer the minister to the fact that there were train driver shortages during 2003, 2004 and 2005 and that he knows there will be further shortages over the next three years, and I ask: will the minister confirm that due to his incompetence country rail services will have to be cut to fill a massive driver shortage in Melbourne during the Commonwealth Games?

**Mr BATCHELOR** (Minister for Transport) — The opposition has a reputation for saying things in this house that simply are not true, and this is undoubtedly another example. The shadow Minister for Transport has been making this claim, particularly in relation to the Stony Point line. He travels around trying to increase fear and concern in a whole lot of particularly country communities.

What we have been doing systematically, together with Connex and the other rail operators, is ensuring that there are sufficient train drivers, not just for the Commonwealth Games but now and into the future. The operators have been undertaking a program of recruitment and of encouraging train drivers to keep their employment and not to retire. They have been training large numbers, and the number of train drivers in operation and coming through the training program is sufficient to meet the needs now, to meet the needs of the Commonwealth Games and to meet the requirements of the future. However, it is an industry where people retire, and it is an industry where people choose to move on to other engagements, so it will be an issue that we will have to address on an ongoing basis — unlike the previous government and unlike the shadow minister.

I just want to remind the people of country Victoria and the people who use the Stony Point line and other lines that the shadow minister will say all sorts of things, and most of them will be untrue.

### **Avian flu: control**

**Ms NEVILLE** (Bellarine) — My question is for the Minister for Agriculture. I refer the minister to recent worldwide concerns regarding bird flu, and I ask: can the minister advise the house how the government's ongoing commitment to improving Victoria's

biosecurity has increased our preparedness to deal with these concerns?

**Mr CAMERON** (Minister for Agriculture) — I thank the honourable member for Bellarine for her question. Certainly I can say to the house that preparedness for bird flu continues to be undertaken by the Department of Primary Industries (DPI). That is part of the government's \$24 million increase in biosecurity measures. Avian influenza can rapidly affect poultry flocks and can cause significant costs if it is not halted very quickly. You only have to look at the 1983–84 incident in the US, where it was not halted early on and, as a result, 17 million birds had to be killed, which directly cost the industry \$65 million.

The virus can be spread between flocks by birds or by any movement between them, such as through machinery. Avian influenza is not a new threat to our poultry flocks. There are 15 subtypes of avian influenza, and of those the H5N1 strain is the one which can potentially have an impact on humans. However, for the poultry industry, all the subtypes can be dangerous to them.

In the last 20 years we have had three outbreaks of avian influenza in Victoria, and on each one of those occasions it was limited to the property where it was first detected. Wild, migratory birds can bring avian influenza with them when they move during the spring. While birds can carry avian influenza, they are not adversely affected, as is normal poultry. There is a rapid, routine test which has been developed by Dr Simone Warner and her team at DPI which is able to be used for this very purpose.

Late last year there was an operation called Exercise Gallus, which was a simulation exercise undertaken to test the preparedness of DPI, together with industry, that involved three locations at Carrum, Melbourne and Benalla. That exercise was subsequently evaluated and documented in terms of further improvements that could be made. That has certainly helped industry preparedness by giving key staff, in terms of the simulation, the best possible understanding of and exposure to the risk without the risk actually being there.

There were also the important communications between the Department of Primary Industries and the Department of Human Services which had to occur in terms of determining the roles they would each have to play and the knowledge staff had of the workings of industry.

A new national exercise, Exercise Eleusis, will be undertaken at the end of November. That will involve all the state and territory governments and their agriculture and health departments. That exercise will involve a simulation of an outbreak in Victoria, South Australia and New South Wales and will be run over three days to test the national integration emergency system.

The World Health Organisation has advised that to date there is no evidence to suggest that the disease can be transmitted to humans through food. Australia does not import poultry from any of the affected countries, and there have been no trade effects for Australia. But that does not mean that agriculture and health departments do not have to work closely together to have a good understanding in case we ever do have an outbreak here in Australia.

### **Schools: portable classrooms**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Education Services. I refer to the government's failure to meet its own promise to replace 600 portable classrooms in this current term of government, and I ask: why has the government failed to meet its own election promise, let alone failing to satisfy the Auditor-General's call for the replacement of 1000 portable classrooms?

**Ms ALLAN** (Minister for Education Services) — Again I thank the Leader of The Nationals for his question, and I provide him with some information I have already provided in a public way — that is, of course, that earlier this year the government signed a contract with Bendigo Relocatable Buildings Pty Ltd for the construction of 600 new relocatable classrooms to be constructed over the coming years. This will mean an additional 600 relocatable classrooms being rolled out to schools right across the state at a cost of \$50 million.

This is a \$50 million investment that comes on top of the \$1 billion we have invested in upgrading schools around the state. It comes on top of the funding we are putting in to upgrade facilities where the community is having joint use of the school facilities. It comes on top of the schools we have opened. I believe we have opened over 30 new schools since we have been in office, which is in stark contrast to the 300 schools that were closed by the Liberal-National party government when it was in power. That included 176 country schools. That might be a record the Leader of The Nationals is proud of, but we on this side of the house are proud of the fact that we are investing in education, building new facilities and providing modern learning

spaces, and we will keep our word: we will deliver 600 new relocatable classrooms to Victoria's education system.

### **Avian flu: control**

**Ms MARSHALL** (Forest Hill) — My question is to the Minister for Innovation. How is the government's commitment to innovation helping Victoria prepare for a potential avian flu threat?

**Mr BRUMBY** (Minister for Innovation) — I thank the member for Forest Hill for her question. As the Minister for Health said earlier, we hope a flu pandemic does not occur, but I can advise the house in response to the member's question that Victoria is leading the world in its response, even though the possibility of an avian influenza pandemic remains very small. Victorian researchers and companies are at the forefront of fighting the avian flu threat and are developing a range of innovative new products to combat potential outbreaks.

In the last week or so members may have seen that GlaxoSmithKline Australia announced it was recommencing production of its anti-influenza drug, Relenza, at its Boronia site. The product is one of the front-line defences against the spread of bird flu, and full-scale production is expected to start around mid-2006.

As we know, Relenza is a Victorian innovation. It was developed in Melbourne by one of our leading biotech companies, Biota Holdings, in conjunction with the CSIRO. Biota is now developing a second-generation of flu treatments. In addition, in April the government announced a \$2.96 million grant to CSL Ltd to expand and upgrade its influenza vaccine facility at Parkville. It is the only centre of its kind in the Southern Hemisphere, and it now allows the company to produce up to 40 million doses of flu vaccine annually. The facility has developed a prototype vaccine to protect people against the current strain of H5N1, which is being trialled in Melbourne and Adelaide, and if successful, it would make it possible to quickly develop a vaccine to respond to a variation or mutation of the virus.

When you think of this and Victoria's positioning, in many ways it is a trifecta: we have great science; we are helping the world deal with a potential threat; and it is creating great economic opportunities in our state. None of that happens by accident. Over recent years the government has created the right environment for the growth of the biotechnology industry. We have put something like \$1.4 billion into innovation generally.

With our biotech industry and the growth of the life sciences industry, one in every two people who work in this industry in Australia works in Victoria.

I was at the Australian Stock Exchange earlier today for another announcement on the biotech industry. Australia-wide the industry is capitalised at \$20 billion, but Victorian companies represent \$10 billion of that capitalisation. We have great strength in this state which has been built on through support provided by the Bracks government. We see the results of that in the development of new products like Relenza and the expansion of facilities at CSL, which give the world a real chance, should there be a pandemic, of our producing the vaccine to protect populations in Australia and elsewhere around the world.

## **BUSINESS OF THE HOUSE**

### **Notices of motion: removal**

**The SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 226 to 230 and 380 to 382 will be removed from the notice paper on the next sitting day. Any member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

### **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL**

#### *Introduction and first reading*

**Mr THWAITES** (Minister for Environment) introduced a bill to amend the Prahran Mechanics' Institute Act 1899 and for other purposes.

**Read first time.**

### **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL**

#### *Introduction and first reading*

**Mr BRUMBY** (Treasurer) — I move:

That I have leave to bring in a bill to amend the Duties Act 2000, the Land Tax Act 1958 and the Land Tax Act 2005 and for other purposes.

**Mr CLARK** (Box Hill) — I ask the Treasurer to give the house a brief explanation of the range of taxes affected by this bill.

**Mr BRUMBY** (Treasurer) — With the changes to the acts, the Duties Act and the Land Tax Act, obviously the Land Tax Act of 1958 is being superseded by the Land Tax Act of 2005. The amendments to the Duties Act relate to equity release programs. There are some further land-rich provisions, there are some minor provisions in relation to motor vehicle duty amendments, and then of course there are the relevant changes to the land tax acts which were debated recently in this house in relation to trusts. We give effect to them in the 2005 act.

**The SPEAKER** — Order! The question is that this bill be now read a first time and that the bill be read a second time tomorrow. All of that opinion — —

**Mr Perton** interjected.

**The SPEAKER** — Order! I ask the member for Doncaster to be quiet. Introducing bills into the house is a serious business.

**Mr Perton** interjected.

**The SPEAKER** — Order! I warn the member for Doncaster.

**Motion agreed to.**

**Read first time.**

## WORKPLACE RIGHTS ADVOCATE BILL

### *Introduction and first reading*

**For Mr HULLS (Minister for Industrial Relations) Mr Brumby introduced a bill to establish the office of the Workplace Rights Advocate, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.**

**Read first time.**

## PETITIONS

**Following petitions presented to house:**

### **Racial and religious tolerance: legislation**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001

which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

**By Dr SYKES (Benalla) (71 signatures)**

### **Taxis: rural and regional**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the crisis with country taxis and the need for recognition that country taxis are a proxy form of public transport and provide an essential service in country communities.

The petitioners therefore request that the Legislative Assembly of Victoria immediately implement commonsense changes to reduce country taxi operator costs — e.g., allow flexible hours of service — and make available to country taxi operators the same subsidies as Melbourne taxis and public transport — e.g., subsidies for the provision of wheelchair-friendly taxi services.

**By Dr SYKES (Benalla) (28 signatures)  
Mr RYAN (Gippsland South) (19 signatures)**

### **East Warburton bridge: safety**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria requests that the house supports their urgent appeal for safe footpath access across the Yarra River where the Woods Point Road crosses the Yarra River at East Warburton (*Melway* ref. 291 A11) for the benefit of local residents, visitors to the Upper Yarra and all those people using the walking track from Warburton. At present the vehicle bridge is completely inadequate for pedestrians, cyclists and equestrians to use in safety.

And your petitioners, as in duty bound, will ever pray.

**By Ms LOBATO (Gembrook) (222 signatures)**

**Tabled.**

## DOCUMENTS

**Tabled by Clerk:**

*Financial Management Act 1994* — Report from the Minister for Finance that he had received the 2004–05 report of VicFleet Pty Ltd

Intellectual Disability Review Panel — Report for the year 2004–05 (two documents)

*National Parks Act 1975* — Report on the working of the Act for the year 2004–05

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Casey Planning Scheme — No C79

Greater Bendigo Planning Scheme — No C58

Melbourne Planning Scheme — No C112

Port Phillip Planning Scheme — No C41

Small Business Commissioner — Report of the Office for the year 2004–05

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 127

Tattersall's Gaming Pty Ltd, Tattersall's Sweeps Pty Ltd, Tattersall's Club Keno Pty Ltd, Footy Consortium Pty Ltd — Financial statements for the year 2004–05

Treasury and Finance, Department of — Report for the year 2004–05

Victorian Government Purchasing Board — Report for the year 2004–05

Victorian Multicultural Commission — Report for the year 2004–05.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

*Land (Miscellaneous Matters) Act 2005* — Part 2 on 21 October 2005 (*Gazette G42*, 20 October 2005)

*Victoria State Emergency Service Act 2005* — Part 1 (other than sections 1 and 2) and Parts 2 to 5 on 1 November 2005 (*Gazette G42*, 20 October 2005).

## ROYAL ASSENT

Message read advising royal assent to:

**Property (Co-ownership) Bill**

**Treasury Legislation (Miscellaneous Amendments) Bill**

**Treasury Legislation (Repeal) Bill.**

## JOINT SITTING OF PARLIAMENT

### Victorian Health Promotion Foundation

**The SPEAKER** — Order! I have received the following communication:

MEMBERSHIP — THE VICTORIAN HEALTH PROMOTION FOUNDATION

The Victorian Health Promotion Foundation ('VicHealth') is established under section 16 of the Tobacco Act 1987 ('the act') to promote good health and disease prevention in the community.

Under section 21(1)(f) of the act, three (3) members of VicHealth are members of either the Legislative Assembly or the Legislative Council and elected by both houses jointly.

The positions of the current members will expire on 26 March 2006. The currently elected members are:

NAME	TERM EXPIRY DATE
Mr Hugh Delahunty, MLA	26 March 2006
The Honourable Bill Forwood, MLC	26 March 2006
Ms Maxine Morand, MLA	26 March 2006

I would be grateful if you could place this matter on the agenda for a joint sitting of both houses in the spring sitting of Parliament 2005. In order to maintain the membership of VicHealth at the optimum number, I would appreciate if this matter could be resolved quickly.

I have forwarded a similar of most of the President of the Legislative Council.

It is signed by the Minister for Health.

**Mr BATCHELOR** (Minister for Transport) — By leave, I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 26 October 2005, at 6:15 p.m.

**Motion agreed to.**

**Ordered that message be sent to Council acquainting them with resolution.**

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR** (Minister for Transport) — I move:

That, pursuant to standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 27 October 2005:

Child Wellbeing and Safety Bill

Children, Youth and Families Bill

Crimes (Homicide) Bill

Defamation Bill — amendments of the Legislative Council

Environment Effects (Amendment) Bill

Groundwater (Border Agreement) (Amendment) Bill

Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill

Retail Leases (Amendment) Bill

Water (Resource Management) Bill.

The government business program for this parliamentary week, the nine identified items, is the target for the workload of this chamber. However, two of those items are very small in nature. Firstly, the debate on the Groundwater (Border Agreement) (Amendment) Bill has been largely concluded. There was a requirement for a technical amendment which was pointed out by the member for Benambra. That will return to the house fairly shortly, but it is not envisaged that a large part of the chamber's time will be needed to deal with it, given the fact that the major part of the second-reading debate was concluded earlier.

Secondly, the Legislative Council has moved amendments to the Defamation Bill. The fact is that we have had debate and passage of a bill, and now all we are required to do is to deal with the amendments from the Legislative Council. Again, the impact on the time required to sufficiently deal with that should be small compared to other bills of the program, particularly the Child Wellbeing and Safety Bill, the Children, Youth and Families Bill and the Water (Resource Management) Bill which are significant and important bills in their own right. In practical terms, this motion puts forward a legislative program for this week of some seven bills.

The program contains important pieces of legislation. I have alluded to those previously in my contribution today, and notwithstanding the fact that there are technically nine bills here, I think there still should be sufficient time in this parliamentary week to deal with that entire agenda.

**Mr PLOWMAN** (Benambra) — The opposition does not oppose the government's business program, on the basis of the assurance we have received from the Leader of the House that the house will not sit late on any of the three sitting days and that the Defamation Bill will be dealt with promptly. I understand the requirements for the Groundwater (Border Agreement) (Amendment) Bill, and that too will be dealt with in a swift manner. As to the Retail Leases (Amendment) Bill, I again take the assurance of the minister that this will not be debated at length.

That being the case, there is no reason to suggest the other bills cannot be debated in full within the period allowed. It is of some concern to the opposition that we have two major bills before the house — the Child Wellbeing and Safety Bill and the Water (Resource Management) Bill — both of which are very complex. Certainly the Child Wellbeing and Safety Bill, being a complete rewrite of the existing act, will take a fair bit

of debate to get through. However, I am also assured that the Leader of the House will allow additional time for the lead speakers on both those bills if required, and I appreciate that offer. On that basis, the opposition accepts the government business program.

**Mr MAUGHAN** (Rodney) — The Nationals will not be opposing the government's business program. We do not want to waste time debating the program; we just want to get on with it, because there is very important legislation this week. The first two bills on the program are, as the minister herself has said, once-in-a-generation legislation. It is very important. I think it is a pity we have not devoted more time to this very important matter of the welfare of our children. It is probably the most important thing we can spend our time on in this house, and we could have spent a great deal more time on it. Yes, we will get through these two children's bills, and yes, we will have a good debate, but I think the Parliament should devote far more time to adequately considering how we deal with our children in the community.

Another important piece of legislation that is going to have very far-reaching consequences, particularly for people in country Victoria, is the Water (Resource Management) Bill. This will have an enormous effect not just on the livelihoods of individual farmers, but on whole rural communities. The dairying industry, for example, is the major exporter out of the port of Melbourne and is a huge and very important industry in our economy — and most of its production comes from irrigated agriculture. So the water resources bill is critical. I think everybody in this house acknowledges that we need to take very seriously the use of our finite water resources. A real debate on this bill, a debate in which we listened to each other's point of view and tried to understand the complexities of being fair to all the various parties involved in the water issue, would have been time very well spent.

Having said that, I do not want to spend any more time debating the government business program. Let's get on with it! I appreciate the assurances given by the Leader of the House that we are not going to be sitting ridiculous hours, and on that basis The Nationals are happy to support the government's business program.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Australia Post: Geelong service

**Mr LONEY** (Lara) — I wish to draw the attention of the Parliament to the deterioration of mail services offered by Australia Post in Geelong. Australia Post management, in an incomprehensible decision, has severely downgraded the role of the Geelong mail centre. As a result mail posted in Geelong on Fridays is no longer sorted at the Geelong mail centre — in fact all mail from Fridays street posting boxes and post offices in the entire Geelong area are now taken to the Dandenong mail centre for sorting.

**Mr Wells** — Hear, hear!

**Mr LONEY** — I note the member for Scoresby is supporting that. At this stage, this ludicrous situation applies only at weekends, but I understand Australia Post management has indicated a longer term strategy to transfer most mail from Geelong to Dandenong. This is concerning on at least two levels: firstly, the loss of the regional jobs for those that are involved in mail services at the Geelong mail centre and do that work; and secondly, the lower quality of service, particularly for Geelong's small businesses, which over past years have witnessed a consistent deterioration of after-hours mail services, culminating in this particularly atrocious decision.

I call on the federal Minister for Communications, Information Technology and the Arts to ensure that Australia Post management reverses this decision and returns not only this service but proper, real, after-hours mail services to the Geelong community as a matter of urgency.

**The SPEAKER** — Order! Before I call the next member's statement, I apologise to the member for South Barwon. I understand he was trying to make a point of order and I could not hear him.

**Mr Crutchfield** — On a point of order, Speaker, I draw the Chair's attention to a petition which was presented last Thursday morning by the member for Scoresby, and I ask for a ruling regarding standing orders. I read from standing order 46, effective from 29 March 2004:

A petition must not have letters, affidavits or other documents attached to it.

I draw the Speaker's attention to the fact that this petition has such items attached to it.

**The SPEAKER** — Order! I will investigate the matter raised by the member for South Barwon and report back.

### Police: forensic testing

**Mr WELLS** (Scoresby) — This statement condemns the Bracks Labor government for its failure to honour its 2002 state election promise to properly resource Victoria Police forensic testing. This failure to provide additional resources is now causing long delays in investigations and court cases as well as in some situations leading to severe financial and emotional hardship for Victorians caught up in the mess.

After following up on a constituent's complaint police sources have advised me that there is currently an 18-month delay in forensic testing of suspected stolen motor vehicles leading to severe financial hardship and grief for many innocent, unsuspecting car owners. Severe staff shortages and a huge backlog at the Victorian Forensic Science Centre and the organised motor vehicle theft squad are creating a nightmare for both police and car owners, with many suspected stolen motor vehicle investigations now exceeding 18 months or more. This follows revelations last week that delays in drug testing and analysis by the Victorian Forensic Science Centre mean that it is taking up to two years to get alleged drug dealers to court.

The facts are that although the investigation of motor vehicle thefts has been highly targeted by the Victoria Police in the past two years, with a significant reduction in thefts as a result, the Bracks government has simply failed to provide sufficient resources for the organised motor vehicle theft squad based at Collingwood and the Victorian Forensic Science Centre at Macleod to cope with the increased investigation workload. Car owners are being caught up in what can only be described as a nightmarish situation.

### Prostate cancer: awareness

**Dr HARKNESS** (Frankston) — Frankston men have shown a huge interest in learning more about prostate cancer. About 70 men and a few of their wives attended a prostate cancer information forum I held last Saturday afternoon. Those who attended learnt more about this type of cancer from a leading urologist based in Mornington, Mr Alwin Tan, who gave an entertaining and informative presentation. Also attending were representatives of the Cancer Council of Victoria and the Frankston Prostate Support Group. I would like to place on record my gratitude to Alwin Tan, Kate Temby from the Cancer Council of Victoria,

Ean McArthur of the Frankston Prostate Support Group, Kevin Sunderland and Bob Wilson.

The forum was certainly a big success, and those who attended gained a lot of information about testing for prostate cancer as well as about the benefits of regularly visiting a GP for a check-up. It also demonstrated to me how vital awareness programs on important issues such as prostate cancer are. Over the past couple of weeks I have spoken to many men who have contacted me, and my office has received over 100 phone calls from men who are eager to learn more about this cancer and have their questions answered. I certainly hope this event will be replicated across Victoria, and I encourage other members to raise awareness of this issue in their own electorates. I will continue working with the Cancer Council of Victoria and the Frankston Prostate Support Group to make sure that Frankston men can obtain regular information on this issue.

I have also written to every GP and medical specialist in Frankston seeking their assistance in ensuring that men are regularly checked. Frankston men, particularly those aged over 45, are encouraged to visit their GP.

### **Tongala: meat processing plant**

**Mr MAUGHAN** (Rodney) — Tongala meat exporter H. W. Greenham and Sons is investigating the potential for a processing plant in the town which could boost employment by up to 100 people. This is terrific news for the Rodney electorate and Tongala in particular, which has been hard hit by the 150 jobs lost last month at the Nestlé Tongala plant. If the development goes ahead, it will be a major boost to the region, creating new employment and injecting a much-needed boost to the local economy. The company has commissioned a feasibility study into constructing a specialist facility to process grain-fed beef for the Asian market alongside its existing operations at Tongala. It is anticipated that the new processing plant could be built next year.

H. W. Greenham and Sons is 100 per cent Australian owned. It is a leader in the Australian meat export business and already makes a significant contribution to the economy of northern Victoria through its employment of staff and its ability to bring increased competition into the marketplace for farmers. This new venture will enable the company to build a specialised plant alongside its current operations in Tongala to process grain-fed cattle for export, capitalising on its existing expertise and resources and generating even better economies of scale. The Tongala plant currently processes more than 24 000 tonnes of beef per year, and it is anticipated that the new plant will handle up to

50 000 cattle each year. I congratulate Peter Greenham and the firm of H. W. Greenham and Sons on their commitment to Tongala and to the community in northern Victoria.

### **Police: petition**

**Mr CRUTCHFIELD** (South Barwon) — Once again I bring to the attention of the house a rather small and partisan petition that was presented to this house by the member for Scoresby and was allegedly organised by a rather mystical organisation called the Liberal Party of South Barwon.

Three things have been brought to my attention by constituents: firstly, the potential deception of people signing the petition in that a number of the pages did not say it was a Liberal Party petition, although it was brought to my notice that officers of the federal member for Corangamite, Stewart McArthur, organised this petition; secondly, the unmitigated hypocrisy of the petition; and thirdly, the lack of attention to detail and costings of this new Liberal Party policy. I bring to the attention of the house in terms of detail that there are a number of names on this petition.

One was 'Eff Kennett' — I think they forgot the 'off' — of 'We Remember Street', signed 'Boofhead'. A second was Robert Doyle of 'What a Joke Street', signed 'Popeye'. These were tabled by the member for Scoresby. I do not know whether he has been set up by other members here — perhaps the member for Warrandyte! We also have 'Sargent Plod', care of the 'lockup', underneath which Simon Price, who is in fact the electorate officer for the federal member for Corangamite, has signed. He is clearly not a Mensa candidate. Cr Tony Ansett and his family have also signed this petition, among a number of other high-profile Liberals. On looking closely I see two more signatures: K. Wells of 'I Look Like a Dunderhead Street', Scoresby; and R. Walker of 'I Will Remember Phil Street', Melbourne.

### **Mornington Peninsula Freeway: noise barriers**

**Mr DIXON** (Nepean) — On Saturday morning I attended a protest meeting at the VicRoads office in Dromana. Residents were protesting against the government's lack of action in installing sound barriers on the Mornington Peninsula Freeway between Dromana and Rosebud. This was the second public protest regarding this issue. I have raised this issue on numerous occasions with the Minister for Transport and after a number of years we have achieved an admission from VicRoads that there is a need for these barriers on this section of the freeway. Unfortunately

their construction is not a VicRoads priority. This issue has been going on for years and residents are becoming increasingly upset that their calls for action are not being heard.

No major road funding has been allocated to the Mornington Peninsula for over 10 years now, and we wonder if we will ever be a roads priority under this government. A massive amount of traffic uses the freeway all year round now and many more people live permanently within earshot of the freeway. Barriers would not only reduce the noise but would be much safer than the current dilapidated chain mesh fence which allows easy access for children onto the freeway reserve. A rough road surface and the increasing use of engine brakes by heavy vehicles are also adding to the noise levels experienced by residents. A deputation of affected locals will be approaching the minister soon for a meeting. I urge him to make the time to listen to their concerns.

### Clive Anderson

**Ms LOBATO** (Gembrook) — Today I wish to pay my deepest respects to an utmost gentleman whom I have had the privilege of knowing for the past three and a half years. Clive Anderson was my friend and treated me as one of his family. I was fortunate to have been welcomed into his home when I was the candidate for Gembrook. Clive was an active member of the Upper Yarra branch of the ALP along with his wife, Lila, who is the president of the branch. Clive was a friend to all who knew him, a happy man who would always say he was ‘marvellous’. He was generous, always considering others and looking for ways to assist people in their community.

Clive was also a hoarder. If he found a piece of wood on the side of the road he believed at some point it would become a vital resource that he would require. He was a nature lover, living amongst the bush in Launching Place. He enjoyed sharing his home with a vast array of wildlife. I once knocked on the front door and Clive opened it, saying, ‘Shush. Keep it down. The birds are asleep’. I looked up and there was a bird’s nest next to the front door. The birds knew they would be safe with Clive looking after them.

Lila and Clive were an admirable couple. They had a very loving union and created a warm and close-knit family. However, Lila was forever intervening in Clive’s conversations when he began his joke telling. At a lunch I held at Parliament Lila was very unimpressed when he retold his less than humorous jokes to the Premier. My deepest sympathy to Lila and her marvellous family. Cheers to a great mate!

### Schools: maintenance

**Mr SMITH** (Bass) — Today I question the motives of the Bracks socialist government as to the reasons it thinks our kids should be taught in poorly maintained and inadequately sized school buildings. Is it because it does not care or that it thinks it will not matter? Some members on our side of the house, but not the pinkos on the other side, would remember the physical resources management system (PRMS) school maintenance program that was started by the great Kennett government to bring about proper school facilities and bring them up to an excellent standard, which was dropped by this socialist government, as we would expect, as it appears to have no concern for teachers or kids.

The government then refused to budget for maintenance, and a large number of our schools have deteriorated to the stage of falling apart. We now have the socialists, either in government or in the bureaucracy, nearly six years later doing an audit for PRMS, which is quite interesting. Who does it think it is really fooling in this state of Victoria? The people know the contempt this government has shown to schools since it got into power, and they know that nothing has changed. This token gesture is only a ploy to delay the process further.

### Schools: Art4Athletes program

**Mr WILSON** (Narre Warren South) — I am very pleased to speak to the house about schools. Last week I visited Hillsmeade Primary School to view the progress being made by students who are creating artworks under the Art4Athletes program. Hillsmeade primary is one of nearly 450 schools across Australia that have registered to provide some 6000 student artworks so that each athlete and team official when they visit Melbourne for the games will receive some of the works.

The program will play a key role in establishing and promoting goodwill with the Commonwealth Games teams. Athletes and officials will be able to take this special memento of their time in Melbourne back home with them. The students at Hillsmeade have produced a vast array of art pieces and many of those are being forwarded to the Melbourne 2006 team. The excitement and enthusiasm shown by the students and teachers is infectious. I congratulate Ms Carmen Collins, the middle years teacher, who is coordinating the project, and the students who have done the artwork on a fantastic job.

Since coming to office in 1999 the Bracks government has invested heavily in education, including five new schools in my electorate of Narre Warren South: Hillsmeade Primary School; Narre Warren South P-12 College, which is a primary and secondary school; Strathaird Primary School; Kambrya Secondary College; and the Centre Road primary, which is on time and due to open next year. The countdown to the games is well and truly on track with only 140 days to go.

### **Wangaratta Festival of Jazz**

**Mr JASPER** (Murray Valley) — I want to remind the house that Australia's premier jazz festival, the 16th Wangaratta Festival of Jazz will be held at Wangaratta next weekend. Since the original concept was developed in the early 1980s and the inception of the jazz festival in 1990 it has grown to include 90 events, with over 350 national and international artists performing each year, showcasing all jazz styles at a range of venues at Wangaratta. A highlight of the Wangaratta festival since the beginning has been the now prestigious National Jazz Awards, which provide competition for 10 finalists. The awards have included a range of instruments in previous years, but this year they will feature vocalists. Excellent prizes are provided by Wangaratta's Bruck Textiles.

The Wangaratta Festival of Jazz has won a large number of awards over the years, including Victorian and national tourism awards as well as community event of the year and festival of the year. The festival was elevated to become a Victorian hallmark event in 2000. It is estimated that the four days of jazz, blues, food, wine and fun contributes in excess of \$20 million to the Wangaratta economy, attracts a crowd of over 35 000 people and is supported by over 500 volunteers. I pay tribute to the dedicated committee, led by long-serving chairman Pattie Bulluss, which jointly has developed this unique festival for Wangaratta. The multi-award winning jazz festival with its key support from the Transport Accident Commission and others is a must-attend event in Wangaratta this weekend for lovers of jazz.

### **Friends of the Helmeted Honeyeater**

**Mr HARDMAN** (Seymour) — I rise to congratulate the Friends of the Helmeted Honeyeater, who last week celebrated the birth within the Yellingbow State Nature Conservation Reserve of the first helmeted honeyeater chick born away from the natural population. The member for Kilsyth and I visited Yellingbow on Friday, 25 October, at the invitation of Bob Anderson, the president of the Friends of the Helmeted Honeyeater. The friends volunteers

work together with the reserve ranger and a field ornithologist to save Victoria's avifaunal emblem through community education and revegetation programs.

On this visit we saw the nursery where the friends propagate plants required by the helmeted honeyeaters for habitat and as sources of food. These plants are not only propagated for the reserve but also sold to local land-holders to sow on their private land to encourage the helmeted honeyeaters to spread around the area.

It was fantastic to see first hand the work of the volunteers. They took us for a tour of the reserve and showed us the revegetation work they have done over the years and the result of that work, which is the establishment of habitat where the helmeted honeyeater can thrive and breed. The result is the young helmeted honeyeaters we saw playing in that area. The Yellingbow State Nature Conservation Reserve is a fantastic reserve for Victoria, and I congratulate the friends group on the work it does.

### **Schools: Brighton electorate**

**Ms ASHER** (Brighton) — Last Friday I was pleased to attend the opening of a major new facility at Brighton Primary School, which includes a science and technology centre as part of the significant refurbishment of the school. I acknowledge the contributions of \$1.23 million from the federal government and \$920 000 from the state government, and a parental contribution of over \$350 000. I would also like to acknowledge the work of Ian Tierney in getting the science and technology centre off the ground.

In considering its next budget I request that the government direct sufficient funding to schools in the Brighton electorate. Gardenvale Primary School needs windows, external timbers and its roof replaced. Elsternwick Primary School has a master plan in development and needs funding for it. Brighton Secondary College needs funding for a car park and for noise-attenuation works. Moorabbin primary is also in need of funding. I have very old schools in my electorate, and they are in need of significant maintenance funding, particularly in the plumbing area. In that regard I put in a plug for funding for the Brighton Beach and Hampton primary schools, and also for the Berendale school, which has its own special needs.

I call on the government to commit adequate funds to those government schools in my electorate in this round of budget considerations. The schools are doing

excellent work, but many of them also require physical upgrades and maintenance funding, and the government should commit to doing so in this budget.

### **East Timor: Balibo house**

**Mr HUDSON** (Bentleigh) — Sunday, 16 October, was the 30th anniversary of the murder by Indonesian armed forces of five Australian-based journalists at Balibo in East Timor. They were Greg Shackleton, Gary Cunningham, Tony Stewart, Malcolm Rennie and Brian Peters. The anniversary was commemorated by the families with a fundraising dinner for the Balibo community learning centre, which has been established in the Australian Flag House where the Balibo Five were staying shortly before they died.

The house was made famous by Greg Shackleton's painting an Australian flag and the word 'Australia' on the house in the hope that it would provide some protection in the event of an attack on Balibo by Indonesian forces. Unfortunately this did not prove to be the case. All the evidence shows that the Indonesian forces knew the journalists were in Balibo prior to the attack and that Australian intelligence services knew both that and the fact that the Balibo Five had been murdered shortly after the attack. That the Australian government failed to disclose this to the families and to the public is one of the most shameful episodes in Australian foreign policy history.

No-one has been charged with the murder of the five journalists. Two Australian inquiries left many questions unanswered, and a full judicial inquiry has never been held. The recent harassment of Lieutenant Colonel Lance Collins and Captain Clinton Fernandez for exposing continuing bias in our intelligence reports on East Timor and Indonesia points to the still-powerful influence of the pro-Jakarta lobby in our intelligence agencies and our foreign affairs department. With recent incursions across the border of East Timor by militia in Indonesia the Australian government must remain vigilant and ready to defend the newly independent nation of Timor Leste.

### **Anglesea Primary School: relocation**

**Mr MULDER** (Polwarth) — The current Anglesea Primary School building situated in Camp Road, Anglesea, no longer fits the criteria for a modern, safe learning environment for a growing school community. The school buildings are old and cramped, and expansion of the recreation area is restricted due to the unsuitability of a steep and sloping site. Discussions with Alcoa in relation to the purchase of land some 500 metres along Camp Road for the purpose of

building a new school have resulted in that company's agreement to sell the land to the Department of Education and Training at a satisfactory price. The sale was to be subject to air quality testing due to the proximity of the Alcoa plant; however, I understand that this testing has now been completed and the results found to be satisfactory, thus leaving the way open for a safe relocation of the school.

Along with the Anglesea school community I trust that the Minister for Education and Training will move to sign off on this purchase as soon as possible, thereby ensuring that current and future primary school students in Anglesea can learn and play in a safe, modern environment. Given that any moneys expended on the purchase of the Alcoa land and the construction of a new school would be more than recouped from the sale of the current school site, this exercise would appear to be very straightforward. Anglesea continues to be one of the most popular areas along the coast, and its population expands each year. I am sure that any land that became available for housing would be snapped up very quickly. A huge number of people are settling in the area, and a lot of young people wish to move into a new school. The school council has worked very hard for this relocation, and I ask the minister to support it.

### **Great Ryrie Primary School: awards**

**Mr LOCKWOOD** (Bayswater) — On Monday this week I had the pleasure of attending the Great Ryrie Primary School assembly. It is a bustling and busy school and is well led by the principal, Doug Elliot. The assembly hall was quite full, with parents, teachers and the school population of 500 or so students packed in cosily.

I had some work to do on the day, which was to present the Aussie of the Month award, which is given to students for their contributions to the school community. Such students demonstrate their social responsibility by their actions and skills, and it is a highly valued award. This month it went to Thomas Denham, a thoroughly deserving choice. We were also entertained by not one but two school bands. The senior band introduced the assembly, and there was also a traditional rock band with guitars and drums. The future rockers showed their style in grand fashion. They were just great. The junior band provided a break in formalities with a piece delivered with woodwind and brass. They too showed their great talent and enthusiasm. The students did a great job.

My final job was to award certificates for the Penguin writing competition. This is an annual competition by which I encourage students to write creatively, using

short stories, limericks or poems — the choice is theirs. Great Ryrie has some very creative writers. There were many entries submitted from grades 4, 5 and 6, and choosing winners was very difficult. Indeed it is my intention to give every participant a certificate and award the winner in each grade a book voucher from Dymocks. The winners were Jessica Syme in grade 4, Ben Richards in grade 5 and David Muehlenberg in grade 6. All the students who entered showed their willingness to express themselves in writing and displayed great talent. Many of the themes and ideas came from television — so there is no escaping TV. Part of my intention is to show students that they can be creative away from the television set and that their imaginations have no limits.

### **Trafalgar: Battle of Trafalgar celebration**

**Mr MAXFIELD** (Narracan) — I rise to pay tribute to all those who have been involved in ceremonies commemorating the 200th anniversary of the Battle of Trafalgar over the last few days. The township of Trafalgar in my electorate celebrated the anniversary with a festival. The Trafalgar Community Development Association and the Trafalgar Rotary Club amongst other community organisations were involved in helping to celebrate this milestone in a wonderful fashion. The ball on Friday night was very well attended and got us into the spirit of the weekend.

A statue of Lord Nelson was unveiled in the main street of Trafalgar by the Minister for Finance in another place, John Lenders, who of course is a boy from Trafalgar. That certainly was another highlight. The naval band from HMAS *Cerberus* also lent its support. It was a wonderful day and a great way to celebrate. There was a street parade on Sunday and many other activities, including an arts show, which highlighted the Battle of Trafalgar. It is part of our naval tradition and part of our history. The town of Trafalgar celebrated the battle's 200th anniversary in the form of a festival. It is an annual festival, but it has special significance this year. I congratulate all those in the community who were involved in it. They put in a lot of work, and they should be congratulated on a fine effort.

### **Buses: outer eastern suburbs**

**Ms BEARD** (Kilsyth) — I would like to congratulate and thank the Minister for Transport for his announcement on 13 October of new and improved bus services in the outer east. The additional services for people in the Kilsyth electorate include new hourly Sunday services between Chirnside Park and Ringwood via Croydon on route 670, and new hourly Sunday services between Croydon and Olinda via Kilsyth and

Montrose on route 688. Ventura Buses, a great family company, will run these services. Its friendly drivers are held in high esteem in my community.

When I was a candidate for Kilsyth at the 2002 election constituents kept telling me that their greatest hardship was that unless they could rely on their families — those lucky enough to have them — they were stranded in their homes on Sundays. Now many of them can look forward to a service that will open up new options for them. For those of us who represent electorates past the end of the tramlines, buses are essential. With the increasing price of petrol I keep hearing stories of increased patronage of buses and trains.

A recent change to the fare structure means that on Sundays you can purchase an all-day bus/train/tram ticket for \$2.50 — great value if you want to catch a bus in Hoppers Crossing in the early morning, get a train to Lilydale and then a connecting bus to the Healesville Sanctuary. Forty-four million dollars in increased funding in this year's state budget for suburban bus services reflects the government's commitment to public transport, particularly in the outer east, and further ensures that the outer east is the best place to live and raise a family.

### **Libraries: Carnegie**

**Ms BARKER** (Oakleigh) — On Saturday, 22 October, I was very pleased to participate in the official opening of a new library which is an important component of the Carnegie community centre. I was also very pleased that through its Living Libraries program the Bracks government contributed \$500 000 towards this new library in Carnegie. The \$12 million Living Libraries program to improve and modernise libraries throughout Victoria was initiated because we know that libraries are profoundly important cultural, economic and social institutions. They are highly valued by local communities and are uniquely placed to draw together a diverse range of people and groups. Libraries strengthen our communities.

This new facility in Carnegie has a community centre on the top floor and a playgroup and children's building on the northern side. It really is a wonderful asset to have in the Carnegie community. I congratulate Glen Eira council on its commitment to this new facility, which cost more than \$10 million and will ensure a range of activities and programs and access to information and space for many existing and emerging community groups. I am informed that just on the weekend of the opening of this new Carnegie library and community centre there were thousands of visitors to the library, with 5989 books, DVDs and other items

being borrowed during the weekend, and the library registered 180 new members. It is our aim as a government to have communities which are resilient, active and confident — strong communities which support and nurture one another. Clearly this new facility is already showing how it will assist in ensuring that the community of Carnegie continues to grow stronger and more active. I am very pleased to have played a part in assisting Glen Eira to make this wonderful new facility a reality.

### **Banks: automatic teller machine security**

**Mr LEIGHTON** (Preston) — The banks need to do more to protect consumers from automatic teller machine (ATM) scams. They must increase monitoring and consumer awareness. A recent ATM scan has netted millions of dollars in Australia alone. Card readers have been illegally attached to automatic teller machines. They are the same colour and of the same appearance as the ATM. When a customer inserts their card in the false slot, the card details are read. Miniature video cameras then film and transmit the customer entering their PIN. The scammers manufacture a duplicate card and withdraw money from the victim's account.

Banks have been lax in educating their customers about the scam. Instead the onus seems to be on the customer to persuade the bank that they have been a victim of this crime. One friend travelling home used his card on three continents — in London, Hong Kong and Australia — in 24 hours. This triggered an alert with his bank which phoned him. However, some banks have been very slack in their monitoring. An English friend had her card scanned. While visiting Australia recently her account was emptied of £7000 and she only found out when she got home and attempted to withdraw money. Her bank should have detected this crime earlier as she had only one card and simultaneous withdrawals were occurring in Melbourne and London. Indeed on one day in Melbourne she was unable to withdraw money because cash to her daily limit had already been stolen in London.

I point out that further information is available at [www.fraudtech.bizland.com/ATM\\_scam\\_alert.htm](http://www.fraudtech.bizland.com/ATM_scam_alert.htm). In the meantime, the banks need to be more vigilant about this crime.

### **Ballarat Specialist School: residential unit**

**Ms OVERINGTON** (Ballarat West) — Last Friday I had the privilege of attending, with the Premier, the official opening of the new educational residential unit at the Ballarat Specialist School. John Burt, the

principal, and the school community have long believed that a purpose-built residence would create further opportunities for students to meet the goals of their individual education plans. Up to eight students will live in the new residence from Monday to Thursday for 10 weeks. They will be encouraged to learn to live with others and to enhance their skills in personal care, domestic tasks, budgeting and health and safety, all in a safe and stimulating environment.

The residential unit is a first for Australia and possibly the world. Kris Garlick, Donald Rodgers, Jessica Huntly, Amy Gleeson, Andrew Gear, Sonia Lethean, Aaron Bligh and Fran Wellard are the first students to participate in the program and they were all excited about the weeks to come. My congratulations to the principal, John Burt, and Dr Laurie Prosser, the school council president. As I said, they have long had a vision of bringing this to fruition. It is a stunning state-of-the-art facility. The Bracks government provided \$500 000 through the Leading Schools program. The school was able to garner a lot of community support and I congratulate those sponsors.

### **Doreen Thorpe**

**Mr SEITZ** (Keilor) — Last Friday I had the pleasure of attending a function organised by Doreen Thorpe who is the honorary secretary of the social justice association, western suburbs chapter, which has been in existence for 45 years. I believe it is the oldest chapter of the social justice association in Victoria. Doreen Thorpe has worked tirelessly as a youth probation officer, justice of the peace and bail justice, and this year received the Order of Australia Medal. I congratulate Doreen for all her work in organising this function. It was an excellent evening.

The chancellor of Victoria University, Justice Vincent, gave a speech on talking to the community and the issue of justice, particularly those volunteers who commit so many hours to helping out at police stations in Sunshine and Footscray by volunteering their time to witness and process documents and thereby free up the police for other duties. It is an initiative Doreen and her committee have introduced to the western suburbs. The police are grateful for this service. They are also assisting in the Sunshine court on a voluntary basis and at the Western Hospital.

## GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

### *Consideration in detail*

#### Debate resumed from 14 September; further discussion of clause 7.

Mr THWAITES (Minister for Water) — I move:

Clause 7, page 3, lines 8 to 17 and pages 4 to 13, omit all words and expressions on lines 8 to 17 of page 3 and on pages 4 to 13 and insert —

#### “SCHEDULE 2

#### BORDER GROUNDWATERS AGREEMENT AMENDMENT AGREEMENT

AN AGREEMENT made this 18 day of 10, Two thousand and five between —

THE STATE OF SOUTH AUSTRALIA of the first part and

THE STATE OF VICTORIA of the second part.

WHEREAS the South Australian and Victorian Governments wish to amend the Agreement made between the parties on 15th October 1985 (which Agreement is herein called “the principal agreement”), in order to provide the necessary capacity and flexibility to effectively manage the shared groundwater resources of western Victoria and the Mallee and south-eastern South Australia.

NOW IT IS HEREBY AGREED as follows —

#### Interpretation.

1. Unless the contrary intention appears, expressions used in this Agreement have the same meanings as in the principal agreement except as amended by this Agreement.

#### Definitions.

2. (1) The following definitions shall be inserted in place of those in clause 1 of the principal agreement —

“**Bore**” with respect to South Australia, means any well as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria, means any bore as defined by section 3 of the *Water Act 1989*, but in neither case includes any well or bore from which water is extracted or proposed to be extracted for one or more of the following purposes and for no other purposes —

- (a) household purposes;
- (b) watering animals kept for domestic and stock purposes; or
- (c) the irrigation of a garden not exceeding 0.4 hectares in extent used solely in connection with a dwelling and from which no produce is sold.

“**Granting authority**” means —

- (a) in the case of South Australia, the Minister administering the *Natural Resources Management Act 2004*; and
- (b) in the case of Victoria, the Minister administering the *Water Act 1989*.

“**Groundwater**” with respect to South Australia means any underground water as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria means any groundwater as defined by section 3 of the *Water Act 1989*.

“**Minister**” with respect to South Australia means the Minister administering the *Natural Resources Management Act 2004* and with respect to Victoria means the Minister administering the *Water Act 1989*.

“**Permissible annual volume**” means the permissible annual volume of extraction specified for a particular zone or aquifer within a zone in the Second Schedule, or in relation to a particular zone or aquifer within a zone, such other volume as has been determined by the Committee under clause 28(2).

“**Permissible distance from the border between the State of South Australia and the State of Victoria**” means a distance of one kilometre from that border, or in relation to a particular zone, sub-zone, or aquifer within a zone or sub-zone, such other distance as has been determined by the Committee under clause 28(2).

“**Permit**” means —

- (a) any licence provided for in section 146 of the South Australian *Natural Resources Management Act 2004*;
- (b) any permit provided for in section 135 of the South Australian *Natural Resources Management Act 2004*;
- (c) any licence provided for in Part 5 of the Victorian *Water Act 1989*;
- (d) any licence provided for in section 51 of the Victorian *Water Act 1989*.

- (2) The following definition shall replace the definition “Permissible level of salinity” in clause 1 of the principal agreement —

“**Permissible salinity**” means —

- (a) a maximum rate of increase; and/or
- (b) a designated maximum level —

of salinity, measured as electro-conductivity of so many microsiemens per centimetre at twenty-five degrees Celsius, that must not be exceeded as may be agreed upon by the Minister of each Contracting Government for a particular zone, sub-zone or aquifer within a zone or sub-zone, pursuant to clause 28(6), or in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone, such

other rate and/or level as has been agreed upon by the Minister of each Contracting Government under clause 28(4).’.

- (3) The following two definitions shall replace the definition of “Permissible rate of potentiometric surface lowering” in clause 1 of the principal agreement. The first definition shall be inserted immediately before the definition for “Permissible salinity” and the second definition shall be inserted immediately after the definition for “Permit” —

‘ **“Permissible potentiometric surface lowering”** means —

- (a) a rate set out in the Third Schedule or such other rate as has been agreed upon by the Minister for each Contracting Government under clause 28(4), and/or
- (b) the potentiometric surface level as agreed upon by the Minister of each Contracting Government under clause 28(4).

**“Potentiometric surface lowering”** means —

- (a) a rate of potentiometric surface lowering that must not be exceeded, and/or
- (b) a potentiometric surface level that must not be exceeded —

for a particular zone, sub-zone or aquifer within a zone or sub-zone.’.

- (4) The following additional terms shall be defined in clause 1 of the Agreement —

The following definition shall be inserted immediately before the definition for “Aquifer” —

‘ **“Allowable annual volume”** means the allowable annual volume of extraction specified for a particular sub-zone or aquifer within a sub-zone as has been determined by the Committee under clause 28(7).’.

The following definition shall be inserted immediately after the definition for “Schedule” and immediately before the definition for “Zone” —

‘ **“Sub-zone”** means a subdivision of a zone with boundaries determined by the Committee under clause 8(7).’.

### Approval.

3. (1) This Agreement, other than clause 3(2), is subject to approval by the Parliaments of the States of South Australia and Victoria; and shall come into effect when so approved.
- (2) The Contracting Governments hereby agree to submit this Agreement for approval to the respective Parliaments of the said States as soon as practicable after the date of this Agreement.

### Application of legislation.

4. The following clause shall replace clause 25 in the principal agreement —

“25. Subject to the provisions of this Agreement —

- (a) the provisions of the South Australian *Natural Resources Management Act 2004* and of regulations made thereunder shall apply to such portion of the State of South Australia as is within the Designated Area;
- (b) the provisions of the Victorian *Water Act 1989* and of regulations made thereunder shall continue to apply to such portion of the State of Victoria as is within the Designated Area —

and the provisions of those Acts and regulations shall respectively be applied to —

- (i) all bores existing within the Designated Area at the date of this Agreement;
- (ii) all applications to construct, deepen, enlarge or alter bores or to extract water therefrom as are made after the date of this Agreement; and
- (iii) any bores constructed, deepened, enlarged or altered or from which water is extracted, after the date of this Agreement.”.

### Management Prescriptions.

5. The following clause shall replace clause 26 in the principal agreement —

“26. (1) Subject to clause 28 no application for a permit shall be granted and no permit renewed —

- (a) in relation to the construction, deepening, enlarging or altering of any bore which passes or will pass through two or more aquifers unless a condition is attached to such permit which requires that an impervious seal be made and maintained between such aquifers;
- (b) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, in a particular zone, or aquifer within a zone, where the effect of extracting water from that bore would be to exceed the permissible annual volume for that particular zone, or aquifer within a zone;
- (c) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, in a particular zone, sub-zone or aquifer within a zone or sub-zone if that bore is situated within, or proposed to be situated within, a distance less than the permissible distance from the border between the State of South Australia and the State of Victoria for that

zone, sub-zone or aquifer within a zone or sub-zone unless the Committee has first considered the matter and determined that such application may be granted or such permit may be renewed;

- (d) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, where the bore is situated, or proposed to be situated, in a particular sub-zone or aquifer within a sub-zone, where the effect of extracting water from that bore would be to exceed the allowable annual volume for a particular sub-zone or aquifer within a sub-zone.”

6. The following sub-clause shall be inserted immediately after clause 26(1) and immediately before clause 27 in the principal agreement —

“(2) Subject to clause 28 —

- (a) no application for a permit shall be granted and no permit renewed; or
- (b) a period of restriction shall be declared subject to clause 29(3) —

where the potentiometric surface lowering has exceeded the permissible potentiometric surface lowering in a particular zone, sub-zone or aquifer within a zone or sub-zone over the preceding five years.”

#### Preparation of reports.

7. The following paragraph shall replace clause 27(1)(d) in the principal agreement —

“(d) details of the potentiometric surface levels obtained from observation bores within each particular zone, sub-zone or aquifer within a zone or sub-zone in the preceding year ending on 30 June; and”

8. The following paragraph shall replace clause 27(1)(e) in the principal agreement —

“(e) the rate of increase or level of salinity in such bores within a particular zone, sub-zone or aquifer within a zone or sub-zone as shall be specified by the Committee in the preceding year ending on 30 June.”

9. The following sub-clause shall replace clause 27(3) in the principal agreement —

“(3) In this clause “Observation bore” with respect to South Australia, means any well as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria, means any bore as defined by section 3 of the *Water Act 1989*.”

#### Powers of Review Committee.

10. The following sub-clause shall replace clause 28(2) in the principal agreement —

“(2) At intervals of not more than five years, the Committee shall review —

- (a) the permissible distance from the border between the State of South Australia and the State of Victoria in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone;
- (b) the permissible annual volume of extraction in relation to a particular zone or aquifer within a zone;
- (c) the allowable annual volume of extraction in relation to a particular sub-zone or aquifer within a sub-zone —

and shall have the power to alter any or all of the same in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone.”

11. The following sub-clause shall replace clause 28(3) in the principal agreement —

(3) At intervals of not more than five years, the Committee shall review —

- (a) the permissible potentiometric surface lowering;
- (b) the permissible salinity (if any) established pursuant to sub-clause (6) —

in relation to each particular zone, sub-zone or aquifer within a zone or sub-zone and if the Committee is satisfied that alteration to any or all of the same is desirable in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone, it may recommend any such alteration to the Minister of each Contracting Government.”

12. The following sub-clause shall replace clause 28(4) in the principal agreement —

“(4) Where the Minister of each Contracting Government agrees with any such recommendation, the permissible potentiometric surface lowering and/or the permissible salinity, for a particular zone, sub-zone or aquifer within a zone or sub-zone shall be deemed to have been altered in accordance with any such recommendation.”

13. The following sub-clause shall replace clause 28(5) in the principal agreement —

“(5) The Committee may at any time recommend to the Minister of each Contracting Government that a permissible salinity be declared for a particular zone, sub-zone or aquifer within a zone or sub-zone.”

14. The following sub-clause shall replace clause 28(6) in the principal agreement —

“(6) Where the Minister of each Contracting Government agrees with any such recommendation, a permissible salinity shall be deemed to have been declared for that particular

zone, sub-zone or aquifer within that zone or sub-zone in accordance with that recommendation.”.

15. The following sub-clause shall be inserted immediately after clause 28(6) and immediately before clause 29 of the principal agreement —

“(7) The Committee, having regard to the size and variability of a zone, may —

- (a) divide the zone or the aquifer within a zone into two or more sub-zones;
- (b) determine the boundaries of a particular sub-zone or aquifer within a sub-zone;
- (c) determine the allowable annual volume for the sub-zone or aquifer within a sub-zone that does not exceed that permissible annual volume of which the sub-zone forms part;
- (d) determine the permissible distance from the border between the State of South Australia and the State of Victoria for a particular sub-zone or aquifer within a zone or sub-zone —

and shall have the power to alter any or all the same in relation to a particular sub-zone or aquifer within a sub-zone.”.

**Periods of Restriction.**

16. The following sub-clause shall replace clause 29(3) in the principal agreement —

“(3) A period of restriction may be declared in relation to any zone, sub-zone or aquifer within a zone or sub-zone notwithstanding that the permissible annual volume or the allowable annual volume or the permissible salinity (if any) or the permissible potentiometric surface lowering for that zone or sub-zone, or any or all of them, has not been exceeded in any previous year.”.

**Publication of declarations, etc.**

17. The following clause shall replace clause 31 in the principal agreement —

“31. Any alteration made under clause 28(2) or 28(4) or 28(7) or any declaration made under clause 28(6) or 29(1) with respect to any zone or sub-zone shall be published in the Government Gazette of the Contracting Government within whose jurisdiction such zone is situate and in a newspaper circulating in that zone or sub-zone and shall take effect from the date of such publication in the Government Gazette.”.

18. The following Schedule shall replace the SECOND SCHEDULE of the principal agreement —

SECOND SCHEDULE

Zone	Permissible annual volume (Megalitres)	
	Tertiary Limestone Aquifer	Tertiary Confined Sand Aquifer
1A	30900	9200
1B	45720	14500
2A	25000	2900
2B	25000	5100
3A	24000	1900
3B	16500	1000
4A	20000	710
4B	14000	300
5A	18500	540
5B	11949	570
6A	8850	360
6B	9838	360
7A	7500	350
7B	6600	350
8A	7700	340
8B	6760	330
9A	11595	570
9B	5960	630
10A	9400	320
10B	6720	560
11A	6861	0
11B	1823	0

19. The following Schedule shall replace the THIRD SCHEDULE of the principal agreement —

THIRD SCHEDULE

Zone	Permissible potentiometric surface lowering Rate (metres per annum)	
	Tertiary Limestone Aquifer	Tertiary Confined Sand Aquifer
1A	0.25	0.25
1B	0.25	0.25
2A	0.25	0.25
2B	0.25	0.25
3A	0.25	0.25
3B	0.25	0.25
4A	0.25	0.25
4B	0.25	0.25
5A	0.25	0.25
5B	0.25	0.25
6A	0.05	0.05
6B	0.05	0.05
7A	0.05	0.05
7B	0.05	0.05
8A	0.05	0.05
8B	0.65	0.65
9A	0.65	0.65
9B	0.65	0.65
10A	0.65	0.65
10B	0.65	0.65
11A	0.65	0.65
11B	0.65	0.65

20. Clause 24(2) in the principal agreement shall be deleted.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto as at the day and year first above-written.

SIGNED on behalf of THE STATE OF VICTORIA by the Honourable STEVE BRACKS, Premier of Victoria, in the presence of —  
 Rosa Silvestro

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 |  
 \ STEVE BRACKS  
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 |

SIGNED on behalf of THE STATE OF SOUTH AUSTRALIA by the Honourable MIKE RANN, Premier of South Australia, in the presence of —  
 Nick Alexandrides

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 |  
 \ MIKE RANN  
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As the house is aware, the bill ratifies the agreement signed by the premiers of South Australia and Victoria. During the debate in the house a number of errors were identified in the agreement, which forms part of the bill. The shadow Minister for Water referred to them in his contribution. As a result of that, we did not proceed with the bill at the time. We had further consultation with South Australia, and following that consultation an amended agreement was signed by the Premier of South Australia and the Premier of Victoria.

The amendment that I have introduced today implements that amended agreement and is consistent with the signed agreement by the premiers. Essentially it relates to certain phrases in the agreement which were unclear, and these have now been clarified.

**Mr PLOWMAN** (Benambra) — I accept the minister’s explanation for the late introduction of this amendment, and we welcome the change. It completely covers the issues that we were concerned about when the bill was being debated. It is more extensive than I thought it would be. Something like 16 changes have been made, which indicates that the initial bill must have been drawn up in some haste, otherwise that level of mistakes would not have been as apparent. Some of the changes are quite straightforward.

In the original bill that came before the house the Natural Resources Management Act 2004 was referred to as the Water Resources Act 1997. I think that happened about eight times in the bill, and that rectification is certainly necessary. The other rectification makes the other three amendments that we sought make sense. The agreement now is far more satisfactory. I am pleased that the government has acted to amend the original bill and introduce a new schedule 2, which is in fact the border groundwaters agreement

amendment agreement, which, having been signed by both premiers, will be given effect to.

The one concern I had was that The Nationals introduced an amendment which was initially lost in the debate — that is, to have those ground water areas expanded to cover the complete extent of the ground water basins rather than in the 2-kilometre strip on either side of the state border between Victoria and South Australia. Frankly that is something that I hope both governments in Victoria and South Australia look at in making further arrangements in respect of this legislation. Acting Chair, I know this affects a large part of your electorate, and I think it is something that would be supported by those members who have electorates along the state border. Certainly as shadow Minister for Water, I have had those concerns registered with me. But, apart from that, I certainly support the changes that have been made and accept them as a reasonable amendment to this bill.

**Mr WALSH** (Swan Hill) — Like the previous speaker, The Nationals are glad that this issue has been sorted out and that commonsense has prevailed. It proves that the parliamentary system, including the fact that we can consider bills in detail, actually works. I hope that the government has noticed that we can all work for the betterment of all Victorians on this issue. We should perhaps look more favourably at considering some other bills in detail so we can have the chance to do justice to legislation in this place. Quite often we have only a lead speaker or one or two other speakers and then the bills go to the guillotine on a Thursday, and because of that I do not think we necessarily do justice to the legislation that comes into this place.

I think this is an example where we can all be proud that the parliamentary system has worked well. These changes have been sorted out with South Australia to allow this interstate agreement to actually make sense, which it did not with the wording that was there before.

Again, as the member for Benambra said, it is a pity that in working out the wording of that clause of the interstate agreement we did not perhaps open up the opportunity to talk with South Australia about how we might manage these aquifers on a whole-of-aquifer basis. Although we now have a correctly worded agreement on that narrow strip along the border, I think all sides of politics realise that we have learnt a lot about both surface water and ground water management and that we have to take a holistic approach. Neither ground water nor surface water stop at the state border, so I ask the minister, even though we are passing this bill and this state agreement will be in

place and enshrined in legislation, to give consideration to again starting discussions with South Australia as to how we might put in place a management system that is fair in both states, not just on the narrow strip along the border.

There are concerns among people on the Victorian side that South Australia is not necessarily doing the right thing with its extraction levels and that it does not necessarily have meters on all its bores; and no doubt some South Australians think Victorians are not doing the right thing as all these interstate issues arise. I would like to think that we are, but there is an opportunity now to go back and start talking with South Australia again to make sure that we have a holistic approach to managing those aquifers into the future.

As was said in the second-reading debate, they contain what is effectively fossil water that has been there for thousands and thousands of years, and it is a finite resource. We need to ensure that we manage those aquifers well into the future. I am glad this issue has been resolved, but I ask the minister to take note of the fact that this is an opportunity to explore how we might actually manage the whole aquifer instead of just that strip down the border.

**Mr SAVAGE** (Mildura) — I am not going to revisit the comments I made during the second-reading debate, other than to say that I did indicate that the South Australians were not metering. I understand there are some transitional metering arrangements like those in Victoria, so I wish to correct that. I do not propose to vote against the bill or call for a division, but I would like to have recorded my disagreement with the third schedule, which provides for a draw-down of 0.65 metres per annum. I do not believe any draw-down of a fossil reservoir should be allowed, and I wish that to appear on the parliamentary record.

**Mr PLOWMAN** (Benambra) — There is only one other issue that I would like to raise, and I do so very briefly. I ask the minister if he can give some clarification about the fact that the second schedule, which has not been altered under the amendments, contains figures which we believe are not the figures currently being used by the Border Groundwater Review Committee. In light of the fact that within 12 months, when the review is complete, the new figures will be introduced into the schedule, can the minister explain to the house exactly what figures are being used at the moment in respect of the permissible annual volumes in both the tertiary limestone aquifer and the tertiary confined sand aquifer?

**Mr THWAITES** (Minister for Water) — I can only say that the figures are as set out in the schedule. I do not know whether there is some further advice I can seek from the department. The only advice I have had is that the Border Groundwater Review Committee's 2003–04 annual report shows the permissible rates of surface lowering for the tertiary confined sand aquifer as if they have been prescribed. Permissible rates have not been separately prescribed for the different aquifers. The 2003–04 annual report reflects the review committee's view as to what the rates that apply to each aquifer should be. The committee will review the permissible rates of surface lowering as part of its forthcoming five-year review, and if in its opinion amendments are necessary or desirable, it may make recommendations to the contracting governments accordingly.

I should say that the review committee also will be asked to consider the issues that The Nationals have raised, and a report on that is due in mid-2006.

**Mr WALSH** (Swan Hill) — I thank the minister for that response. In talking about the permissible annual volumes and the permissible draw-downs, it was interesting to note when researching this bill that when those levels are changed they are only published in the *Government Gazette*. It is very hard to track over time what the changes may be, or even find out what the new ones are. If there were a way in the future where the changes made by that committee could actually be distributed more widely and be more publicly available, it would be very helpful. Not many people who live in that area actually get around to reading the *Government Gazette* — nor do we, for that matter. If you have to track back through the gazette, you find the information is buried among everything else that has been gazetted.

There is an issue as to how we maintain the knowledge base going into the future with the changes that are made over time and how they are made available to the public and to people like ourselves, who have to deal with these issues. Just publishing information in the *Government Gazette* is not necessarily a user-friendly way of making that knowledge available to other people.

**Amendment agreed to; amended clause agreed to.**

**Bill agreed to with amendment.**

*Remaining stages*

**Passed remaining stages.**

**CHILDREN, YOUTH AND FAMILIES BILL***Second reading***Debate resumed from 6 October; motion of Ms GARBUTT (Minister for Children).****Opposition amendments circulated by Mrs SHARDEY (Caulfield) pursuant to standing orders.**

**Mrs SHARDEY (Caulfield)** — In rising to speak on the Children, Youth and Families Bill, I acknowledge that it is an important piece of legislation, because the last time legislation of this kind was brought before the house was back in 1989. In that sense this bill is of great importance and is one that deserves a lot of consideration both by this house and the broader community.

In trying to understand the needs of children and families in Victoria, particularly in relation to disadvantaged children and families, I would like to draw on the manifesto of the Centre for Excellence in Child and Family Welfare, because I think its description of the situation in Victoria gives some understanding of the issues we are trying to grapple with and the challenges ahead, not only for this government but for any government in the future. It is of great importance. I will quote directly from the document, because I believe it summarises the issue fairly well:

One in every five children born in Victoria in 2003 will be the subject of a notification of suspected child abuse or neglect during their childhood or adolescence. This sobering statistic is an indicator of the increasing complexity of our society and the urgent need to ensure that families receive the help they need, when they need it, in caring for their children.

Over the past two decades there has been a steady increase in the numbers of children who, due to abuse and/or neglect, cannot live with their families. When these children reach early adulthood their life opportunities and circumstances are significantly poorer than those of their peers.

Families coming into contact with child protection and family support services increasingly have a combination of problems, including long-term poverty, substance abuse, mental health and family violence issues. In the last five years alone the proportion of parents presenting with two or more of these problems grew from 9 to 44 per cent.

The centre for excellence also provided some very telling statistics on these issues, particularly in relation to children and young people in care. There were 36 956 notifications of suspected child abuse or neglect in 2003–04. Of these, around 5 per cent, or 7400, were substantiated. The number of substantiated cases of child abuse in 2003–04 increased by 2 per cent from the

previous year. By ‘substantiated’ we mean proven. The number of children and young people who require out-of-home care or temporary care grew by 27 per cent from 1995 to 2004. There were nearly 4500 children in out-of-home care in Victoria as at June 2004.

The number of children in care has been increasing each year. Five years ago there were about 3500. Of these children in care, 54 per cent were in foster care, 31 per cent were in kinship care — that is, with relatives — 5 per cent were in other home-based care such as residential care services, 9 per cent were in residential care and 1 per cent were living independently. I assume that means on their own with no-one to care for them.

In 2004, 1 189 children in care had been in out-of-home care for two to five years, and 1000 had been in care for five years or more. Sixty-one per cent of children and young people aged from 0 to 17 years who were entering care for the first time met the criteria for a major mental health diagnosis and 75 per cent had conditions requiring medical or allied health follow-up. I think that statistic is really startling. It means that we really need to always be evaluating what sort of children we are trying to deal with and what their needs are.

In relation to Aboriginal children in the care system, as at June 2004 Victorian Aboriginal children were 11 times more likely than non-Aboriginal children to be on child protection orders. There were 531 Aboriginal children in out-of-home care in Victoria as of June last year, an increase of 4.5 per cent from the previous year. Victoria had the highest rate in Australia of indigenous children on care and protection orders, at 44.7 per 1000 children. Currently 62 per cent of Aboriginal children are placed with Aboriginal families, although others dispute that figure.

In relation to family reunification, a study of 1802 children in out-of-home care that tracked their progress over five years until June 2002 found that 38 per cent of attempted reunifications with families broke down. It also found that 30 per cent of children and young people were successfully restored to their parents, which I think is an indication at least of the importance of trying to unite children with their families.

In regard to trends in the provision of care services, 63 per cent of children and young people in foster care had four or more case managers over a 30-month period. The issue of young people leaving care troubles a lot of people. A lot of these children stay in care for

very long periods of time until they are 18, and then they are out on their own. This bill aims to rectify some of that by giving support until the age of 21 years. Many organisations would like to see that extended to 25 years. I refer to a few comments about this issue.

A report undertaken by the centre for excellence contains the results of research from a survey of 60 young people aged 18 to 25 years who had been in care in Victoria. It found that 22 per cent of young people had no case plan when they left care and that 28 per cent of these young people had children but that more than half of those children were in care under statutory orders. It found that nearly 47 per cent of these young people had some involvement with police in the past 12 months. Almost 65 per cent reported being diagnosed with a disability or illness and 32 per cent had been diagnosed with a mental disability or illness.

One of the key issues facing Victoria is the extent of mental illness among these young people and the degree to which the state is able to cope with this and provide appropriate support through mental health services — and that has certainly been criticised to a very large extent across the country in relation to what is being offered. Nearly half were living in unstable housing arrangements: on the street, in refuges or in temporary accommodation. It is not a very nice picture, and it is one that I think tells us as adults that we have a lot to achieve in trying to meet the needs of these families.

Let me say at the outset that I have supported a review of family services, particularly of disadvantaged children and their families, and a better focus on early intervention for affected children and families through a community-based system. The Liberal Party policy taken to the last election supported a complete review of current legislation — the Children and Young Persons Act and the Children's Services Act. To that extent we are in accord with the government.

I travelled to the United States of America to look at some of the programs which focus on early intervention and community-based initiatives. All of this supports the direction of the legislation and the thinking right across the world. Some of the organisations I visited taught me a great deal. I will recount one of the programs that made me feel that community-based intervention is something that can work. I visited a child-care centre which was offering free child care for disadvantaged families, but it was for children up to six years of age. Participation in the program was compulsory, in that once a family signed up the child had to be delivered to the child-care centre every single day. This particular program was a bilingual program

for Latino children coming from very poor families, often where parents did not work.

Each child had the same carer for a number of years, and certainly a baby entering the nought-to-three-years program would have the same carer for three years. Then when those children moved up to the three-to-six-years program they would again have the same carer. I admired the programs provided for the parents. Parenting programs and strategies were available to parents to assist them in providing a safe environment for their children. Attendance and participation were very strongly pushed, and the programs were highly successful.

One thing I learnt is that it is one thing to have good laws and creative programs, but without adequate resources, properly trained staff in adequate numbers and an efficient, streamlined system which is flexible enough to respond to change, nothing will be achieved. In a sense this is what I am concerned about with this legislation. What is written down in these pages will prove nothing unless there is a commitment to its proper implementation, unless there is leadership by the government and unless sufficient resources are expended to make the wishes and desires expressed in the legislation actually occur.

I am acutely aware of the work of Fiona Stanley, whom I have met, and Frank Oberklaid, whom I have also met, from the Royal Children's Hospital on the importance of early childhood development and the early years, including the need to ensure that children are offered the capacity to develop to the maximum of their potential through a holistic approach which focuses on their mental, physical and emotional wellbeing.

As a parent, as a grandparent and as a teacher I appreciate the importance of all these things. I particularly support a review of the child protection system as it has been administered by various Bracks government ministers. The first review was the child protection outcomes report. The interim report became public, much to the government's chagrin, I suspect. However, as this was a warts-and-all-review, it is helpful to note a few things which I hope will help guide the need for change. I will just mention a couple of the summary points which I think are important. I know this document was re-fashioned by the Allen Consulting Group and that it became the official child protection outcomes report, which was a flagship report on the government's program.

That report noted the following: there was severe underfunding compared to other states; children were

exposed to long-term developmental damage under the government's administration; there was a failure of communication between support services — and some of that is being addressed; children were handballed between support services; and child protection workers were inexperienced, some 50 per cent having had less than two years experience. That is an issue which really deserves a great deal of attention.

I hope the minister or the parliamentary secretary will be able to explain to me what is being done to address the inexperience of child protection workers and the fact that they have to work under such stressful conditions, which causes a large number to leave in such a short period of time. The document mentions the high staff turnover and what the authors felt was a lack of respect for many of the workers in the department. The report also talks about excessive bureaucracy, a lack of accountability, independent review or monitoring, and the underfunding of early intervention initiatives. As I said, the warts-and-all report was sent to the Allen Consulting Group, and what came back was a little bit different.

I would now like to talk about some of the specifics of the bill. Recognising that this bill is a complete rewrite of the Children and Young Persons Act, I will probably focus only on those areas which are new initiatives and not go through all of the 530 pages of the legislation. One purpose of this bill is to update the Children and Young Persons Act, incorporating parts of the Community Services Act. The other purposes are to provide for community services to support children and families, to provide for the protection of children, to make provision in relation to children who have been charged with or who have been found guilty of offences under the juvenile justice system and to continue the role of the Children's Court of Victoria as a specialist court dealing with matters relating to children.

This bill will not be proclaimed until October 2007, when the current Children and Young Persons Act will be repealed. I raise this issue because I think this last part of the process of reviewing the legislation has been done in a rush. A number of organisations have raised this with me. In fact, many organisations had only a short period of time to respond to the exposure draft of the bill. They had only five weeks to get in all their submissions, and many of the organisations said they were pushed for time in doing this. I understand there was other consultation, but that is what they said to me.

It was only three weeks after those submissions were received that this bill was introduced into Parliament. As I am told, there were 88 submissions, and I have read a large number of them. I find it difficult to

comprehend why there was such a short time frame at that stage, and of course only three weeks later the bill is being debated in the house. That is a very short time frame for organisations and the community to look at this large piece of legislation and assess the changes that have occurred between the exposure draft stage and the bill as it stands.

I have a document that was prepared in my office that looks at the changes in the exposure draft compared to the old act and then at the changes in the legislation before the house compared to the exposure draft — and some 80 changes were made to the exposure draft. So the number of changes to the exposure draft that are in the final bill is not insignificant, and many organisations have no idea what those changes are, particularly those that relate to the application for permanent care. Many people have no idea that the time frame has been reduced from two years to six months. That is an issue that the government needs to address. It is a pity that it occurred — it did not have to occur — and there should have been time to enable the community to understand that there was to be a change, even though some organisations had raised the permanency issue as something that they wanted examined. I raise that for the minister's attention.

As I have said, the Children and Young Persons Act will be repealed, and much of the Community Services Act will also be repealed, with sections of that latter act being incorporated into the new bill and with the remainder of the Community Services Act focusing on children's attendance at school.

I will look at some specific areas which are new to the bill — first of all, the principles. I note that the original objects which were in the exposure draft were deleted from the new bill. They included things such as promoting the integration of high-quality services and support for children and their families and carers; promoting stronger families and communities; and promoting family preservation and reunification. These objects disappeared when it came to introducing the actual bill. Perhaps the minister will explain to us why that occurred. Were these objects no longer considered important or the sorts of things that the community would not wish to be achieved?

The Children's Court, the department secretary and community services, as decision-makers in relation to children, must now be guided by the best-interests-of-the-child principle, which is also intended to guide the administration of this bill. Division 2 of part 1 on page 22 of the bill sets out the best-interest principles, followed by decision-making principles and additional decision-making principles for

Aboriginal children. Many of the principles are drawn from sections 87 and 119 of the Children and Young Persons Act.

In summary, the bill stipulates that the best interest of the child must always be paramount and that decisions need to protect the child from harm, to protect his or her rights and to promote his or her development. This of course is a new emphasis. Additionally consideration should also be given to the family as a fundamental group, relationships, Aboriginal identity, the child's views and wishes, the effect of cumulative patterns of harm, a child's safety and development and the desirability to plan for reunification.

Reunification is not the strongest objective, but consideration should be given to this issue. I am glad it is there, but there is some concern that this has become a far less important objective in child protection. Of course I have some views in relation to that.

Part 3.3 of the bill, commencing with clause 43, outlines the provisions regarding community services. The provisions in relation to community services have been strengthened by this bill. Community services are to be registered by the secretary for the provision of services to children for a three-year period which is to be renewed on application. There will now be a public register of community services which will be kept by the secretary. The minister may determine performance standards and publish them in the *Government Gazette*. The secretary will now be able to appoint an assessor to review the performance of community services. The minister can appoint an administrator of a community service if she is satisfied it is incompetently managed. This is a new area. It is an area that has been raised as a concern by community service organisations.

Under the new provisions in chapter 3, part 3.1, community-based child and family services are to provide a point of entry into an integrated local service network — and this is a new direction which I strongly support. Firstly, it will provide early intervention and support; secondly, it will undertake assessments of the needs of and risks to children and families, and it will report to the secretary if a child is considered to be at risk; thirdly, it will refer vulnerable children and families to other agencies for the provision of service; fourthly, promote and facilitate integrated local service networks; and finally, which is similar to the old act, it will enable the secretary to allocate funds to a service or make grants for family assistance.

Some organisations have raised concerns that those organisations which have the responsibility of offering support to families are now also going to act as

watchdogs and that the role may interfere with the relationship between organisations and families if families think organisations are judging them as to whether they will be reported to higher authorities. I think this is a very sensitive issue. Although I have said I support community-based support for families, early intervention and the capacity for organisations to look at families, see what is happening and take matters further if there is some concern, I think the issue has to be treated in a very special way. We have to be sure that these community-based organisations have the capacity and skills to assess families.

Later I will quote from the relevant union which is very concerned that there may be some watering down in relation to the monitoring of children and families. There is some concern that money will perhaps not be spent on ensuring these organisations have people who are properly trained to make these assessments. But as I have said, it is going to be a sensitive issue. It will be a balancing trick to ensure that the organisations which are offering to support families have the capacity to report families and that families are not fearful that they are putting themselves at risk of losing their children if they seek support and help. While there is a worldwide trend for community-based services to deal with families at close range, these are issues of concern which any minister has to be aware of. There has to be close monitoring to ensure this kind of system is actually going to work.

In relation to child protection, part 3.2, headed 'Concern about wellbeing of child' will enable confidential reporting about children, including unborn children, to the secretary or a community-based child and family service if there is significant concern for their wellbeing. Of course, there are some who are very uncomfortable with the concept that there may be reporting in relation to unborn children. An expectant mother who is in trouble and who is seeking support may be concerned about her future and the capacity for the department to remove her child and may perhaps therefore not seek the assistance that she really needs at the time she needs it. So there are issues around that. While we believe that as a society we should be ensuring that expectant mothers — particularly women who are very young or who are disadvantaged — have support in the community, there is also this other issue of whether they will seek support if they think they are going to lose their child.

The secretary has new powers to require information on a child from relevant persons, usually protective interveners. There are some exemptions, such as lawyers and the police, although doctors will not be exempt, and this is an area which is of major concern to

the medical profession and others. I will be making some comments in relation to some of those issues. The system of pre-trial hearings in the Children's Court has been replaced by a new hearing known as a group conference.

In relation to assessment orders, interim accommodation orders are retained from the old act and a new order is added, the temporary assessment order (TAO). The court may grant a temporary assessment order where there is reasonable suspicion that a child is in need of protection but where those with custody of the child refuse to grant access to the child. The secretary may apply for a TAO with or without notice being given to the parents. TAOs authorise the secretary to enter the premises where a child is living and to interview the child or to remove him or her to a place where an interview can take place. A temporary assessment order may also authorise a medical examination to be performed, although if the child has sufficient understanding to give or refuse consent, the child may refuse to consent to a medical examination.

A temporary assessment order may also give any other directions or impose any conditions that the court considers to be in the best interests of the child. The secretary also has the power to apply for a warrant to allow police to enter the premises in order to execute a temporary assessment order, but the decision in the granting of the order of course lies with the Children's Court. There are some organisations which have some concerns in relation to some definitions for these particular types of orders, but I think generally speaking there is support.

In relation to child-care agreements — and this is an area of some concern — the bill incorporates the sections of the Community Services Act which allow for parents to enter into child-care agreements with service providers for the care of their children. These are either short-term agreements — which are up to six months with an extension of six months — or long-term agreements of up to two years. Long-term agreements include a category called 'suitable person' agreements, in which the secretary agrees to let a service provider enter into an agreement with a suitable person to care for a child. Suitable person agreements expire when the child turns 18.

The area of voluntary agreements is one of concern, and although I know it is a replication of what is in the act, I would have thought this new legislation would offer the opportunity for the government to look at providing some additional qualifications. The Liberal Party's amendment calls for some changes to be made in relation to these agreements, particularly for

participants to receive legal advice and for such agreements to be registered with the Children's Court. We believe that is sensible and provides the sort of oversight that is necessary.

In relation to protection orders the bill retains all the categories of protection orders in the old act but adds one and radically alters another. Long-term guardianship to the secretary is the same as a guardianship order, but rather than expiring at the end of two years it remains in place until the child reaches 18 or marries. These can only be made with the consent of the child. The secretary must review and inform the court annually of the suitability of continuing the order, but I think we agree that sometimes it is necessary.

There are big changes in relation to permanent care orders. In the old act these could only be made after a child had been out of home for two years or at least two of the previous three years. In the new bill permanent care orders can be made after a child has been out of home for six months, or 6 of the previous 12 months. It is of note that time spent out of home under a voluntary child-care agreement cannot be counted for the purposes of making a permanent care order, which was an issue of concern for some organisations but was clarified. New provisions will allow for greater extension of supervision orders and supervised custody orders. Finally, the same magistrate can deal with a child throughout their interaction with the judicial system in order to develop a more individualised approach.

Returning briefly to permanent care orders, I will raise some concerns because this is an area about which there are some mixed feelings. While there is some recognition that some children are in homes where they will never be safe, there is concern about the attempt being made to assist those families and ensure they have services provided to help them mend their ways.

The secretary is charged with preparing case plans and stability plans for children on protection orders. Stability plans are new. Case plans contain all the decisions concerning a child whom the secretary considers significant and relate to the present and future care and wellbeing of that child. The new stability plans are a subset of case plans and they must be prepared for every child in out-of-home care except where the secretary considers that it is not in the best interest of the child. Stability plans must include details of how to provide long-term stable care for the child and a permanent care order cannot be granted unless the stability plan has been provided for such a child.

Therapeutic treatment orders are new orders. They concern those children between the ages of 10 and 14 who display sexually abusive behaviours. These orders empower the court to order that a child undertake therapeutic treatment programs. I believe there has been a big call for such an order and this issue has been raised with me on numerous occasions. The court may also grant custody of a child to the secretary for the purpose of therapeutic treatment. It is envisaged that these therapeutic treatment placement orders will mostly be used where it is necessary to remove a child who is displaying sexually abusive behaviours within a family to allow their placement in out-of-home care. Anyone may make a report to the secretary that a child is displaying sexually abusive behaviour.

The bill creates a therapeutic treatment board appointed by the Governor in Council and comprised of members nominated by the Chief Commissioner of Police, the Director of Public Prosecutions, the secretary and one or more health services deemed appropriate by the minister. This board is to offer advice to the minister on services available for the therapeutic treatment of children. This therapeutic treatment board will also, upon referral from the secretary, provide advice to the secretary on whether it is appropriate to seek a therapeutic order for particular children. It is of note that while a therapeutic treatment order is in place all proceedings in the criminal division of the court are adjourned. So if a child is facing offences in juvenile justice, their case will not be heard while a therapeutic order is in place. Additionally, information gathered during a therapeutic treatment order is inadmissible in criminal proceedings.

The bill also makes provision for the approval and registration of out-of-home carers including foster carers. It creates a process to be followed in dealing with allegations of abuse against foster carers, involving the appointment of outside investigators. It mandates that all allegations of sexual and physical abuse against out-of-home carers are to be reported to the police. It establishes a suitability panel to determine whether carers should be deregistered following findings of abuse against them. The very big issue is, of course, the declining number of people who are offering to become foster carers. At this stage there is no indication of how these measures will help to attract carers. I think it is an issue of great concern, particularly if we are looking to increase the number of children who are put into permanent care.

In relation to children and the criminal law, weekend detention is no longer an option in the juvenile justice system. A child is now someone under the age of 18 years for the purpose of criminal offences. The child

must be below the age of 19 years at the time the offence is prosecuted. These provisions were passed in the autumn session. Also, in this part of the bill it states that those aged 19 or older who were children when proceedings commenced must still have those proceedings heard unless there are exceptional circumstances.

My comments in relation to these particular new provisions are that the Liberal Party has supported these changes, but it is rather concerned about the number of now older teenagers in the juvenile justice system, many of whom seem to be exhibiting fairly violent behaviour. A lot of these issues have been raised in the media over this last year. I am not convinced that this legislation provides any information about how the government is going to address this issue. There are issues of concern in relation to the operation of the juvenile justice system which really do need some investigation. As has been suggested by senior people in the judiciary, perhaps an inquiry needs to occur because the instances of violent behaviour, abuse involving offenders and staff and huge levels of stress leave occurring within juvenile justice centres need to be addressed.

The range of proceedings in which a child is required to be legally represented has been expanded to include applications for therapeutic treatment orders, applications for temporary assessment orders and applications for variation or revocation of the above, amongst other types of orders.

In exceptional circumstances the court may now appoint legal representation where a child is not mature enough to give instruction. To the extent it is practical the legal practitioners must attempt to convey to the court the wishes of their clients — page 415 of the bill. This is an issue which some very senior people in the legal profession have concerns about. They do not believe it should be just in exceptional circumstances that a child not mature enough to give instruction is represented. They believe all children should be represented. I think there are some very senior members of the judiciary who would like to have seen that proposed section removed from the bill. I am not moving to remove that proposed section because I do not believe it is the job of the Liberal Party to fix up everything in the bill that some people do not like. Nonetheless, I think it is of concern and something the minister should take into consideration when reviewing this legislation down the track.

In relation to the Aboriginal community the bill is liberally sprinkled with principles which are to be followed in the case of indigenous children — namely,

that the secretary is to take care to preserve the culture of the Aboriginal child and seek to maintain kinship links et cetera. It is of note that it appears that none of these provisions are binding and should perhaps be regarded as guidelines, but I would like to think that people feel that these provisions are more than just guidelines, that they are very important. I have had quite a deal to do with Aboriginal communities, and I strongly support these provisions. However, the submission of the Federation of Community Legal Centres (Vic) Inc. raised some concerns, and I quote from page 6:

The department has partially taken up the Kirby recommendation to take a different approach to permanency and stability by including the Aboriginal child placement principle in legislation and by including additional requirements prior to a permanent care order being made. The bill also includes the power to delegate guardianship powers to an Aboriginal organisation. With no resource guarantees and 50 per cent of Aboriginal children in non-Aboriginal care it is difficult to see how these provisions will have anything other than a peripheral effect on the number of Aboriginal children living with non-Aboriginal families. The increase created by the faster permanency planning will be in addition to projected increases in Aboriginal children coming into care as a result of population increase. Unless there is considerable investment in new service provision the number of children placed in non-Aboriginal families appears set to increase dramatically.

I suppose my comment would be that, while the legislation believes there should be a greater focus in relation to the preservation of culture for an Aboriginal child, what this submission is saying is that unless more resources are put into this area that just will not occur, and that is of some concern.

Now I turn to the areas of concern in relation to the bill. The general direction of this bill, which expands the role of the non-government sector and brings a greater focus to family support and early intervention is generally supported, although there is concern that there will not be an integration of mental health, drug and alcohol, and other services with family support to provide the level of support promised. I have had discussions with a number of people in relation to this issue. I think we all assume that programs like the innovations program, which is meant to integrate services at a local level, will in fact bring together a large number of services. I had always thought that it would necessarily mean the bringing together of mental health services, drug and alcohol services and other services — —

**The ACTING SPEAKER (Mr Ingram)** — Order! The honourable member's time has expired.

**Mrs Shardey** — May I have leave for an extension of time?

**Ms GARBUTT** (Minister for Children) — Acting Speaker, there is an agreement to extend the shadow minister's speaking time to take it up to the full hour, which would be another 17 minutes.

**Leave granted.**

**Mrs SHARDEY** (Caulfield) — I am most appreciative. As I was saying, in dealing with very complex families with a very high proportion of mental health, drug and alcohol, poverty, unemployment and housing issues most people's concept of the integration of services would be that all these services would be brought together to assist those families, but there is nothing in this legislation about such a requirement. All that is talked about is the provision of family support services, not a bringing together and integration of these other services, which I would have thought would be absolutely fundamental if one were going to provide an integrated program.

One of the people I spoke to and who gave a speech on these issues was David Green of La Trobe University, whom most people would know. He was the public advocate and is a person who has a great deal of understanding in the area of child protection, particularly this issue. Part of his presentation was about the shared responsibility and community partnership which this legislation is meant to underpin. He discussed the white paper which is the framework for this legislation.

Initially his presentation says that the white paper foreshadows actions to meet the proposal for a partnership, and he recognises that there are some things that should enable that. His presentation says:

1. A set of unifying 'best interest' principles are suggested for the guidance of all services and decision makers.

He gives that a big tick —

2. A set of service principles are also defined.
3. The government will establish whole of government committees to deliver the broader objectives.

Personally I think those committees often do not achieve what they set out to achieve. The next is:

4. New quality and accountability measures will be introduced.

Finally:

5. Many of the 35 different strategies discussed in the white paper make reference to cooperation, collaboration and shared responsibility.

But ...

When it comes to those services most closely related to vulnerable children — mental health, drug and alcohol, disability and domestic violence — no legislative provisions have been proposed which would require them to share the responsibility for the protection of children.

The only services to be formally involved in the partnership with child protection are family support agencies.

He also believes:

Such an approach to shared responsibility is central to protecting children because ...

73 per cent of all parents in the category of substantiated cases requiring investigation and intervention had one of the following characteristics; psychiatric disability, intellectual disability, physical disability, family violence, alcohol abuse or substance abuse.—

44 per cent had two and 20 per cent had three of these characteristics.

David Green's presentation goes on to say:

There are realistic options on the table for a partnership with these specialist services which include —

and he has made some suggestions.

1. Provisions requiring liaison on collaboration between child protection agencies and these services while more complex solutions are being worked out.
2. Lead professionals to take the responsibility in each case where children are known to more than one specialist agency and multidisciplinary teams —

a suggestion he has taken from the United Kingdom green paper *Every Child Matters*.

3. Coordinators or case manager to manage links between agencies —
4. Review the protective roles of related secondary services particularly those with a statutory base to their work — i.e., mental health, disability and [drug and alcohol] — i.e. get real about the shared responsibility for the protection of children.
5. Establish statutory requirements for services whose primary client is a parent — beyond mandatory reporting — to the nature of intervention and the services provided — i.e., establish the general principle that the service provided must take into account the status, needs and responsibility of the client/patient as parent.

He concludes:

Significantly the white paper refers to a weaker version of the first of these options — improved liaison through community networks.

So the only agencies to formally share responsibility are the family support services in the innovations projects.

He also tells us:

The government's own panel took a much more radical approach —

and his presentation then quotes the Kirby report:

The panel believes there is a need to introduce a family-centred approach in drug and alcohol, mental health, disability and homelessness services ...

It is important to review the legislative base, service paradigms and service-delivery models ...

David Green continues:

But this recommendation was ignored.

...

In effect the white paper has passed up any serious option to improve the community partnership with key services through legislative or even administrative reform.

Failure to take some action on these issues seriously weakens the community partnership.

I have to say I agree with him. While there is support for the notion of best practice as outlined in the principles of this bill, the test will be how much additional money is spent and how this system is run.

I have a document from Colleen Clare, the chief executive of the Centre for Excellence in Child and Family Welfare. The centre's manifesto outlines what the centre believes is necessary in terms of budget requirements to provide the sort of money that is going to be necessary in its view to meet the requirements of this legislation. The centre is looking at additional expenditure next year of some \$60 million and similar amounts in the years to follow.

I turn to other concerns that members of the opposition have. Given the new emphasis on stability planning and the greatly shortened time before a child can be permanently removed from its parents — just six months — and placed in out-of-home care, there is a chance that families will be broken up prematurely, some of whom might have been saved with access to appropriate intensive services.

David Green's remarks go to the heart of that concern, but I also spoke to some psychiatrists about these issues. An example was given to me of what could

happen to a family under this new system of permanent care being able to be applied for so early on. The example was given of a woman who may be suffering from post-partum depression and may not be able to look after her child because she could be a danger to him or her, meaning that child would need to be removed. However, with treatment a woman suffering post-partum depression can recover and down the track can take back her child. A rush to permanent care in a case like that would be a great pity. I call on the government to give a much stronger commitment to the provision of services if it is going to implement the program in this legislation.

In relation to voluntary agreements, I have already said that the Liberal Party is going to propose an amendment, which I discussed earlier. We believe the lack of legal representation will lead to clients making uninformed decisions. Although it may allow the department to clear cases more quickly, we do not think that should be the priority. We believe the period of out-of-home care is cause for concern, as the department will not be scrutinised, given that there is no court accountability — and we believe there should be.

This legislation should have provided safeguards for members of vulnerable groups such as the intellectually disabled, non-English-speaking people and minors. Without legal representation they may not be fully aware of what they are doing in relation to voluntary agreements. The Department of Human Services is aware of situations where people have been exploited and acknowledges that most parents do not get legal advice. We believe parents may be coerced into signing these agreements due to the DHS encouraging them and talking about the very negative connotations of the court system. In particular the Law Institute of Victoria sought details on a number of voluntary agreements used by DHS, but it was refused that information.

The views of the Liberal Party on this issue are supported by the submissions of the Federation of Community Legal Centres, the law institute, the Victorian Aboriginal Legal Service, Youth Law, Susan Green, a psychologist who spoke very strongly on this issue, and Victorian Legal Aid. Therefore the Liberal Party is moving an amendment which will ensure there is certification that independent legal advice has been given and the agreement has been registered with the Children's Court.

The second big concern we have is in relation to the Victorian Civil and Administrative Tribunal and its role in hearing cases about access. VCAT is the appeal body for administrative decisions, the recording of information by community service organisations, case

planning and access. The common view is that VCAT is now not a suitable body to resolve disputes over parents' access to children under guardianship orders. We believe, as others do, that VCAT lacks the necessary expertise, is not user friendly and is document driven, and it is very difficult to get legal aid. Therefore we believe the government should consider an amendment which passes this responsibility on to the Children's Court. I would have liked to give some quotes in relation to that issue, but time is now pressing.

Another issue of concern relates to information disclosure. I have referred to the compulsory disclosure of information, which strangely enough exempts the police and lawyers but not medical practitioners. I believe the whole concept is contrary to balancing the concept of minimum risk to the child with that of providing access to services.

We believe parents will be reluctant to access services due to fear of disclosure, and lawyers may counsel clients against utilising these services. This goes against the preventative and supportive approach to child protection this bill is trying to achieve. The bill should include safeguards as to what information can be obtained. Although the department claims it will only access relevant information, it could be that the intent is to allow for cases to be built. In particular, we believe the capacity of the Children's Court clinic to ensure full and frank disclosures will be compromised. This will be detrimental to the independence of the Children's Court clinic and the role of the court in utilising it. We have strong concerns about the ability of some Department of Human Services workers and their capacity to interpret records, particularly medical records. In addition, they may be selective in what they use.

I will provide a quick quote from the Australian Medical Association in relation to this issue. It states:

Medical privilege does not apply ... no valid reasoning is offered for the extinguishment of medical privilege. Presumably this is nothing more than a mechanism to substitute the reasonable responsibility to seek a subpoena for disclosure of sensitive information with a bureaucratic fiat, which is unacceptable.

I could provide many more quotes but I think that is the most important.

In relation to the whole direction of a dual-track system, while we believe early intervention principles and the greater involvement of the community sector are positive steps and are in keeping with overseas trends, there are significant concerns about the operation of a dual-track system. I will provide one quote from the Community and Public Sector Union (CPSU), which

met with child protection staff. In its submission it raised issues concerning the resources of child protection, the lack of experience among staff, staff leaving very quickly after starting work in child protection and the fact that child protection workers now have the added responsibility of assessing whether a family is in need of support services or there is a case to be taken to the court. I was told — because I asked — that no additional staff will be employed to carry out that responsibility of assessing the need for support services. The CPSU states:

There are clear concerns about the community-based agencies being able to appropriately filter what comes through the community intake service into child protection and raises the serious unintentional consequence of potentially underreporting appropriate protective notifications. After 16 years of the Children and Young Persons Act there is already confusion in the general community about what constitutes abuse and when to make a notification. Adding another intake layer will only add further confusion for notifiers and a range of non-specialist NGOs about which cases should be notified and to where. There are concerns that the child will be lost in the system therefore child protection should manage the intake and not the NGOs.

I think it is an issue the government will have to be very careful about. I hope there will be very close monitoring of the system.

In summary, the Liberal Party does not oppose the legislation. We support many of the underlying principles but of course we have some deep concerns about some of the issues I have raised. We are looking for leadership to be shown by the minister to ensure the best results. I will ask the questions: will changing the law protect adolescents in care, who, as I have seen, can often end up on drugs and in prostitution and some of them die? Will the changing of this law bring about any change in the lack of real care in residential services? When I speak to carers many of them say they lock themselves in their rooms and the kids run riot. That is a huge issue which needs to be addressed. Will it mean that the case where a baby was tortured by a foster carer three times before action was taken to protect him will not happen again? I would like to think a system can address that. The conclusion that I draw is that all the best laws in the world will not make a difference unless a minister and a government manage the system properly and demand the highest possible standards.

**Mr MAUGHAN (Rodney)** — I am pleased to follow the member for Caulfield in this very important debate on the Children, Youth and Families Bill. I agree with the comment the member for Caulfield just made: the government really has to show the way and provide the resources. However, we as a broader community also need to take responsibility for many of the social

problems we are discussing in relation to this bill. As the minister pointed out in her speech, it is a responsibility of the whole community.

Yes, the government has a lead role to play. Yes, the government needs to provide the resources but all of us — the government and non-government sectors and individuals out there in the community — need to take real care in the way we raise our children and young people. After all, as we often say, they are our most important resource. We say that but I am not sure we do enough about it. I am passionate about preschool education, because I think those first five or six years of a child's life when we can make a real difference as to what sort of individuals they will turn out to be are absolutely vital, but governments of both political persuasions consistently fail to provide sufficient resources to get children off to that very good start in life.

It is exactly the same with this legislation before the house today. We have fine sentiments and we all have very good intentions but when push comes to shove we as a community, not just the government — I will criticise the government — need to decide that we are going to provide sufficient resources to address this problem. No government in the time I have had anything to do with government has put in sufficient resources to deal with the cause of the problem. We are constantly dealing with the symptoms and I think it is about time we started getting serious and taking a whole-of-government, whole-of-community approach to dealing with the causes rather than just constantly dealing with the symptoms as the number of children who are victims of child abuse and neglect continues to increase. It is a very important piece of legislation. As the minister observed in her second-reading speech, it is a once-in-a-generation opportunity for comprehensive legislative change. There is an attempt to do that and I commend the government for attempting this change. I have some criticisms and I will come to them in a minute.

One of the first bills I had anything to do with when I first came into this place in 1989 was the Children and Young Persons Act. Peter Spyker was the minister at the time. I cannot help but reflect on the different process then compared to now. There was a very long period of consultation. If I remember correctly, it started back in 1982 with Dr Terry Carney chairing a committee which presented a discussion paper. Some 9000 copies of that discussion paper were circulated throughout the community. Subsequent to that there was extensive consultation. The figures at that time indicated that about 12 000 people and organisations responded to that discussion paper.

I remember that over a long period of time there was widespread discussion with all those out there in the community. I well remember my introduction to this place and the way the parties worked together to achieve what was at that stage groundbreaking legislation. There were 400 submissions and several hundred oral submissions. Essentially the bill was six years from its genesis to going through the Parliament with the support of all of the political parties.

I do not want to make political points but I want to contrast the process now with then. We have had a relatively short process of consultation. The white paper — the exposure draft — came out in August of this year. The bill itself came in a matter of weeks ago. The community service organisations had a chance to look at the exposure draft.

It is not the same as the bill before the house. There are some 80-odd changes, and I have not struck a single community service organisation that would say that it has been able to get its mind around all those changes — that is, not just to be aware of the implications of what is in the bill but, more importantly, to be able to talk to their colleagues and to other organisations and to talk particularly to members of the opposition parties to express their views. That simply has not happened on this occasion, and I pose the question: why is this so-called honest, open and accountable government rushing the legislation through? What has it got to gain? I would have thought that this very important legislation should have been worked through with the community so that there is widespread community support, particularly when the government is quite rightly saying that child protection is a matter for the whole of the community. I think the government should therefore have put far more effort into bringing the community along with it.

As the minister says, it is a matter not just for community services, for the government or for the courts but for the whole community. I wonder what the rush is and why the government has not given people more time, particularly the community organisations that have such an important role to play in what is proposed here.

**Mr Delahunty** — A vital role!

**Mr MAUGHAN** — It is an absolutely vital role, as my colleague the member for Lowan says. Community organisations have some genuine concerns about their role — how it is going to play out, whether the resources are going to be there to do it, what their legal responsibilities are and the like. They have not been

able to get answers to those questions, and I think that is a pity.

Some of the comments I expressed in 1989 are positions of principle that I strongly hold today, and I think they are equally valid. I supported the establishment of a specialist Children's Court, and this legislation will make some further refinements to that. I recommended that emphasis on prevention and reconciliation as proactive concerns should be placed ahead of criminal concerns in the courts and that children should remain in the home where it is possible to do so. That is one of the principles that is espoused in the legislation that is before the house today. It is a very important principle. It is not possible for every child to remain in the home, but where possible we as a community should be working to provide the help, the support and the resources to keep children in the home with their biological family.

I argued against mandatory reporting at the time because I do not believe it stops abuse and neglect. It diverts resources from actually dealing with the cause. I note that Justice Fogarty was outspoken against mandatory reporting at the time. That was overtaken by the events of the Daniel Valerio case, and the government of the day introduced mandatory reporting, which takes an enormous amount of resources from the Department of Human Services.

On an occasion like this we need to remind ourselves of the size of the problem we are dealing with. I do not want to bore the house with endless statistics, but some of them need to be put on the record. In 2003–04 there were 36 956 notifications of suspected child abuse or neglect. Some 20 per cent — 7412 — were actually substantiated. That is an enormous number of children in this state for whom the notification of abuse or neglect was in fact substantiated. It was up 2 per cent on previous years, and I think the concern is that the trend is upward rather than downward. We have to ask ourselves why it is that we are getting this increase in child abuse and neglect. As a community we are prosperous and have a heck of a lot of things going for us, but we have an increasing number of children in our society who are suffering from abuse and neglect.

At 30 June 2004 there were 4309 children in out-of-home care — again an increase of 20 per cent on the previous nine years, and the number of children in out-of-home care is increasing each year. It is an indictment of our society that those figures are increasing. We should be attacking the cause of the problem and those figures should be going down rather than going up. The figures for those children are well documented: 54 per cent are in foster care, 31 per cent

are in kinship care, and so on. In 2004, 1189 of those children in care had been in out-of-home care for between two and five years. Let me repeat that: about 1100 children had been in out-of-home care for two to five years, and 1006 children had been in care for five years or more. Again, that says something about the society we are living in.

Then we get to the causes. Fifty-six per cent of parents of those children in care had experienced domestic violence — a problem that we have to deal with to try to redress this increase in child abuse and neglect; 43 per cent had substance abuse problems; 37 per cent had alcohol abuse problems; and 31 per cent had a psychiatric disability. I note the increase in mental health problems in families that have children that are subject to abuse and neglect. These are issues that as a community we have to deal with. We have to put a greater proportion of our resources into these preventive types of activities, whether it be in mental health, in preschool education or, as in this case, in dealing with family support. Another appalling statistic is that 66 per cent of those in foster care had four or more case managers over a 30-month period. It says something about the management of the department if, in an area where you need continuity of care and management, case workers are changing over as rapidly as that.

The member for Caulfield in her contribution spoke about the burnout of child protection workers. That is really something we need to look at. Why is that happening? Why can we not keep mature, experienced child protection workers within the system and provide that continuity of care that children really need? The Centre for Excellence in Child and Family Welfare — and I like the name; it used to be the Children's Protection Society — includes some good quotes in its manifesto for the 2006 state election. It starts off by saying:

One in every five children born in Victoria in 2003 will be the subject of a notification of suspected child abuse or neglect during their childhood or adolescence.

That is an appalling figure: one in every five kids born in Victoria in 2003 is going to be the subject of a childhood neglect notification during their childhood or adolescence. The centre then sums it up, I think:

Families coming into contact with child protection and family support services increasingly have a combination of problems, including long-term poverty, substance abuse, mental health and family violence issues. In the last five years alone the proportion of parents presenting with two or more of these problems grew from 9 to 44 per cent.

That is the problem that we really have to deal with in order to reduce the level of child abuse and neglect that we have in our community. This is important legislation. We should have every member of the house speaking on this, because it is so vital to us as a community and so vital to what we are doing as a Parliament. There is nothing more important than dealing with children in our society.

Again, I come to the point: how much discussion has there been out there in the community? What consultation has there been with those that will have to go out and deal with these families? What assurance has there been about the resources being available to assist those non-government organisations to provide these vital services? They are all battling for funds. They are all battling to do the excellent work they do without sufficient funding being provided by government — and yet we as a community are not providing enough.

The minister put out a ministerial statement in June 2003, in which she did give some indication of the direction that this legislation would be taking. I just comment that I think the ministerial statement — as are many ministerial statements and second-reading speeches these days — is full of a lot of rhetoric, political commentary and self-congratulation on the amount of the increase in dollar terms, without looking at whether or not that is actually meeting the need.

**Mr Delahunty** interjected.

**Mr MAUGHAN** — And, as my colleague the member for Lowan says, whether it is effective. That is the key point: what does it matter if you increase the dollar contribution by 4 per cent, 5 per cent or 20 per cent if it is not actually addressing the need? In this case in the ministerial statement we only got through to page 4 before the minister could not help herself and could not resist having a crack at the previous government with quotes such as 'neglect of core services', 'damage to the social fabric of our community', 'cost shifting' — this is a case of the pot calling the kettle black, because there is cost shifting going on in this exercise, shifting responsibility to the non-government organisations — and 'eroded a long-held tradition of collaboration and trust'. For heaven's sake, that is what we are doing in this legislation!

On the next page she has a crack at the federal government, saying that it could do more. Of course it can do more, but let us have a look at what this Victorian government can do to address this problem and stop blaming others. Right now we have the

opportunity to make a difference. We will see very shortly, when the May budget is delivered, how serious this government is about backing up its rhetoric with actual funds to do the job.

In August this year we had, as I said, the white paper, the exposure draft, out there in the community for some two months for community service organisations to get their minds around what is about 500 pages of detailed legislation. As I say, they commented on that, but there have been 80-odd changes in the bill itself. I have not had a chance to check out all those to see whether those apparently minor changes do make a significant difference. More importantly, very few of the community service organisations have had that opportunity either, and very few have had the opportunity to comment in detail on the legislation — that is, the bill that the house is dealing with today. Comments from community service organisations and others were made on the exposure draft of the bill and not on the bill itself. As I say, the organisations and interested individuals have had very little time to consider the bill itself and to properly consider its 542 pages, talk to their colleagues and other interested parties, properly consider the implications on their organisations and then consult with members of the opposition on what they really want to do.

I will spend the rest of my time quoting some comments from some of those organisations. I do not want to give the impression that there are not some good things in this legislation; there certainly are. I commend the government, firstly, on the best interests principles. The bill states that the best interests of the child must always be paramount. That was the thrust of the 1989 legislation. It is very important that we keep that in mind: we should always put the best interests of the child first. The bill also talks about the need to give the widest possible protection and assistance to the parent and the child as a fundamental group unit of society. Again, that is a very important principle.

Another one that will come in — and I commend the government for this one — is about the effect of cumulative patterns of harm on child safety and development. I think in the past we have tended to look at isolated incidents and dealt with those on the basis of an individual child and an individual incident, but we need to be thinking more of the cumulative patterns of harm. It also talks about the desirability of continuity and stability in a child's care. A child, particularly in that early development stage, certainly needs continuity and stability, and needs to be in a home where they feel safe and secure. At page 24 the bill talks about the decision-making principles. Again, they are all very sound and reasonable and I have no problem with them.

For the reasons I have given The Nationals will move a reasoned amendment. I give notice that before concluding my speech I will move that the bill be withdrawn and redrafted to take account of the concerns I have raised.

We have had some excellent submissions from the various community services organisations I have mentioned. The Good Shepherd Youth and Family Service made a well-reasoned and sensible submission. It said:

Our comments on the bill are circumscribed by a number of unknowns. The broad support Good Shepherd Youth and Family Service has for this legislation is (i) circumscribed by the as yet unknown impact of the Child Wellbeing and Safety Bill. Knowledge of the interaction of the two bills is really necessary before comments can be made on whether the children bill supports the policy directions of the government ...

It went on to say that its comments were:

... circumscribed by the unknown commitment of the government to resource the system reforms adequately.

To be fair, it said:

A generation of indifference will need to be addressed. This is not a reflection of the \$\$\$ efforts of the government over the last five years but a more general one about the place the funding of children and family services has had in overall government priorities over an extended period.

That is the point I was trying to make before. It is not just this government but previous governments; we do not give a high priority to these very important services. That is clearly spelt out by the Good Shepherd Youth and Family Service. The service went on to say that its comments were:

... circumscribed by the unknown impact of the construct of 'child safety'.

It is a very good submission.

Another very good submission came from the Centre for Excellence in Child and Family Welfare, which made a number of very good points. I will quickly go through them. It is extremely concerned about the haste with which major reforms are being legislated without sufficient time to consider the consequences. In general it supports the thrust of the legislation and wants the bill to be supported. It believes the power to appoint an administrator and dismiss a board of directors is extreme. Many community service organisations (CSOs) agree with that. How on earth can the government be so arrogant as to say that it wants the power to actually appoint an administrator and, in extreme cases, dismiss the board of directors of a

non-government organisation which only gets part of its funding from the government? Most of the non-government organisations receive funding from a variety of sources, of which the Victorian government is one, yet the Victorian government wants the capacity to appoint an administrator and, in extreme cases, to dismiss the board of directors.

I think that is arrogance in the extreme. It is a nanny state wanting to interfere in the running of these 40-odd community service organisations that do a great job in looking after children and young people in our community. We have now moved away from what used to be the case, with the government being largely responsible for providing care for children and young people, to a shared system, a good system where government has a role and non-government organisations have a role. They provide a bit more compassion, care and efficiency than any government organisation can provide. I support the cooperative relationship between government and non-government organisations in providing that care.

The centre argues that we need to support young people until they are 25 years of age. It supports the lift in age that is in the legislation, as I certainly do, but many organisations are arguing that some of these people who come from dysfunctional families and have all sorts of problems need to be assisted not just until they are 21 years old but until they are 25 years of age. I think that is something we should keep in mind for another day.

The centre talks about the need for adequate resources to implement these far-reaching changes. Practically all the community service organisations raised the issue of resources. There has been no guarantee that the funding to enable these organisations to implement these far-reaching reforms will follow. The need for a whole-of-government approach and the lack of cooperation between local government and the federal government are both issues that are important in child protection. What evidence is there of some discussion or collaboration between local government, the state government and the commonwealth government?

The centre supports the common regulated space recommended by the Kirby report rather than the very strong regulatory compliance focus that is inherent in this legislation. Although the centre has those reservations, it says the sector believes the bill has some good material in it and should be supported. I have already mentioned the centre's recommendation on the need to support young people up to 25 years of age, and it says the government funds only some of the programs run by these organisations.

Anglicare made a very good submission that was generally supportive of the thrust of the legislation. It raised a range of concerns about the community intake and referral system, which in its view — and many CSOs support this — compromises the role of community service organisations and their thrust to be out there supporting families and working with them. It takes time to build up trust between the community service organisation and the family. The trust could potentially be compromised if the CSO is also required to go out on child protection issues. I think there is an argument for keeping separate some of those child protection issues where the department should exercise the function and not transfer the role across to CSOs.

Anglicare says that the legislation does not lock in other government services. We have talked about the whole-of-government approach in the community. What about the Department of Education and Training and the range of government departments and their role in promoting child welfare to ensure we have healthy and well families? The CSOs are concerned about the accountability being pushed on to them from the Department of Human Services — both legal accountability and funding requirements. They say legal liability should be a shared responsibility. If the department has a role and the community service provider has a role, it is unreasonable to expect the community service organisation to wear the whole of that responsibility.

Anglicare says there is no commitment to resources and it does not even know what the additional costs are likely to be. The government has given no indication of that. Some CSOs have estimated that they could be of the order of \$60 million a year for the next three years. I do not know whether that figure is accurate or not — no-one really does. A reasonable suggestion is that we should trial these changes in a region to get the feel of the costs before we impose them on the rest of the CSOs without knowing firstly what the additional costs will be and what the commitment of government will be to fund those resources.

We have the issue of stability planning versus permanency planning, and there can be a debate about that. Should we be looking primarily at stability or permanency? There is concern about those issues. We have also spoken with Wimmera Uniting Care, which wants to provide much greater certainty in young people's lives. They support extending the age from 18 to 21 but say it would be even better if it went to 25 years.

I have a letter from Associate Professor Vernon Knight, the executive director of Mallee Family Care. He says

the haste with which this legislation has been drafted and the lack of consultation undertaken are one of his major concerns. He said:

My principal concern with the bill is its failure to understand the nature of the relationship which exists between statutory authorities and voluntary organisations.

Later he said:

A secondary concern in relation to the legislation is the apparent wish of the Victorian government to take control of community organisations and determine the way in which they ... work.

That has come through from a number of CSOs, which are saying that they are concerned about this government's attempt to take even more control. I have a letter from Peter Brown of Wimmera Uniting Care which makes a number of comments, including:

While I cannot pretend to have read all of the legislation or be across it all in its entirety ... the legislation will codify many of the practices which are currently undertaken in Victoria and will provide legislative support for the recently introduced family support innovations program.

I want to conclude by referring to an excellent report by the Auditor-General, no. 6 of 2005, entitled *Our Children Are Our Future — Improving Outcomes for Children and Young People in Out of Home Care*. He gave the government a bit of a serve on the way through, to which the government responded. The Auditor-General said:

Our children are our future. One of the most important influences on a child's development and wellbeing is the care they receive from their family and the wider community.

He went on to talk about the 4000 Victorian children and young people in out-of-home care and made some real criticisms about that. When the department responded he came back — unusual for an Auditor-General — and made the further comment:

The out of home care reform initiatives have been a significant investment of public resources in recent years affecting the lives of thousands of children.

I expected —

this was the Auditor-General —

that DHS would adopt a strategic approach to planning and managing the reform of out of home care.

He then went on to make some comments about that. I want to conclude by moving a reasoned amendment as follows. I desire to move:

That all the words after 'That' be omitted with the view of inserting in their place the words: 'this bill be withdrawn and redrafted to address the many serious concerns expressed by

community service organisations, and specifically — (a) the shift in responsibility and liability from government to community service organisations; (b) the lack of adequate funding for community service organisations to discharge their additional responsibilities; (c) the lack of a strategic approach to planning and managing the reform of out of home care; (d) the ability of the government to prescribe 'purposes' for voluntary organisations; and (e) the capacity of government to appoint administrators and dismiss a board of directors of non-government agencies'.

**Mr LANGUILLER** (Derrimut) — It is with great pleasure that I rise to speak in support of the new Children, Youth and Families Bill. There are few things in any community that are more important than in investing in our children. They are our future, and if we do not do the right thing by our children now, the whole community will suffer in the future.

I have seen some great things done by the Bracks government. It is doing terrific work in giving Victoria's children the best possible start in life with some really new and innovative approaches to supporting them, especially in their early years. But life does not always go smoothly for every child, and some of our most vulnerable and damaged children sadly end up in our child protection system. Those children typically come from very troubled, difficult backgrounds, and while the problems they face are complex and the solutions that will bring their lives back on track are difficult to find, there is too much at stake for us to relegate them to the too-hard basket. These children are our future — and we owe it to them to give them every opportunity to make something of their lives. I believe this legislation will achieve exactly that. It is all about focusing more on the child, on getting help more quickly and earlier, and on ensuring that children get a better chance for a stable, safe and nurturing environment in which to grow up.

These issues are not particularly easy ones for anyone to deal with. When children are growing up in unstable and troubled environments, some pretty major dilemmas can begin to arise. How do we intervene? How do we help? Do we put all our efforts into trying to get that family into order, or do we move the child somewhere that we know is safe and stable? Obviously that is a drastic simplification of a very complex question. But at the end of the day sometimes judgments have to be made about these sorts of issues. This legislation provides some landmark leadership on this very complex issue. It draws on some compelling evidence about the effects of instability on a child's development and how the very wiring of a child's brain can be irreparably damaged when the child is subject to too much stress, abuse or neglect in their earlier years. Obviously all of us want families to be helped to sort

out their problems. I am proud to be part of a government that is investing unprecedented funds in programs that do exactly that.

This legislation stresses the importance — it is one of its guiding principles — of keeping families together. But the overriding concern that has to guide everyone — the courts, the non-government agencies and government departments — must ultimately be the best interests of the child. When everything is weighed up, the thing that has to tip the balance is the interests of the child. We must remember how quickly time runs out for young children who experience abuse and neglect. They cannot afford — we cannot afford — to wait around while they are shoved from pillar to post, returning time and again to abusive environments where damage is done that cannot be undone.

For some children, especially very young babies, there is a very small window of opportunity to get things right. Just stop to think about it for a minute. If a 12-month-old baby experiences instability, abuse and neglect for six months, they have experienced it for half their life. In those situations you have to intervene, and you have to intervene decisively — difficult as that may be. This legislation takes the tough decisions on a very tough issue. It means the law will put a clearer and stronger emphasis on stability for vulnerable, damaged children. Emphasising stability means giving children an opportunity to enjoy growing up in an environment that is consistent, safe and nurturing. That is what all children need, and it is what most children enjoy.

In a society as complex and hectic as ours, things go wrong for some families — and children suffer as a result. This legislation reflects the message that I constantly hear from the Minister for Children — that is, that we need to provide good, accessible, universal services to support families so there is less risk that they will slip into crisis. But you also need a good child protection system that can kick into action when things go wrong — which sadly they still will from time to time, no matter how good the universal services are.

Child protection is an area where it is very easy to throw mud. Awful things happen, because it is about working with damaged families and damaged children. It is disappointing to see the way in which the member for Caulfield has exploited some of those families in an attempt to score political points. But that is what we get from the other side of the house from time to time — no ideas and nothing constructive, not even a single comment on this legislation when it was put out as an exposure draft. When you throw mud, everything ends up getting dirty. I am proud to be, however, part of a government that is taking a different approach.

Instead of throwing mud this government is cleaning up the system, which is what this legislation will achieve. A lot of people have worked very hard to get the bill to this stage. I would like to take this opportunity to thank them. That is uncommon, but they have done a terrific job. I would particularly like to note the work of Catherine Neville, adviser to the Minister for Community Services. I would also like to acknowledge Kym Peake and Gill Callister from the Office for Children in the Department of Human Services for their efforts, and also the contributions and advice from members of the ministerial advisory committee.

This bill was put together after strenuous consultation with the community. The government has canvassed an enormous range of views and has consolidated an enormous range of arguments. This bill shows that this government does not want to shy away from difficult and contentious issues. The bill shows a readiness to do what has to be done to protect our children and give them opportunities, safety, protection and lives to which they are entitled.

In summary, this bill is about investing in our children and their future. Things will not go smoothly all of the time for a lot of children; but the government has put into place legislation which will not shy away from difficult and tough decisions. This legislation will deliver earlier intervention. It will also deliver stability for children. It will improve the safety that children are entitled to. It will make the best provisions that can be made for children to be able to live in a nurturing environment.

There is compelling evidence of the damage that can be caused by instability, stress, abuse and neglect. The primary and guiding principle of this legislation is to keep families together, but we will not shy away if and when required to make tough decisions.

Fundamentally, the heart of this legislation is the interests of the child. We are confident that courts, non-government organisations, government departments and the community will understand that. Ultimately, if the interests of the child are not protected we are required to tip the balance. This is good legislation. It is legislation for the future. It will make the best provisions that we can think of. We are glad to confirm that although the Liberal Party has made amendments and some constructive criticisms, it will fundamentally support the bill.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to speak on the Children, Youth and Families Bill. I will say from the outset that this is a very important bill. It is about the wellbeing of our children who are our future. They are our most valuable resource. Investing in our

children and our future is the issue. We have to take care of this group in our community which is vulnerable, innocent and — at times — at risk. We should not play political games and try to score cheap political points. This is a far too important issue to try and score points. I applaud the government for attempting to make some changes to assist our young people in leading a normal life. I also applaud the government for reviewing and attempting to make the legislation more relevant to today.

But from the outset I have to say that the consultation process was very short: it was only a few months long. We received the legislation about three weeks ago, which has not given us ample time to visit communities and get their valuable feedback. We cannot afford to make mistakes with our children. They are far too valuable and important. We cannot make mistakes and make legislation using a trial-by-error method.

I have travelled in a number of Eastern bloc countries — countries of the former Soviet Union — and I saw the abuse that children had suffered: the sexual and physical abuse. I have to say that one case of child abuse is one too many.

It is interesting to see some of the statistics. In a 2005 report the Australian Institute of Health and Welfare said that the rate of children on care and protection orders had increased by 47 per cent between 1997 and 2003. The rate of children placed in out-of-home care had risen from 3 per 1000 children in 1997 to 5 per 1000 children in 2004. In 1998 the number of children with mental health problems in households with incomes of less than \$420 per week was double that of households with incomes of over \$1280 per week. These statistics are alarming, and we have to ensure that our children are placed and live in safe environments.

It is also interesting to note the statistics for Victoria. A report completed by the Centre for Excellence in Child and Family Welfare states on page 1:

One in every five children born in Victoria in 2003 will be the subject of a notification of suspected child abuse or neglect during their childhood or adolescence. This sobering statistic is an indicator of the increasing complexity of our society and the urgent need to ensure that families receive the help they need, when they need it, in caring for their children.

Over the past two decades there has been a steady increase in the numbers of children who, due to abuse and/or neglect, cannot live with their families. When these children reach early adulthood, their life opportunities and circumstances are significantly poorer than those of their peers.

Families coming into contact with child protection and family support services increasingly have a combination of problems, including long-term poverty, substance abuse,

mental health and family violence issues. In the last five years alone the proportion of parents presenting with two or more of these problems grew from 9 to 44 per cent.

In relation to our indigenous population the report said:

As at 30 June 2004, Victorian Aboriginal children were 11 times more likely than non-Aboriginal children to be on child protection orders.

These numbers are disturbing, and something needs to be done — and fairly quickly. The legislation before us attempts to assist in saving our children because the current system has failed. The system might have been good in the 1990s, but today it has failed. I quote from the same report:

A study of 1802 children in out-of-home care, tracking their progress over five years until June 2002, found that 38 per cent of attempted reunifications with families break down. Thirty per cent of children and young people were successfully restored with their parents.

...

Sixty-three per cent of children and young people in foster care had four or more case managers over a 30-month period.

The system is not working, so something has to be done in order to address the problem. Protecting our children involves more than just legislation. There are a wide range of issues and problems. We have problems of neglect, of exploitation and of maltreatment. I agree with the concept that our children are a shared responsibility. Governments, the private sector, families — all groups have a job to do, and they have to work together as a team in order to try to protect our children. One way to protect our children is to implement policies of prevention: to try to stop things happening to our children rather than trying to assist our children afterwards. It is not enough to try to manage the problems and to shift the responsibilities simply because the problem is too difficult or an election is coming up. We have to seek the answers, and we have to implement those changes.

In 1993, with the death of Daniel Valerio, the idea of mandatory reporting was accepted, because child protection authorities at the time failed and the government had to do something. The public had demanded action and it had demanded answers.

That has been accepted, and this legislation is the next step. It takes things one step further, but I have to say it is not enough, and I have some concerns about it. While the bill attempts to focus on family support, which I endorse, there is no integration of mental health and drug and alcohol services. If you are trying to resolve the whole issue, you should integrate those rather than leave them out. Some have also argued that this bill

waters down family reunification. While this was part of the old bill, in this bill it is replaced with the best-interests-of-the-child test, which I support, but we have to also try to keep the family together as a single unit. That should be our priority, as long as the child is not hurt in the process.

The other concern that I have is the shortening of time — just six months in home care — before a child can be removed from its parents. For example, if a mother is fighting depression which lasts over six months, or if she is unable to access the necessary services, then that child can be removed from the mother before she has had enough time to get her life on track and then ask for the child to be returned. It is a concern, and I raise it with the government.

Another concern is resources: will the government provide enough funding and resources to the department and the providers to ensure that they carry out the tasks that they are being asked to do? The other concern that I have is the Victorian Civil and Administrative Tribunal, which is the appeal body for decisions on case planning and access of children. I do not think VCAT is the appropriate body to deal with this, because I do not believe it has the expertise or the skills. These matters should have been left to the Children's Court to administer. I also have concerns about the information disclosure provisions, because I feel parents will be reluctant to access these services because of the fear of disclosure, and lawyers might recommend to their clients that they do not use these services. The bill should also have more safeguards defining what information can be obtained and how.

Whilst I have a number of concerns, I believe this legislation is a positive step. However, I urge the government to carefully consider the amendments proposed by the member for Caulfield — they have been put forward in good faith — and to not try to play political games or score cheap political points while doing so. As I said at the outset, our children are very important to us, and both sides have to work together, as do families and the private sector, to ensure their safety.

I urge the government to look very carefully at the amendments. They are not there to score cheap political points, they have been put forward to make the bill better. I commend the government for introducing this bill. It is a good bill, but it needs to go a bit further, and this is what the amendments are there to do. A number of organisations have raised other concerns, which I am sure the government has made a note of. I urge the government to make sure that this is done properly to

ensure the safety of our children and not to try to score cheap political points.

**Mr HUDSON** (Bentleigh) — It is a great pleasure to speak in support of the Children, Youth and Families Bill. We all recognise that this legislation deals with one of the most sensitive and important areas in which the state intervenes in the lives of families, and that is the protection and care of at-risk, vulnerable and abused children and young people. This bill updates the Children and Young Persons Act 1989 and the Community Services Act. The Children and Young Persons Act was a major landmark piece of legislation of its time and stamped Victoria as being at the forefront of reform in this area. We ought to acknowledge that. This piece of legislation is aimed at making sure that Victoria remains at the forefront of legislative reform in protecting our children.

We have always put a strong focus on the best interests of the child in our child welfare legislation, and this bill includes some important new triggers to reinforce that. However, it is important to emphasise that our first goal is to always work with families under stress and at-risk and, wherever possible, to keep families together. We all know of families that experience crises or difficulties that reduce the quality of care they are able to provide to their children. Where this occurs we must do whatever we can to support those families so that they remain a healthy environment for raising and nurturing children.

I want at the outset to acknowledge the welcome recognition given to the important role played by the family through the significant investment that is being made by the Bracks government in early intervention and preventative programs, and the increased targeting of our family support programs towards those vulnerable children and their families. These reforms also underline the importance of supporting parents playing the critical role they must play in caring for and nurturing their children. This cannot just be done by family and community support services; it is a responsibility which we all share. We ought to reflect on the fact that the extent to which families under stress have other people they can turn to in times of crises to seek help, including welfare agencies and neighbours, is a measure of the health of our community.

I want to also highlight poverty issues, because it is important to note that whilst there are increasingly complex cases in our community associated with psychiatric, physical and intellectual disabilities, mental health problems, drug abuse and the sexual abuse of children, we cannot ignore the impact that poverty has and the stress it places on families. I want to note in

passing my concern that, at the federal level, we have a government that is sending contradictory messages to sole parents. At a time when it is critical for them to be involved in the care and nurture of their children, they are increasingly being told that they should be in the work force and that, if they are not, their sole parent pensions will be cut.

We have to recognise that many of these families face enormous stress in living from day to day, and the message we are giving them that somehow they should be juggling casual work and shift work whilst trying to look after their families on their own often results in many of them being placed before our child protection system. We ought to rethink the kinds of incentives and messages we are giving our vulnerable families through our income support system.

Other cases involve not only neglect but also abuse. We are all acutely aware that there has been a spotlight shone increasingly on sexual and physical abuse within our community. That spotlight, whilst it has perhaps made us uncomfortable at the level of abuse that has been exposed in the community, has at least forced us to consider how we respond to these very complex problems. I therefore welcome the fact that the bill emphasises the importance of children, youth and family services taking decisive action to ensure that vulnerable children and young people meet developmental milestones, and that there are triggers in this bill which bring to the attention of the court and the child protection service those children who are clearly in need of protection.

Another aspect of this bill which I support is an improved emphasis on information-sharing arrangements, the requirement for registered family support services to be able to consult with child protection and other professionals to assess the level of risk to the child and to determine whether another service would be more appropriate to engage the family. Concerns have been raised about this high level of information sharing, and it is something we ought to be careful about, but on the other hand we have to acknowledge that the fragmented nature of our child welfare and family support system, the extent to which professionals work in isolation, the unwillingness to share and the culture amongst professionals of not sharing information about the different aspects of a child or family that they may have been working with has created an enormously fragmented approach to dealing with those families.

I note that the Victorian Child Death Review Committee has consistently found that inadequate communication between agencies and professionals

working with at-risk children has been a specific cause of concern in at least 30 deaths between 1999 and 2004. This has been a longstanding problem. In the early 1990s I chaired a number of child death care reviews on behalf of Justice Fogarty, and a common element in all of those was the complete lack of awareness, let alone communication, between agencies — doctors, maternal and child health workers, teachers and family support workers — each working individually with a child at risk, but not putting the whole picture together by talking to each other.

However, we have to ensure that families do not shrink from seeking help as a result of these increased information-sharing arrangements, and therefore I welcome the fact that the bill contains best interest principles in proposed section 10, the first of which is that the best interests of the child must always be paramount; and secondly, in proposed section 10(3), that:

... in determining what decision to make or action to take in the best interests of the child ...

the requirement that:

... consideration must be given to ...

- (a) the need to give the widest possible protection and assistance to the parent and child as the fundamental group unit of society and to ensure that intervention into the relationship is limited to that necessary to secure the safety and wellbeing of the child;
- (b) the need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and persons significant to the child ...

This brings us to the most significant change in the bill, which is the establishment of maximum time frames in which the child protection service must assess parental capacity and the likelihood of reunification with the child's family. There is a requirement also to establish a stability plan and assess whether a child is likely to be able to return home safely in a time frame necessary to meet their developmental needs; if not, these time frames then require the child protection service to start planning for the child's longer term care. I want to note here that this part of the bill was obviously drafted because it recognises that children who do not experience stable relationships in their early childhood are at greater risk of significant behavioural problems, of learning difficulties, developmental delay and establishing permanent and satisfactory relationships for themselves later in life.

We know that abuse, neglect and the emotional turmoil associated with this instability has enormously harmful impacts on children for the rest of their lives, but we must recognise that lack of proper contact with one's natural parents can also do great harm. We know, for example, that there has been significant harm done to adopted children who have never had the opportunity or capacity to know in a meaningful way their natural parents, and that is why I welcome the provisions in the bill that ensure that the Children's Court will take into account all of these factors in making decisions about what is in the best interests of the child. It will also take into account, in relation to Aboriginal children, the need:

... to protect and promote his or her Aboriginal cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal family and community ...

These are important provisions in the bill which provide a significant balance between the interests of the child and other factors. I commend the bill to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Children, Youth and Families Bill for The Nationals. As other speakers have said, this is a major bill with significant changes. It is 543 pages long and there are some changes in the fundamental principles regarding the protection of our children. As other members have also said, there is a need for considerable funding because of the increases in the protocols and services that need to be provided.

The member for Rodney has moved a reasoned amendment on behalf of The Nationals, and I think this is supported also by the Scrutiny of Acts and Regulations Committee, which noted that in dealing with these complex issues there needs to be time for those policies, procedures and transitional services to be put in place. There also needs to be an implementation phase of certain orders.

This is a once-in-a-generation reform, and we need to get it right. The Auditor-General was also very critical of child protection services. We need to have community services that support children and families and provide for the protection of children. We need to make provision in relation to children who have been charged with or found guilty of offences and to continue the role of the Children's Court as a specialist court dealing with matters relating to children. They are good outcomes. The government is saying that these are the needs this bill actually proclaims. While they are very broad-brush statements, they are statements that nearly all members in this house would support.

There are greater pressures on families and children these days, and there are a number of reasons for those pressures. Unemployment causes great stress in families, particularly on children but also on the rest of the community. Family breakdown has a huge impact on children and on their immediate and extended families. Family violence also has a huge impact on children, and we need to break that cycle. Children in such families need to understand and believe that is not normal behaviour. We need to work with those young children. We need to make sure that the boys know that it is not okay to hit women if certain things happen or if you are not happy, and we need to let the girls know that it is not okay to allow somebody to hit you or be violent in some way. We need to break that cycle of behaviour. The government does have a role in providing services to make sure that they do work with children who experience family breakdown and family violence.

The bill deals with the importance of early intervention and more effective responses to the protection of our children and young people. Research shows that early intervention is vital. We need to get to our people at a much younger age so that they have services provided when they need it. I hear from schools all the time that when there is a family breakdown school staff can see it in the classroom. There does need to be support for those children and their families to make sure that they can work through the problems that they have.

There is the importance of closer monitoring and reporting of out-of-home care. I know that this has been stated in the bill, but those services also need more resources. I have had a couple of examples in my electorate of Shepparton. One parent spoke to me about her young daughter, who is in an out-of-care home in Shepparton. She has a mental disability, and often that young girl is on the streets at night time. There might be one carer in the house, and they will ring the girl's mother and ask her to find the child, who is about 15 or 16 years of age. They ask the mother to go out and find her daughter and bring her to the home. That is not appropriate. The reason the carer says they cannot leave the house is that they are the only carer in the place. We need to make sure that those out-of-home care services are funded so that they have an appropriate level of staff and so that if a young person is on the streets and is at risk the government can ensure that there is some support for that out-of-care home service and that the children in care are appropriately looked after.

Another organisation, Brayton Youth Services, spoke to me about some support for a young girl who had been on the streets habitually, but she was in government care. I spoke to staff at the Department of Human

Services. They were trying to find this person who kept absconding. She kept going to different areas. These people are very vulnerable and at risk on the streets. We need to make sure that the government supports the sorts of organisations that do look after these children. Governments do not necessarily make good parents. Removing children from home should be a last resort. There should be more emphasis on supporting parents and keeping children in family homes if it is appropriate and safe to do so.

There also needs to be funding for family members who become carers. A number of people come to my office, including a grandmother who has now taken over the care of her daughter's children and who is not getting funded appropriately as a carer by the Department of Human Services. I have recently had a woman who is looking after her sister's children — four of them! She is still trying to get support from the department to become a carer for those children. That has extended her family to about eight children. We need to make sure that the Department of Human Services provides the support. It is all very well to have these great motherhood statements; we now have to provide the resources to back up that rhetoric.

A number of organisations across the state do great work with young people and at-risk people. In my electorate they are Goulburn Valley Family Care, Brayton Youth Services, Berry Street Victoria and Odyssey House. These organisations deal with the most vulnerable and at-risk young people whom everybody else has given up on. These services are trying to look after these people. They have the will to do it, but they must also be provided with the resources.

One of the provisions of the bill is about keeping Aboriginal children connected with their culture and providing culturally appropriate mainstream services. It is important that we have not only good mainstream services but also Aboriginal organisations working with Aboriginal children and their families. In Mooroopna in my electorate there is the Rumbalara Aboriginal Co-op, which does a fantastic job of working with families in providing health services and other sorts of services. There is also the Burri Family Aboriginal preservation and extended care service in Shepparton.

I had the honour of going to the opening of that service quite a number of years ago. That service provides support if an Aboriginal child has to be taken away from their home. Burri provides the services and works with the family to make sure that the child can go back into their home and live with their family. While the service removes the child, it then tries to place them in a culturally acceptable home — so some work needs to

be done with the extended families of Aboriginal people to make sure those services are available — and then put the child back into their Aboriginal family, because the child needs to keep their cultural identity.

Through the bill the Children's Court will be given greater powers. Importantly, the court will have new powers to subpoena witnesses and in exceptional circumstances to appoint a lawyer to represent a child's interests. This is a new direction. We now have to look at what is in the child's best interests. We have to do this in all decisions we make, whether they be made by governments or the community.

The member for Rodney raised a number of issues in his wonderful presentation. Child abuse is on the increase — that is, physical and sexual abuse. It is appalling to hear the statistics of the type of abuse relating to children. It is a shame that the children's Koori court was not established in Shepparton because we do have an adult Koori court. It would have been wonderful to have a children's Koori court to continue the great service that the Koori court is doing in Shepparton. I know that the former Koori court magistrate, Kate Auty, and the prosecutor, Gordon Porter, as well as the Aboriginal justice worker, Daniel Briggs, lobbied strongly for its establishment in Shepparton to allow that cultural requirement for Koori children.

The bill provides for the establishment of a therapeutic treatment board, which will include members of the Department of Human Services, the police and the Office of Public Prosecutions. It will provide advice such as whether there should be a criminal justice response or a protective response. That advice will go to the Secretary of the Department of Human Services. If a child is exhibiting sexual-abuse behaviour, then the minister and the courts are advised, because anything a child says in a criminal court is not admissible.

There has been a lot of discussion about out-of-home services. They do need to be monitored. The maximum time frames for child protection services to assess parental capacity and likelihood of reuniting the child with their family is provided for, being six months. That should not happen, because there are reasons for a parent needing support with their child or children, such as postnatal depression or family breakdown. A parent may not use out-of-home care services or emergency care assistance if they are frightened that they will lose their child. This provision could work against the government so that people will not use those emergency services to protect their child if they think that in the end the government will come in and remove their child from their care. It is important that we look

at that. Non-government services do a fantastic job and need more resources to allow them to address their needs.

I support the reasoned amendment moved by the member for Rodney to withdraw the bill and redraft it to address the concerns of community service organisations.

**Ms MARSHALL** (Forest Hill) — It is with great pleasure that I rise to speak on and support the Children, Youth and Families Bill, which is a very important and timely piece of legislation. It adds to the significant reforms that the government has already implemented to protect Victoria's youth. The bill has been developed through a variety of information sources and innovative approaches designed to strengthen vulnerable families, protect our youth and promote healthy development. All this information enables learning that is carefully tailored to the particular needs and circumstances of Victorians. These are comprehensive legislative changes, changes that are vital to implementing new policies and ways of delivering services that will truly make a difference.

The government recognises that healthy children are simply not born; they require capable, nurturing parents and, just as importantly, family and child-friendly communities. Parents are paramount and central to a child's development. As we know, the role of parents is very complex. As our society changes and becomes more complex, so too does the role of and expectation on parents, and that is why governments and parents have the unified goal of keeping families together. This duty is not just a goal of the government. The Bracks government has identified the important role that many aspects of the wider community play in ensuring the success and implementation of this legislation.

Under the framework some of the next steps include enshrining that the interests of the people who will be affected by these changes are central to the decisions that are made and the way in which the services are delivered; actively encouraging those who are affected in the decision-making process; building a more integrated service system; boosting early intervention and prevention; improving children's stability; strengthening the cultural responsiveness of services; ensuring that all child, youth and family services are accountable; and modernising the terminology of the juvenile justice system.

As a Victorian I appreciate that we have a fantastic framework from which to start when we are looking at implementing reforms. Now more than ever there is a strong level of communication and partnership between

community organisations and the government. The organisations which support these reforms include the Australian Council for Children and Youth Organisation, Berry Street, the Salvation Army, the Victorian Alcohol and Drug Association, Anglicare, Yooralla, the Royal Women's Hospital and the Child Protection Society, to name but a few.

Victoria continues to change and it is imperative that our services evolve to better meet the needs of today's families. These reforms not only address the changes which have happened but also look at what might happen. They have the flexibility to adapt to those changes, all the while maintaining appropriate levels of accountability on the actions of government and community services. It is for that reason that I commend this bill to the house.

**Mr PERTON** (Doncaster) — It is a great pleasure to join this debate having listened to the speech made by the member for Caulfield. She has done a tremendous amount of work on this bill and I commend her work and her speech to anyone who is interested in this area. It also gave me pleasure to listen to the speeches from the members for Bentleigh and Shepparton. The member for Bentleigh has long had professional involvement in this area, and the member for Shepparton expressed her concerns.

As the member of Parliament representing the Manningham area, my colleague the member for Bulleen has, like me, dealt with many issues in this area. The incredible suffering of so many children and young people in a society that is so wealthy, a society that is generally so well off, never ceases to astound me. Some of these children and young people are away from the family environment and some are suffering within a family environment. As a society and a Parliament we have no greater responsibility than to get the legislative structures right and then to get the administrative side of the government's responsibilities into line.

Last night I attended a fundraising launch for McKillop Family Services. Until last night I was not aware of how large an organisation it is, with some 400 workers and volunteers working across Melbourne. We heard many stories about the positive effects of their intervention in families which are otherwise dysfunctional and their positive intervention in families which sometimes need just a little bit of help in order to better care for their children. In recent years I have had the opportunity to observe the work of Oz Child. I pay tribute to the fantastic work Oz Child does through its professional workers and its volunteers and those who raise funds to support it. The Smith Family does terrific

work. Berry Street, the YMCA, Odyssey House — one could fill 10 minutes with a list of the organisations working for young people, the volunteers who work with them and those in business and the like who provide a lot of the funds needed to support the work they are doing.

The member for Shepparton rightly pointed out that things seem to be getting harder for young people. Why is that so? I think she put her finger on a number of reasons for that. Family breakdown — obviously the breakdown has an impact on children but so too do the new relationships into which their parents enter and which are not always in the best interests of children. The effect of modern media — I never cease to be amazed by what is shown on free-to-air television in what used to be children's hours, and the increasingly explicit nature of violence and sexual violence in free-to-air broadcast television, so too on cable television. What is available to people on the Internet is quite mind boggling in some cases. That has meant we are seeing a much greater incidence of violence against young people. We are seeing a greater reported prevalence of sexual abuse against children. How do we as a community respond to that?

This is a very large piece of legislation. It has had many people of goodwill working on it and it has many positive effects. However, it is in need of amendment. I will not go through the amendments circulated by the member for Caulfield. However, they reflect the advice of the non-government sector and people who are concerned about young people's interests. I commend those amendments to the house. I do not need to go beyond the arguments put by the member for Caulfield.

I also address the reasoned amendment moved by The Nationals, which calls for the bill to be withdrawn and redrafted to address the many serious concerns expressed by community service organisations. In brief, they are the shift in responsibility and liability from government to community service organisations, the lack of adequate funding for community service organisations to discharge their additional responsibilities and the lack of a strategic approach to planning and managing the reform of out-of-home care.

I have seen these things within my electorate. Recently some constituents came to me to complain about a house where young people in care are accommodated. This house has operated satisfactorily within my suburb for some 20 years. All of a sudden a group of young people in this house, whether the supervision had changed or not, were running rampant around the neighbourhood, smashing post boxes, swearing at residents and literally running over the roofs of

neighbouring houses. When I made an inquiry of the community organisation which runs this house, they expressed to me concerns about the regulatory structure within which they need to operate — the fact that there are almost no means available to them to discipline young people who are put in care and protection and are then outside the normal family environment but who are still in need of discipline and having boundaries set.

If carers have virtually none of the tools that are available to parents to regulate the behaviour of young people, then young people will behave in extraordinary ways and ways that impact adversely on their neighbours and other people in society. Without going into too much detail about that case, which I have raised in the Parliament, I think we need to look at the powers we give to the organisations that look after children in care to ensure they have the disciplinary means to make sure appropriate boundaries are set.

The other night I went to a local park in Doncaster to help residents pick up the syringes that were littering the grass outside the local scout hall. This is Boronia Grove in East Doncaster. It appears that drug trafficking takes place in that park on most evenings. What concerned me was that six months ago in response to the concerns of constituents I raised this matter with the local police and council and nobody took up the case until there was a threat of media exposure. There was no attempt to determine what drug trafficking was taking place or indeed to have workers on the ground to meet the needs of the young people who were taking drugs there and disposing of their needles by throwing them on the lawn.

There is only a minute and a half left, and I probably have not — —

**Mr McIntosh** interjected.

**Mr PERTON** — I thank the member for Kew. What I would like to get across in this short contribution to the debate is that I think times are tough for young people. As a parliament we need to provide the legislative means for community service organisations, and we need to provide good administration. I meet many people who work for community services who have the best intentions in the world, but often that is not enough. For instance, I have seen interviews of families done in such a casual way, without the use of note taking, that those families do not feel fairly done by. Whether it is the matters raised in the reasoned amendment moved by The Nationals or the matters dealt with in the amendments moved by the member for Caulfield, it does take it one step forward.

But each of us as a member of Parliament has to work very hard to keep the government and the bureaucracy up to scratch in protecting our young people.

**Ms NEVILLE** (Bellarine) — I am very pleased to speak in support of the Children, Youth and Families Bill. When we look back on this legislation we will think very positively of it as taking a major step forward in terms of our ability as a community to support families and to protect children. In the time available it is not possible, obviously, to go through every component of the bill, so I want to speak specifically about particular areas of the bill that I think are central to the direction of the government in this field.

What is absolutely central and very clear about the bill is that in a sense it is an acknowledgment that we had to improve the way we have responded to families — how we have responded as a community and as a government in protecting children. We know that at one end we need to provide better integration of services to support families and keep children and young people together within their family environment. I think everyone would agree that our primary aim must be to try to ensure that children grow up in a stable family environment. Unfortunately, that is not always possible. This week we have heard a lot of debate in the community about what are fairly alarming statistics around child abuse. This is not around paedophilia per se; this is abuse and neglect that generally occurs within the family environment. That is a very difficult subject for a community to deal with. We all like to think that that does not occur in our community, but clearly it is occurring, and it is, unfortunately, growing.

Perhaps one of the key improvements in this bill is about addressing the issue of the best interests of the child. Previous and current legislation certainly talks about the best interests of the child, but I think ultimately the system has failed to really deliver what is in the best interests of the child. There are always a range of interests that are involved and along the way on occasions we lose sight of what the best interests of the child are, and that must be central to all our decision making. The bill sets out a bit more clearly that in our decision making and our delivery of all the services that go to support children and go to support families the best-interest test is absolutely crucial. It enshrines that. One of the things I am so pleased is contained in this bill is the requirement to ensure that we move as quickly as possible, in the best interests of the child, towards some sort of stable, permanent home environment for children who are in out-of-home care.

There has been a lot of discussion and concern about whether this means we are going to remove children too early and whether they are going to be able to be reunited with their family. The bill makes it clear that very early on we need to have stability plans put in place by the department. We need to make sure all reasonable steps are taken for reunification and that the family is supported. The court needs to look at that.

However, at the end of the day in situations where it is absolutely clear — and there are situations like this all the time; I have children that come through my office who are in this situation — that the child will not be able to return to their family, that reunification of the family is not possible or in the best interests of the child, we need to move to a system that enables that child to have a stable environment. The evidence is absolutely overwhelming that if a child is not in a stable situation and is not able to build relationships and bond with people, there will be a whole range of issues in the future about their ability to have relationships. Issues around disorders and behaviour problems all stem from the inability to actually build relationships very early on, and that is particularly the case with babies.

In the brief time I have to speak in this debate, I point out that this is certainly something my father went through. He was removed as a child and spent most of his youth moving from placement to placement, sometimes with his brother and sometimes without. For him that has been a very fundamental issue in how he has lived his life, and he will talk about that. You do not always want to make policy decisions about individuals, but for me what can happen to children who do not have access to a stable environment that is loving and caring and where they know they can trust and feel confident in building relationships into the future is a stark reality.

That is one of the most important parts of this bill. It contains significant protections to ensure that we do not remove children who should and can be with their families and to ensure that we are supporting families. But at the end of the day we know that in some cases when we ask what is in the best interests of this child the answer will be that the interests of the child will best be served by ensuring that they move into permanent relationships in a timely manner and that they are able to build those relationships that will see them into the future. I may continue to take part in some of the discussion later on. I would like to commend the bill to the house. I think this will be a major legacy of this government.

**Dr NAPHTHINE** (South-West Coast) — I rise to speak on the Children, Youth and Families Bill. As

other members have commented, this is a very large bill of 542 pages containing over 600 clauses. But it is also of enormous significance in terms of its subject matter, not just its volume. The bill is about providing a framework to care for children in our state, particularly to care for children at risk or in need of special care because they are unable to be cared for by their own families or need some additional assistance to be provided to them and their families.

Given the size and importance of the bill, I am concerned about why it is being rushed through the Parliament. I understand there has been a consultation process and an exposure draft, but the bill is different from the exposure draft. It is the bill that will become the act, it is the bill that will become the law and it is the bill that will be the ultimate arbiter for the courts and for the administration of this very important area of government activity. Therefore it is important that we have the widest possible consultation to get the bill absolutely correct, and I am concerned that we have not provided that opportunity.

I just want to set the scene, as others have done, in terms of the context of what we are talking about. I will quote from the state election 2006 manifesto of the Centre for Excellence in Child and Family Welfare. It says:

One in every five children born in Victoria in 2003 will be the subject of a notification of suspected child abuse or neglect during their childhood or adolescence.

Further, in talking about the significance of this issue in Victoria, it says:

There were 36 956 notifications of suspected child abuse/neglect in Victoria in 2003–04. Of these ... 7412 were substantiated.

That is, about 20 per cent of all the notifications. It continues:

The number of substantiated cases of child abuse in 2003–04 increased by 2 per cent from the previous year.

The number of children and young people who required out-of-home care or temporary care grew by 27 per cent from 1995 to 2004.

There were 4309 children in out-of-home care in Victoria as at 30 June 2004.

It says further — and this is an area of particular concern:

... Victorian Aboriginal children were 11 times more likely than non-Aboriginal children to be on child protection orders.

It is a significant problem, it is a growing problem and it is a problem of enormous human significance.

At this stage, before I talk about the bill itself, I would like to acknowledge and place on record my support for the work done by child protection workers across Victoria. Child protection workers are in the front line of some very, very difficult decisions. They are very professional people from my experience in dealing with them as a previous minister; and in opposition I find the child protection workers are absolutely outstanding.

I just want to place on record my support for child protection workers. I do not think they get enough support in the work they do. It is something of a tragedy that, although we have very good child protection workers, for them to be acknowledged and promoted they often have to leave the front-line service. When we really want the most experienced and competent child protection workers on the front line, we actually put them off and move them into policy areas rather than the front line. I just want to express my absolute support for child protection workers.

I also want to place on record my support for the many community-based agencies and the agency staff who do a fantastic job in supporting the child protection and child welfare system across Victoria, and I refer particularly to Community Connections (Vic.) Ltd in my electorate, which has its headquarters in Warrnambool and has bases across south-west Victoria. Community Connections, led by Bruce du Vergier, does a great job in providing support to foster carers, out-of-home care and backup and support, working in conjunction with the child protection services.

Finally in terms of acknowledgments let me take my hat off to foster carers and those who provide out-of-home care across our system. Those who provide adolescent community placement and foster carers are absolutely the backbone of our system. The great strength of our foster carers is that it is fundamentally a voluntary role; they do it out of their concern for children and for our society. Foster carers are a special, unique group of people who deserve an enormous amount of support. We should do anything we can to assist and support foster carers. It is interesting to note that the number of new recruits to foster care declined by 40 per cent from 1998 to 2003, which should send a very severe message about what we need to do to improve support and assistance for foster carers.

I just want to raise one particular issue with regard to the bill itself. We all acknowledge the principles, such as the principle that the legislation should act in best interests of the child and that the interests of the child should be paramount. I think we would absolutely all agree with that. We would also agree with some of the

principles regarding the importance of family and parents, and they should be supported, and also that a child should only be removed if there is an unacceptable risk of harm to the child and that when the child is removed there should be a plan for reunification. We know it is in the best interests of the child if they can be reunited with their natural parents and their parents can be supported. Sometimes that cannot occur and permanent out-of-home care must be put in place.

But I am very concerned about the direction in which this bill is going with regard to the stability planning process and the suggestion that decisions will be made on long-term care after only six months. That is far too short a time; I do not think that is in the best interests of the child. I ask the government to heed the warnings of some professionals in this area who are very concerned about this direction. If we are going to regard the interests of the child as paramount, making decisions about permanent out-of-home care after only six months is premature and is not in the best interests of the child. I refer to an article in the *Sunday Age* of 9 October 2005, which says:

The state government's reforms to child protection risk creating a new stolen generation, according to the man who coordinated Victoria's state psychiatric services for almost 20 years.

...

The *Sunday Age* has also found that lawyers working at the Children's Court, clinical psychologists and welfare agencies have serious concerns about the reforms ...

The article goes on to quote John Tobin, a former Children's Court lawyer and senior lecturer in law at Melbourne University, as saying:

When you look at it more closely, there's a complete lack of commitment to put up the necessary resources ... to give that child and the family the best chance of staying together.

Allan Mawdsley's letter to the paper says:

Almost everyone believes children should be in a stable home environment, but the legislation will attempt this without adequate safeguards, so we risk creating a whole new stolen generation.

...

It is a disaster to remove a child from a family that, with help, could meet the child's needs; and it is a miscarriage of justice if this is done without adequate assessment and adequate treatment.

...

The cost of the new law will be a generation of children taken from their families.

I recently received further correspondence from Dr Suzanne Dean. She says that a group of senior psychologists and psychiatrists alert to child, adolescent and family issues throughout Victoria is vitally concerned about this issue. She states:

The legislation aims to ensure 'stability planning' in the care of children at risk by speeding up the process of placing a child under the guardianship of the state as a preliminary to permanently removing the child from the care of the birth parents (known colloquially as 'fast tracking'). However, it does not require that efforts must first be made by the state to provide appropriate remediation, education or therapy to the birth parents concerning their parenting, which in our experience in many even complex and difficult cases does away with the need for removal of the child. Because ongoing attachment to the birth family is pivotal to the child's mental health, permanent removal from the family has very serious effects upon the child's healthy psychological development. Therefore it is an intervention to be made only when serious therapeutic work with the birth family, which is necessary for safe reunification, has failed.

I endorse those remarks. I am concerned that the direction outlined in the bill is one which will unfortunately speed up and fast track that process, to the detriment of the child. I urge the government to be cautious.

I also refer to a letter from the Centre for Excellence in Child and Family Welfare. All this legislation is pointless without the provision of adequate resources. The centre points out the need for additional early support for vulnerable families, better out-of-home care for children and young people, appropriate support for young people leaving out-of-home care, and adequate funding for community service organisations to care for vulnerable children, young people and families and provide improved support for Aboriginal families, including Aboriginal children and young people.

Finally I come back to foster carers, who are the backbone of the out-of-home care system. They are absolutely vital, and anything we can do to support and encourage foster care should be taken up by the government and the whole community.

**Debate adjourned on motion of Ms BUCHANAN (Hastings).**

**Debate adjourned until later this day.**

**Sitting suspended 6.33 p.m. until 8.02 p.m.**

**CHILD WELLBEING AND SAFETY BILL***Second reading***Debate resumed from 6 October; motion of Ms GARBUTT (Minister for Children).**

**Mrs SHARDEY** (Caulfield) — In rising to speak on the Child Wellbeing and Safety Bill, I move:

That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this house refuses to read this bill a second time until consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth, and the need for a report on the deaths of children in state care to be tabled in Parliament each year.

A lot has been said in the debate on the Children, Youth and Families Bill — —

**Mr Cameron** interjected.

**The SPEAKER** — Order! The Minister for Agriculture!

**Mrs SHARDEY** — I suspect he does not know what he is talking about, which would not be new. This bill is in a sense a companion bill to the previous piece of legislation. Some people have asked whether this is necessary and whether the provisions in this bill could not have been incorporated in the last bill. The answer is probably yes, but I am sure the minister will give me a good reason why not.

**Mr Cameron** interjected.

**Mrs SHARDEY** — You should go outside and have a cup of coffee!

A problem that has been brought to my attention is that with this legislation there was no exposure draft as there was with the legislation debated earlier. Some people in the community sector expressed concern about that fact and probably would have liked to see a piece of legislation that they could look at in conjunction with the other bill, which, of course, was a very large bill which required a lot of attention. But in any event, that was the view expressed to me.

This bill does a number of very simple things. I suspect that it has mostly been put in place to make it possible to appoint a Victorian Children’s Council and a Children’s Services Co-ordination Board to provide for the child safety commissioner, which is very different to an independent commissioner for children and young persons. So the purpose of this bill — —

**An honourable member** interjected.

**Mrs SHARDEY** — We are looking for some independence. We are looking for someone who is not a bureaucrat and who can report to the Parliament independently on what is happening in the area of children and families.

This bill will establish principles for the wellbeing of children. As I said, it will establish the Victorian Children’s Council and the Children’s Services Co-ordination Board. It will also provide for the child safety commissioner, for the conferring of functions and powers on the child safety commissioner in relation to the safety of children, and for the notification of births to municipal councils. One question I have to which I would like a response from the minister in her summing up is: what has happened in relation to a legal framework for the advocate for children in out-of-home care? As it is not clear from this legislation, I am not sure whether that role has been rolled into — —

**Ms Garbutt** interjected.

**Mrs SHARDEY** — I think the minister seems to be a little bit off the mark. Maybe she, too, has had a couple of wines at dinner time.

**The ACTING SPEAKER (Mr Seitz)** — Order! On the bill.

**Mrs SHARDEY** — But the issue is nothing to do with what I support; it is what her legislation provides for. As she has already appointed an advocate for children in out-of-home care, I think it is important that she makes it clear, because her legislation does not make it clear what has happened to this position. That is important, and I think people would like to understand the position. I would have thought this legislation, which appoints a commissioner for child safety, would be a very good opportunity to provide a legislative framework for the advocate for children in out-of-home care. I must say that this issue has been raised with me by some of the peak bodies in trying to understand the direction of what is being provided.

Part 2 of the bill sets out the principles upon which the development and provision of services for children and families should be based. Many of these provisions reflect what is in the old Community Services Act and some of them run across some of the principles that are within the Children, Youth and Families Bill. But there are some areas which are not reflected, and which I would have thought might have been reflected — for example, there is nothing within these principles about volunteers and their enormous contribution in the community sector. They are an important part of what

is provided and should not be ignored, but they are not within these principles.

There is nothing within these principles about juvenile justice and the provision of support and so forth for those who are unfortunately caught in that system. There is nothing about the government having to provide services in cooperation with local government and non-government organisations. These are elements that were within the principles and objectives of the old Community Services Act and it probably would have been helpful if some of them could have been incorporated into this piece of legislation, very short as it is.

The second element under the principles for children talks about services for children and families and what they should be doing. It states that they should identify harm and damage to the child and provide for intervention by providers of services, and this we understand; accord with the needs of each local community; make appropriate and sufficient levels of assistance available to children and families; and promote continuous improvement in the quality of those services. All these things are about the provision of services. In my contribution on the earlier piece of legislation I spoke about the concern within the community sector that perhaps the resources would not be made available to ensure an increased level of service provision, which will obviously be required.

**Ms Buchanan** interjected.

**Mrs SHARDEY** — The member is saying that it is a different bill, but we are talking about the one system and about two pieces of legislation which have been created in support of that system. I hope she understands that.

The third element of that part outlines that the providers of services to children and families should do a number of things. I do not have any problem with the things that are laid out — to protect the rights of children and families and to encourage their participation in any decision making that affects their lives; to acknowledge and be respectful of a child's individual identity, particularly in relation to their cultural identity — I think these are very important things; and to make decisions about intervention by the providers of services into a child's or family's life and about access by a child or family to those services in a timely manner, being mindful of any harmful effects. These are all things that one really cannot argue with, but they are also principles that — —

**Mr Nardella** interjected.

**Mrs SHARDEY** — The member will find out why I have put up a reasoned amendment. Maybe he could just read it and then he would know.

They are also principles that are reflected in the first piece of legislation; therefore there is some question as to why it was necessary, in a sense, to repeat the same kind of themes. Some issues have been raised by the community sector about the provision of services. They are issues which I did not have the opportunity to talk about in the debate on the previous piece of legislation, but they are equally applicable to this piece of legislation because we are talking about the capacity for the system to provide services to children. We are talking about the capacity of community-based organisations to provide for the needs of children in their best interests and taking into account their wellbeing.

I would like to refer to a submission by Victoria Legal Aid, which had a few things to say on this subject. It said in part:

Currently access is often restricted because of resource limitations.

**Ms Garbutt** interjected.

**Mrs SHARDEY** — We are talking about access to services, which is detailed under 'Principles are for guidance', 'Services for children and families should be designed and developed' and 'The providers of services to children and families should', which outlines a number of things. We are talking about services to children in the system, and I am talking about the concerns that providers and others have in relation to services for children in the system and the fact that some organisations believe services are — —

**Ms Garbutt** interjected.

**Mrs SHARDEY** — It is irrelevant; the subject matter is about — —

**Ms Garbutt** — On a point of order, Acting Speaker, I seek clarification from the member for Caulfield. She is quoting from a document that I think was submitted in relation to the previous bill, not this one. With due respect to the people who made that submission I think she should make it clear what they were talking about — that it was the other bill and not this one.

**Mrs SHARDEY** — On the point of order, Acting Speaker, the subject matter is about the provision of services in relation to children — children's services. These comments relate to access to the services which are provided by those people in the field who have

experience and who are in turn making comments on that subject. Under part 2, 'Principles for children', there is clearly a discussion about the provision of services to children. That is the topic which I am discussing, and on that topic I feel I should be able to reflect what the sector is saying about the provision of services to children.

**The ACTING SPEAKER (Mr Seitz)** — Order! I have heard sufficient on the point of order. There is no point of order and I will not uphold it, because other members who want to dispute the statements the member for Caulfield is making will have an opportunity to do so when they get the call.

**Mrs SHARDEY** — The issue I wish to raise in relation to the provision of services for children and access — which I think is an important element in this bill — is that according to Victoria Legal Aid:

Currently access is often restricted because of resource limitations. For example, the minimum number of visits between a child and a parent is often not what may be best for the child in terms of bonding and attachment but what is possible in terms of resources.

This bill is very much about the wellbeing of a child.

This is a particular problem in rural areas. VLA's Horsham office reports that DHS often cannot supervise access because there are no workers available and because of the distances that need to be travelled in remote areas.

I think that is an important element. The next issue I wish to discuss is in relation to part 3 of the bill. The explanatory memorandum refers to:

... the role of the minister in promoting the coordination of government programs that affect the safety and wellbeing of children ...

It also says that:

... the secretary must work with Aboriginal communities to establish a Victorian Aboriginal child wellbeing charter.

I do not have any arguments about the role of the minister in that respect, but I want to see in this role, as is reflected in the Community Services Act, something about exercising and performing powers and duties, and taking steps to carry out the objects of the bill. These things are missing. Instead we have this nice, soft role for the minister, which is to promote the coordination of government programs. As I said, there is nothing about exercising and performing her powers and duties and taking steps to carry out the objects of the bill, and in relation to the secretary there is nothing about his responsibility to administer the department and taking any additional responsibility. That is a shame, because it is something that in fact he could do.

The explanatory memorandum says that part 4 of the bill provides for the establishment of the Victorian Children's Council. It says the council will consist of the child safety commissioner and at least eight other members. The functions of the Victorian Children's Council relate to providing the Premier and the minister with independent and expert advice about policies and services that enhance the health, wellbeing, development and safety of children. I would like some clarification as to whether the ministerial advisory council is now defunct. Will there be a continuation of the advisory council which was available to the Premier in relation to children's issues?

Part 5 of the bill establishes the Children's Services Co-ordination Board, which will comprise six departmental secretaries from the Department of Human Services, the Department of Premier and Cabinet, the Department of Treasury and Finance, the Department of Education and Training, the Department for Victorian Communities and the Department of Justice and the Chief Commissioner of Police. This board will review the outcomes of government actions in relation to children and report to the minister. The board will just have an advisory role. I do not have anything against a board such as this. I wonder how often boards such as this meet — I suspect not very often. It is something that looks good, but I wonder whether it will have any real impact in the area. Additionally the board will review annually and report to the minister — so there will be an annual report to the minister.

Probably the real reason why this particular piece of legislation has been brought in is to provide for a child safety commissioner, and I suppose this is where the government and the Liberal Party part company in terms of agreement. The reason for the reasoned amendment — not opposition to the bill, but a reasoned amendment — is that we believe there should be more consultation with the community in relation to the establishment of an independent commissioner for children and young people. An independent commissioner would carry out many of the functions that are provided for under this role of child safety commissioner.

The child safety commissioner's functions include those relating to the provision of advice and recommendations to the minister; the monitoring and review of systems relating to the working-with-children checks, including an annual review — and we did not oppose, and I personally strongly support, the working-with-children legislation; the promotion of child-safe practices in the community, which are not defined in any particular sense, so perhaps the minister

can give the house some explanation of how that is going to be done; and out-of-home care.

In relation to the functions concerning out-of-home care, I presume this is where the commissioner may be taking over from the advocate for children in care. I am not quite sure, and I would like some explanation as to what is the practical application of this particular role. As the minister would know, there are severe problems in relation to not only the administration but the whole system of children in out-of-home care. I think it is an area where there is very poor performance inasmuch as children in out-of-home care — particularly if they are in residential care — are not being well parented by the state. I think that is a problem. It is something other ministers have had to address, and I think this minister really has to address it as well.

There is a problem with children in out-of-home care living in residential care units. They run wild, and it is very difficult for carers to offer them proper parenting. The stories I hear from carers indicate that they are fearful of their role. The stories are of carers going into their bedroom at night, locking the door, leaving the kids to do what they will and saying, 'Look, we are told we can only warn children about the dangers of what they are doing'. They are dealing with children from very complex and very needy backgrounds.

**An honourable member** — Exactly.

**Mrs SHARDEY** — We know and understand that. We are very understanding.

**An honourable member** — You want to lock them up, don't you?

**Mrs SHARDEY** — We are not talking about locking children up; we are talking about providing proper boundaries for children and providing for their safety, because at the end of the day any parent is responsible for the safety of their children. If you or I as a parent do not provide that safety for our children, they can be removed. But often the safety of children in out-of-home care, particularly in residential units, is put at risk. Young girls finish up on the streets, taking drugs and all those sorts of things. The answer cannot be just, 'But you want to lock them up'. That to me is a mindless, absolutely stupid response. It is saying, 'I cannot be responsible, because I cannot shut the door. I cannot lock them up. That would be a terrible thing to do. Let them run wild and let them finish up overdosing, taking their own lives or in prostitution'.

That is not the answer. An answer has to be found. You cannot just stick your head in the sand and say, 'But I cannot do that'.

**An honourable member** — But you've been saying, 'Lock them up'.

**Mrs SHARDEY** — I have not been saying that you lock children up; I have been saying that you should take responsibility — —

**Ms Garbutt** interjected.

**Mrs SHARDEY** — If that is the smartest answer you can come up with, I am very sorry for you. That is a great pity.

**Ms Garbutt** — Under pressure you change your mind.

**Mrs SHARDEY** — I do not change my mind. I have mothered children; I have three grandchildren. I believe we have a duty of care to these children to provide a safe environment, and in many cases it does not happen, admitting and knowing that these children have severe problems. We understand that, but we have to try to do something a little better than what is happening currently.

The child safety commissioner will have wide-ranging powers to access information from service providers, health professionals and other relevant people in investigating child deaths. This is the area where I believe there is some uncertainty as to what is to happen. I understand the functions of the child safety commissioner: he must conduct an inquiry and prepare reports in relation to a child who has died and who was in protection at the time of their death or within three months before their death. That I understand. The relationship between the child safety commissioner, the child death inquiry unit and the committee which has in the past reported to the Parliament is not really clear in this piece of legislation. Maybe the minister can inform the house as to how this relationship will work.

**Ms Garbutt** interjected.

**Mrs SHARDEY** — No, I am not endeavouring to spread misinformation; it is not clear from this legislation what is to occur. The house will know that over a number of years in the past, although it has not been in legislation, there has been a report to this house every year in relation to child deaths. I would have thought that, given the opportunity of a new piece of legislation, this could be written into the legislation as a commitment by government to say, 'We are going to investigate child deaths. We are going to have a committee which acts reasonably independently and gives advice to the government about how it should be acting in relation to the care of children, analysing

deaths and why they have occurred and then reporting to the minister and to the Parliament’.

*Honourable members interjecting.*

**Mrs SHARDEY** — Yes, this report has been released, but the fact is that the only requirement under this bill is that section 41(1) says:

The child safety commissioner must submit an annual report on the operation of this part ...

However, the part is very large and involves a number of functions of the child safety commissioner. It does not say specifically that this is in relation to child deaths, although I assume he will be reporting to the minister in relation to child deaths. It says that the minister must cause the report received under subsection (1) to be laid before the house within 21 days, but it does not say clearly and specifically that a child death report will be laid before this house. What I am saying to the house and what I am suggesting to the minister is that this was the chance for her to write into legislation that commitment to give this house and the people of Victoria an explanation in relation to child deaths. It is something that could have easily been achieved within this legislation.

**Mr Nardella** — Read clause 9(e).

**Mrs SHARDEY** — I have read all of the clauses.

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Melton will get his opportunity to refute all the issues when he gets the call, as I said before. In the meantime I would like him to listen to the honourable member for Caulfield.

**Mrs SHARDEY** — It is all right. I know that the member does not quite understand what is here. He may be trying to read between the lines, but Parliament should not have to read between the lines. It should be abundantly clear, and this forms the second part of my reasoned amendment, which is that there should be consultation with the community to ensure that it has the opportunity to give its view on whether this Parliament should be in receipt of such a report. I think it is very important.

The child death inquiry reports have acted as a guide by expressing what the committee believes should be done in our child protection system to provide the best and the safest environment for Victorian children, particularly children in care who have been part of families which have very complex needs. We discussed a lot of that when dealing with the last piece of legislation, and I believe it is very important that the

Parliament speak out and that the people of Victoria have the opportunity to express their view.

The first part of the reasoned amendment is seeking consultation in relation to the appointment of an independent commissioner for children and youth, who would provide timely advice to the minister, oversee the working-with-children check, consult with children to gain their views, consult with the government to see what it would like, and finally oversee the system and then report to Parliament. I think such a role is an important role. The whole community sector, the entire legal profession and almost every person or group you speak to with an interest in the protection of children and the provision of services for children agree that an independent commissioner for children and youth is the way we should be going in Victoria, as has occurred in other states.

I do not understand this government’s opposition to such an appointment. It seems to be doing everything in its power to appoint other people in other positions and say, ‘But we have an advocate for children in care’ — who may or may not have a job anymore — or ‘We have a commissioner for child safety’. It is providing positions for bureaucrats which do not take the place of an independent commissioner. The minister may not like looking over her shoulder, but the fact is that such a position would give Victorians an opportunity to be sure that the right thing is being done. Such a position would fulfil the requirements of this state and provide the very best opportunity for us to ensure we had the best system to protect Victorian children — something they richly deserve.

**Mr MAUGHAN (Rodney)** — I am pleased to speak on the Child Wellbeing and Safety Bill. The debate that has just taken place indicates once again that it would have been much better if we had been given more time for adequate consultation so that we could have had bipartisan support on this very important legislation. As I said in my contribution to the previous debate, I believe we all share the objectives this government is trying to achieve.

There is obviously a difference of approach and concern in the community about whether this is going to achieve the objectives. I would argue that had we had more time to talk together and with the various interest groups we might have come together tonight with a more conciliatory approach and worked together rather than having the differences that we are currently experiencing. That is a pity because, as the minister indicated in her speech on the previous bill, this is a generational change. It is an opportunity to get things right. It is an opportunity to make some major

reforms — and the government, to be fair, has made some good progress on that — but some of the detail is being rushed, and one would have to ask why it is that this government, which claims to be so honest, open and accountable, is rushing this legislation through. Why should it not spend more time talking to those who have a vested interest in making sure that we get it right?

I support the general thrust of this legislation because it establishes a set of principles for the wellbeing of children in this state. It does so by establishing a Victorian Children's Council, a Children's Services Co-ordination Board and a child safety commissioner. We can argue about whether there is a better way of doing that. Some would argue that it would be much better to have a completely independent children's services commissioner. Bill O'Shea, president of the Law Institute of Victoria, has argued that in the past. We have supported the notion that there should be an overseeing body to the children's safety commissioner. Perhaps this will not achieve the ultimate, but I believe it is a step in the right direction. Therefore from that point of view it should be supported.

It is certainly a step in the right direction to introduce the principles for guidance that are set out in clause 4 of the bill:

... the principles set out in this Part should be used for guidance in the development and provision of Government, Government-funded and community services for children and their families.

It is good that we establish those principles, and they can be changed from time to time as the need arises. Again, there is some motherhood stuff in there, but it is important to have the principles laid out. The first part of clause 5, headed 'Principles for children', says:

- (1) The development and provision of services for children and families should be based upon the fundamental principles that ...

and it sets out four principles, the first being the obvious one, that:

- (a) society as a whole shares responsibility for promoting the wellbeing and safety of children ...

Of course it does, and we have to get the notion across that it is not just government, government departments or community service organisations but the whole of the community that has a responsibility for the safety and wellbeing of all children in our society. On that basis alone we are clearly failing, because if you look at the trends in the number of notifications and the number of children in out-of-home care, something is

not quite right. We are not achieving the fine principles enunciated in the Child Wellbeing and Safety Bill before the house tonight. Further, clause 5 of the bill acknowledges that:

- (d) parents are the primary nurturers of a child and Government intervention into family life should be limited to that necessary to secure the child's safety and wellbeing.

One could well ask who makes that call. Who determines that? Is it the family? Is it the agency? Is it the Department of Human Services? Is it the parents? It is not defined. It needs to be a bit more clearly spelt out. Proposed section 5(2) of the principles for children provision relates to services for children and families. The first principle is:

- (a) to readily identify harm and damage to the child and to provide for intervention by providers of services to remove or ameliorate the causes of that harm or damage and to strengthen the capacity and efforts of parents, their families and communities to support the child as early as possible in the child's life ...

I fully support those sentiments — that is, if there is a problem we should intervene just as soon as we possibly can to assist the family and:

... to strengthen the capacity and efforts of parents, their families and communities to support the child as early as possible in the child's life ...

That goes through to the whole-of-government approach that I spoke about with early intervention services and preschool education where the sooner we can intervene to correct the difficulties that a child is having and overcome some of those difficulties the more likely we are to get outcomes that are satisfactory and have a fully functioning, independent individual in the community 10 or 15 years down the track.

The difficulty is that to do those sorts of things takes resources. The community wants instant gratification, and in political parties it is not popular to put up policies that are going to put significant amounts of money into fixing the cause when the pay-off is another 10 or 12 years down the track. Constantly governments of whatever political persuasion, in order to win elections, come up with policies that provide short-term gratification.

We as a community need to change our priorities so that we support policies of parties that say they are going to do something to actually fix the problem and provide more funding, more resources, more assistance to help those families and communities that have children at risk — and there are thousands of them out there — not only of abuse and neglect, although we are

well aware of the consequences of that. If a child is abused and neglected, the likelihood of that child, on becoming an adult, doing exactly the same with their family is very high. We really need to address that problem.

There are 11 or 12 principles altogether. Proposed section 5(3) deals with providers of services to children and families and sets out five separate principles, one of which is:

- (c) make decisions about intervention by the providers of services into a child's or family's life and about access by a child or family to those services in a timely manner ...

We would all agree with that, but it is very much dependent upon resources. You cannot intervene in a timely manner if the agency concerned is stretched to the limit and is unable to provide services and resources when they are needed. Resourcing keeps coming up again and again. Again, proposed section 5(3)(c) of the bill says that services to children and families should be provided in a timely manner:

... mindful of any harmful effects that may be caused to the child by a delay in making decisions or providing services;

Sometimes there are simply not enough out-of-home carers and foster parents available. Unfortunately the number of people offering themselves as foster parents is actually declining, for a whole range of reasons. We do not pay them enough and we do not help them enough, but they provide a very important service to the community, and we need to acknowledge that. We need to look after foster parents and out-of-home carers and ensure that there are adequate numbers of them in the community.

I would argue that in the past agencies have not been given sufficient resources. I hope that in summing up the minister can give some assurances that this legislation will not just be a set of high-sounding principles. The bill has some good principles, and we all support their general thrust, but what we really want is a commitment from the minister and the government that the resources are going to follow and that this is not going to be about empty, hollow rhetoric that sounds good but does not really deliver anything for the welfare of children. We can talk about all these things, but unless we provide the resources and deliver them, it is nothing more than high-sounding rhetoric.

The bill also provides for the establishment of the Victorian Children's Council, which is certainly a step in the right direction. The council will consist of the child safety commissioner and another eight members

appointed by the minister, one of whom will be appointed chairperson. I note that Lynne Wannan has been appointed as the chair, and I think that is an excellent appointment. She certainly has broad experience in this area, and people with broad experience are needed on this body. There are some excellent people with a great deal of experience on the Victorian Children's Council, so I welcome its establishment.

The members of the council will hold office for a period not exceeding three years. The functions of the council are to provide the Premier and the minister with independent expert advice relating to the policies and services that enhance the wellbeing, development and safety of children. The Secretary of the Department of Human Services must make available to the council the services of any employees of the department that the council thinks are necessary and would help its members in their role.

Part 5 of the bill deals with the Children's Services Co-ordination Board, which essentially is a group of secretaries of the various departments — Premier and Cabinet, Treasury and Finance, Human Services, Education and so on.

**Mrs Shardey** — Time lines? Once a year?

**Mr MAUGHAN** — Yes, the board will meet only once a year. One would suggest that it should meet far more regularly than that. One would hope that its members would bring in more expertise than the secretaries of the departments getting together for an annual meeting and then presenting a report to the minister on the outcome of the government's actions in relation to children. I think the concept is good, but I think they need to meet more regularly. Hopefully they will delegate some of those responsibilities to other officers, but I welcome the whole-of-government approach to looking at outcomes, because proposed section 15(a) says that one of the board's functions is:

... to review annually and report to the Minister on the outcomes of Government actions in relation to children ...

We have been talking about a lack of resources and about wanting to get outcomes. The Children's Services Co-ordination Board really needs to report to the minister on those outcomes and to monitor the administrative arrangements that support the coordination of those government services. This is a significant initiative. As I have indicated before, it is important to achieve a whole-of-government approach. It is also important to have government departments working together with the overall objective of improving child wellbeing and safety.

I refer also to the appointment of the child safety commissioner, which is a very important office. I could think of nobody better to hold that position than Bernie Geary, who is an eminent person with the skills to do the job.

**Dr Naphthine** — I am not sure about that.

**Mr MAUGHAN** — I have a high regard for Bernie Geary.

**Dr Naphthine** interjected.

**Mr MAUGHAN** — Maybe. One could argue that it would have been better to have a completely independent children's commission. I have argued that way in the past, and I think it would have been a better alternative. It was also advocated by the Law Institute of Victoria. Nonetheless, I welcome this initiative, and I respect Bernie Geary. The children's safety commissioner will have an important role to play in providing advice and making recommendations to the minister about child welfare and safety issues, and in that regard a whole range of functions are set out in the bill.

One of the things the child safety commissioner will be responsible for is having a look at the provision of out-of-home care services for children. The Auditor-General's sixth report of last year, *Our Children Are Our Future — Improving Outcomes for Children and Young People in Out of Home Care*, went through out-of-home care for children in great detail and found that there were some grave deficiencies. The Auditor-General indicated that the department needed to have a look at developing a long-term strategic plan about how it was going to achieve those objectives. I look forward to Bernie Geary's report in another 12 months time on whether or not the department is achieving those out-of-home care objectives.

The child safety commissioner will also need to review the administration of the Working with Children Act. Obviously this controversial piece of legislation has gone through this house, and it is going to be very interesting to see what the child safety commissioner has to say — that is, whether it is achieving the objectives the government was hoping it would, given the great inconvenience it is imposing on a whole range of people out there in the community.

Clause 25 provides that the child safety commissioner must report within three months of the end of each financial year and that he or she must be given access to records and so on. But as I have indicated, perhaps the most important initial function at least for the child safety commissioner is the monitoring of services and

functions in relation to children in out-of-home care. Again I say that I look forward to that first report as an indication of whether or not the department has taken note of the Auditor-General's comments and has a strategic plan that sets some objectives and is monitoring whether or not it is achieving those objectives in out-of-home care.

Division 4 of part 6 of the bill relates to inquiries into child deaths. Again one could argue that it would be better to have a completely independent body looking into them, because it is important that there are inquiries into the deaths of any children who have come to the attention of the Department of Human Services and who then die under circumstances which need to be investigated. For the purposes of the bill:

... a child is a child protection client if the child has come to the attention of the Secretary as being a child in need of protection within the meaning of ... the Children and Young Persons Act ...

I think it is a very important part of the functions of the child safety commissioner that he inquire into those deaths. I noted the discussion earlier about whether or not that report should be tabled in the Parliament. Clearly it should — one would expect that it would be anyway — and again we will wait and see what happens. It is obvious that it should be tabled so we can all have a look at it and see if there are any systemic problems.

The final bit I want to touch on is birth notifications. This provision allows that if a child is born in Victoria that fact has to be notified to the chief executive officer of the council of the municipal district. I wonder how much discussion there has been with municipal councils over this one. This is yet another responsibility being put on to them. How much funding — —

**Mrs Shardey** interjected.

**Mr MAUGHAN** — It is exactly the same. As I understand it, there has been no discussion with municipalities. I have read the comments from the Municipal Association of Victoria expressing concern about the resources.

This overarching legislation has some merit. It has some deficiencies. It provides a good set of principles and a framework to bring together, under the Minister for Children, all the relevant functions from birth to adolescence of the growth, development and wellbeing of children and young people. The Nationals believe there are some sensible proposals in this legislation. We believe there should have been more consultation and

greater discussion but, nonetheless, we will be supporting the bill before the house.

**The ACTING SPEAKER (Mr Seitz)** — Order! I remind members that from now on they can discuss the bill and the reasoned amendment.

**Mr LANGUILLER (Derrimut)** — It gives me great pleasure to rise to speak in support of the Child Wellbeing and Safety Bill. This bill puts in place some really landmark changes to the system — changes that will make a big difference in terms of how we support our children and their needs into the future.

There are few things in life that are more important than our children. As a parent of four — Natasha, Sebastian, Liam and Simon — a member of the government and the member for Derrimut I am acutely aware of the responsibility we all have to keep our children safe and create every opportunity for them to grow up safely and happily and build on their potential as much as possible. Children are, after all, our future. They are the adults of the future, they are the parents of the future, they are the government of the future. It is great to be part of a government which understands the implications of this so well. When this government appointed Victoria's first Minister for Children last year it sent a clear message to all and sundry — that is, that children are now front and centre on our agenda, across government and across the community.

The bill puts in place some very tangible and practical changes that reflect the new priority the government is giving to children. It puts in place some clear principles which will guide services for children and youth and family services right across the state. Those principles are firmly based where they need to be — on the child and the child's interests. They recognise that when push comes to shove it is the interests of the child which matter the most. The bill, like the government, unashamedly says that when you weigh up a heap of competing interests — such as when the interests of the child and those of the broader family and community come into conflict — the child must be given greater priority. When you stop and think about what is at stake when you are making decisions about children you begin to see how important it is that we get our priorities right in this way.

The principles also highlight the importance of services being more integrated and properly integrated, more connected with one another. Sometimes I wonder whether the problem for young families today is not so much that there are not enough services — I am not saying that there are sufficient services — but that these services are sometimes all over the place. Families have

to wander from suburb to suburb and town to town to get to the services they need. We recognise that and we intend to do something about it. Often those services are not only physically dislocated but do not work with one another properly and comprehensively, and the left hand does not have the foggiest idea where the right hand is, let alone what it is doing. This bill makes it clear that we need to change all that. It makes it clear that if children are to have the opportunities to which they are entitled, the services need to fit together and they need to work together properly.

An important aspect of this is to make sure that universal services are better linked with the specialist services. It is tremendously important. If services are well integrated, then you stand a better chance of all children and families getting the help and support they need early and easily. In that way one provides support before problems arise, instead of trying to fix them when it is too late.

Another important provision in this legislation is the establishment of the child safety commissioner. The commissioner's job will be to advise the Minister for Children about child safety, particularly in relation to the most vulnerable children in our community. This is a tremendous innovation. The commissioner will be completely separate from service provision and the Department of Human Services child protection system. This office will provide robust, independent advice on what surely must be one of the most important issues facing any modern society — namely, the safety of our children.

The establishment of the Victorian Children's Council is another part of the bill. It means that the government will now have a fantastic team of experts to provide it with advice and direction on how we can keep moving ahead for our children and how we can keep building the more integrated, coordinated system of services I have spoken about.

It is very apt that we are debating this legislation this week. As members would know, this is Children's Week. The whole message of Children's Week is that together we should be celebrating children and childhood. Its message is that our children have something fabulous to offer. However, the community only has the right to celebrate children and childhood if we as a community do the right thing by our children. We have to make the community safe, we have to make it a place which binds together so children can thrive. It is great to be part of a government that is serious about getting it right. I believe this legislation lays the foundation that will take us all in the right direction. Here is a chance to do something that we can all be

proud of. Here is a chance to do something in introducing this bill that our children can be proud of.

In short and in summary, this bill is about placing children's safety at the heart of every decision that is made. That is fundamentally what this bill is all about. It is about saying that across government, government departments and the community children come first, that they are the priority. In reporting about outcomes every government department should ensure that children come first. That is a fundamental guiding principle and a strong message that this government and this minister are sending to government departments and the community at large. The principles are clear: if choices need to be made between a child's interests and those of the family or community, the child's interests must come first. We recognise that on occasions that may be tough. However, we make no apology for saying the child's interests must come first. This government and this minister are sending a very strong message in relation to that.

One of the principal provisions in the bill is about making sure that universal services, together with specialist services, work well and in an integrated manner. We recognise the issues, and we are confident that every government department and the community at large will make every endeavour to ensure that the integration the minister talked about takes place. It is fundamental that government agencies work properly together and that they fit in the services they provide to children and their families.

The establishment of the office of child safety commissioner is a landmark decision by this government. The child safety commissioner will provide advice and recommendations to the minister. The commissioner will report and make sure that decisions are made correctly and appropriately. Time does not allow me to register the names of the many good members of the Victorian Children's Council whose job it will be to provide advice to the minister and to the government on the matters which are raised in this bill and in the Children, Youth and Families Bill that has previously been debated in this chamber.

This week is Children's Week. What a great opportunity for the government to register a genuine commitment and make a tangible and measurable contribution to children's welfare. We look forward to the passing and implementation of the bill, and I am confident that in the future we will be able to look back and say that this has been an important week for children in the state, as well as for families, the government and the community at large.

**Mr KOTSIRAS (Bulleen)** — I agree with the parliamentary secretary that our children must and should come first. However, I am disappointed that there was no consultation on this bill. Many of the key stakeholders were not consulted, and the opposition was not given enough time to consult, which is a pity. There should be bipartisan support for this legislation — which there is — but it can be improved. However, opposition members cannot improve the legislation unless they see it much earlier and have the time to consult with key stakeholders. It is something that this government does not do, yet it is something that when they were in opposition members opposite demanded the then government do with every piece of legislation. Unfortunately, now that they are in government, they are not doing it.

The member for Caulfield has moved an amendment which I hope the government will look at carefully. The amendment is very simple and very logical, and it states:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until consultation has been undertaken with the community in relation to the need to appoint an independent commission for children and youth, and the need for a report on the deaths of children in state care to be tabled in Parliament each year'.

I have nothing negative to say about Bernie Geary. I am sure he is able and capable, but it is all about accountability. Who is he responsible to? If you are a public servant, you are appointed by the government, and your no. 1 priority is to the government and not to this Parliament. So it is important that the government looks at this amendment, thinks it through very carefully and then supports the opposition.

The purpose of the bill is to establish principles for the wellbeing of children, to establish the Victorian Children's Council, to establish the Children's Services Co-ordination Board, to provide for the child safety commissioner, to confer functions and powers on the child safety commissioner in relation to the safety of children, and to provide for the notification of births to councils. In the second-reading speech the minister said:

Our government's vision is for children and young people to thrive, learn and grow, to be respected and valued, and to become strong adult members of the community.

Yes, but unless we have the right policies in place we will not be able to achieve this. We have had six years of this government's sitting on its hands and not doing much. There have been problems over the last six years, and the government has done very little about it. For

example, on two separate occasions Human Services allowed a baby to be returned to a foster carer after he had been admitted to the children's hospital with injuries.

This illustrates that there is a need for an independent commissioner. It is interesting to see that under this legislation the child safety commissioner will be appointed by the government rather than by the Parliament, and the commissioner will not be responsible to the Parliament. Since 2003 the Liberal Party has asked for the establishment of an independent commissioner. Unfortunately the government has ignored our plea. The editorial in the *Age* of 1 April 2004 says:

Spot the odd one out: Australians Against Child Abuse, Berry Street Victoria, Foster Care Association of Victoria, Kids First Foundation ... Anglicare Victoria ... Law Institute of Victoria ... Victorian Labor government ... state Liberal opposition and the *Age*.

The odd one out is the Bracks Labor government. According to the *Age*:

Last September, when criticisms of the new position were raised, community services minister ... stated, apparently by way of defence —

that is, for not implementing a policy —

that adopting the ... model of a children's commissioner would cost \$7 million ...

So she has actually put a price on saving our children — \$7 million. The issue is that our children are worth much more than \$7 million. It is very sad that the office of child commissioner was not established much earlier, and an independent one at that. The editorial goes on to say:

By contrast, the Bracks government seems focused on limiting its political exposure —

So it is more interested in vote buying and trying to achieve more votes than in caring about our children —

responsibilities and spending ...

The government alone pretends the child protection system is not dysfunctional, and it alone has an unhealthy interest in refusing to appoint a truly independent officer dedicated exclusively to acting as an advocate for all children to the whole of government. Its attitude is a disgrace.

That is the *Age* editorial. As I said, in 2003 the Liberal Party put out a policy. It has been two years now, and this government has refused to accept it. We recommended that a commissioner for children and young people should be appointed and governed by a set of core values and would be responsible for:

direct consultation with children to seek their views and perspectives,

representing the views and rights of children on issues that affect them,

promoting public awareness of issues affecting children,

reporting to Parliament on the status of Victoria's child protection system ...

preparing special reports at the request of the ... minister,

making recommendations for change to protect the wellbeing and safety of children.

The Youth Affairs Council of Victoria also supports the concept of an independent commissioner.

Unfortunately again, YACVic has tried on numerous occasions to speak to this government, but it has been ignored. YACVic has said in a discussion paper:

A great deal of government, community and private resources are directed towards protecting and nurturing children and young people. However, children and young people do not have a high political profile in Victoria and their rights and interests are not promoted ... YACVic believes that the establishment of a children and young people's commission led by an independent ... commissioner would better demonstrate ... commitment to protecting and promoting the rights, wellbeing ... of young people —

in Victoria. It is very important that the commissioner be independent from government and that he or she reports to the Parliament.

It is also interesting to note with regard to the council that the government intends to establish that clause 9 of the bill provides that the minister must appoint one of the members to be the chairperson, and that this person, together with eight others, will be appointed by the minister. Again, they will be political appointments; they could be jobs for the boys. Why is the government trying to politicise the council; and why is it not making the commissioner independent of government and responsible to the Parliament? That is what the opposition has called for and that is what YACVic has sought for many years. Unfortunately this government is refusing to listen.

I urge this government to have a look at the amendment that has been put forward by the honourable member for Caulfield. It is straightforward, very simple and easy to understand. Our children are our first priority. They are our assets and we should look after them. Of course we should make sure we also put policies into place in the system. As I said previously, even though this government is attempting to do something, it can improve and do better. Unfortunately it refuses to listen on political grounds, simply because it does not want to

have to say, 'The opposition told us to do something and that is why we are doing it'. It is disappointing.

I urge members on the government side of the house to support the amendment. All we are asking is for more time to consult and speak to the key stakeholders in order to make sure we put legislation in place which will save and look after our children and their future.

**Ms NEVILLE** (Bellarine) — What another extraordinary contribution we have had from the opposition on the Child Wellbeing and Safety Bill. I have a sense of *deja vu*. How many bills come to this house where we have the opposition saying, 'We are supporting it, but we have an amendment that actually wants you not to put the bill into the house'? It happens time after time after time. I think it is hedging its bets a bit. It is saying, 'We sort of support it. We don't want to be on the record as not supporting something like this because it is significant'.

**Ms Delahunty** interjected.

**Ms NEVILLE** — Like half-tolls, exactly. It is half-baked. It has no policy to stand for, that is basically it. I know what is going to happen: in 10 or 20 years when Victorians are talking about these reforms they certainly will not be talking about the member for Caulfield.

We had a contribution a moment ago from the member for Bulleen talking about how the government is trying to make political points on this legislation. Let us run through it. I will tell you who tries to score political points on these issues, and that is the member for Caulfield. She does it constantly. On juvenile justice she traipses around the countryside talking about how poor our system is when in fact if you look at the statistics juvenile justice is travelling very well. But the reality is that we have children with very challenging behaviours who are in the juvenile justice system; they are locked up because of those behaviours. But the solution here — the solution which is encompassed in this legislation and the other bill that the house was debating previously — is a focus on prevention, a focus on ensuring early intervention, a focus on supporting families and a focus on trying to keep young people in their families in a secure environment, ensuring good outcomes.

Let us also talk a little bit about the comments that we hear constantly from the member for Caulfield about residential out-of-home care — that is, that we are not tough enough, that we need more discipline and that the behaviour of young people in those places is outrageous.

**Mr Languiller** interjected.

**Ms NEVILLE** — That is right, the young people in these centres are not in jail; but unfortunately they have challenging behaviours. They are not able to live at home and they are not able to live in the foster care system. It is not a perfect system. Of course that is not where you would want to raise young people; of course it is not. We all want to raise children within the family home or in the next best solution. In some cases that is not possible; it is not a perfect system. However, to go out there, constantly attacking young people who are in that situation, is political points scoring. It is not about bipartisanship. It is not about the best interests of children and young people. This is about political point scoring from the member for Caulfield and those opposite.

**Mr Jenkins** interjected.

**Ms NEVILLE** — It is a disgrace.

**Dr Napthine** interjected.

**Ms NEVILLE** — Legitimately, it is a disgrace. Let us talk about what is in the best interests of the child. I can tell you what, it is not coming from the opposition side of the house. Members can say, 'Yes, we like these principles'; but in reality, on the ground the opposition is not talking about supporting children and young people. They are out there constantly criticising, talking about discipline, and saying everyone is out of control, it is outrageous and let us lock up young people. Instead, let us look at ensuring that we have early intervention, that we have prevention programs and that we are supporting families — and where we cannot do that, ensuring we have the system in place to protect children who are vulnerable.

Let us talk about child deaths, which we have heard about from the opposition. Opposition members are saying, 'Let us have it in legislation'. It has never been in legislation. I am not sure — I could be corrected — that those opposite ever reported when they were in government.

**Dr Napthine** interjected.

**Ms NEVILLE** — Okay, I apologise.

**Dr Napthine** — When you say something, be accurate! We started it.

**Ms NEVILLE** — Okay. Those opposite are getting a bit upset because they have done something that maybe they can stand on to say they have done well.

But we have always tabled it through the minister. That is what has always happened.

**Mr Nardella** interjected.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member for Melton will not interject.

**Ms NEVILLE** — It has been tabled in Parliament through the minister, not because of legislation, and that practice will continue. Therefore saying that we are not going to report is a myth. Part of the problem is that we have the member for Caulfield again trying to score political points on child deaths.

**Dr Napthine** interjected.

**Ms NEVILLE** — She does, constantly.

It is just outrageous. Let us keep in mind the best interests of the child and not try to score political points on these issues. Let us talk about consultation. Lengthy consultation occurred on the previous bill. The principles contained in the bill were part of the white paper announced by the Premier in December. In fact a number of these things are already operating. You should catch up! The opposition goes on and on about consultation. I remember the days when under the former government consultation did not occur. It said, 'This is what we will do'. No-one was consulted in those days.

The opposition has talked a lot tonight about resources and how this cannot operate without more resources. I remind the opposition of its commitment to greater resources in this area. I remind it of its commitment to children in out-of-home care. A 10 per cent cut right off; that was its commitment. We had \$7 million cut from the foster care and out-of-home care system. That is how much members of the opposition cared in those days. They cut \$11 million from kindergartens, yet they talk about universal services and trying to protect children. I do not think their record is very strong. I could go on about the other things they touched in terms of services that protect and support children and families. Their commitment is on the record, but the government's commitment is about supporting services with both money and the legislative framework.

I want to mention the opposition's idea about having a children's commissioner who will supposedly protect all children. Neither the government nor I make any excuse for the fact that we are targeting this to the most vulnerable children in our community and the issue of safety. We make no excuse about that; it is an issue we need to deal with. As I said in my contribution to the debate on the Children, Youth and Families Bill, this

week we have seen alarming statistics on child abuse and neglect. We are talking about the most vulnerable children in our community.

We are focusing on that with the child safety commissioner, and we are making no excuse about that. That is the right place for the resources to go. We are backing that up with a set of principles contained in the bill that put the child at the centre of our decision making and at the centre of our service delivery. Whether it is through government or non-government agencies, we are ensuring that our services have to and must work together in the best interests of the child. It is absolutely crucial.

The opposition has a very poor record in this area. It talks about loving children, but in reality it never supported these issues when in government, and one wonders what it would do in the future. We see the opposition hedging its bets about this and trying to score political points on these very important issues. We have a bill that ensures that the community, the government and non-government agencies are working together and making certain that the child is at the centre of everything we do. I commend the bill to the house.

**Dr NAPHTHINE (South-West Coast)** — I rise to speak on the Child Wellbeing and Safety Bill and will address a number of specific issues in the bill. I will start with clause 33, which relates to child deaths. I correct the record for the benefit of the member for Bellarine, who said that the Kennett government did not address the issue of child deaths and did not report on child deaths. She is clearly wrong. The previous Liberal government initiated the whole concept of examining, reviewing and reporting on child deaths. The first child death review committee established by the previous government was headed by Professor Glen Bowes. It was a very independent and strong committee that produced reports that were tabled in Parliament on a regular basis from about 1996.

The child death review process has had some very significant outcomes. Although it is looking at unfortunate outcomes for a number of children who died while in state care — for want of a broad definition — or who recently left state care, the process of examining children who died taught many valuable lessons for child protection services and for services for children in general. I will list a few of the things that I understand have come out of the child death review process, which has been a great credit to Professor Bowes and all the people who served on that committee since it was initially set up.

The Victorian risk assessment framework was developed as part of the process. That framework has guided child protection services not only in Victoria but in other states and other jurisdictions around the world. It has been a great innovation under the leadership of the Department of Human Services. That development was initiated under the previous Liberal government. The child death review process identified that sudden infant death syndrome (SIDS) was a significant risk for very young children, particularly among families and in situations where children were in the care of protective services. It identified a number of significant risk factors. Special education and training programs were developed for child protection workers to reduce the incidence of SIDS, and the figures have shown a significant reduction in SIDS deaths among children at risk.

I recall establishing the Strengthening Families program as minister. I understand the program continues, although I think the name has changed. The concept for the program came out of the good work done by the previous government and the department. I pay credit to the departmental officers involved in that. The child death review process helped drive that. The high-risk infant program is another very successful program. Through the risk assessment framework and the child death review process certain factors and characteristics were able to be isolated to identify children under the age of two years who were at greater risk of death and serious injury. Special assistance and support was given to those children, their families and the parents of those children.

The high-risk adolescent program with intensive case management was another very positive program. I understand that the concepts, even if the name is not the same, continue today. These programs have been driven by the good work of the previous government and the Department of Human Services. Those opposite who wish to say that the previous government did not care and did not initiate things in this area are totally mistaken.

The Working Together strategy came about after the child death review process identified, particularly in high-risk adolescents, the interrelationships with drug and alcohol and mental health issues in those families and individuals. The Working Together strategy was a very positive initiative of the Department of Human Services and resulted in health services, mental health services, drug and alcohol services and drug protection services working more closely together, sharing information and developing a framework of services that better met the needs of families who had children at risk because of their involvement in drug and alcohol,

and mental health issues as well as helping adolescents who were at risk. A great deal of good has come out of the tragedy of the child deaths assessed by the child death review process.

I understand, and speakers opposite have referred to it, that the child death review process has never been in legislation — it has always been an administrative process — but that it has been agreed by previous ministers on both sides of politics that an annual report be tabled in Parliament. The child death review process has provided an excellent summary of what is going on and a very real focus on how government can continue to improve services in child protection and the safety and wellbeing of our children.

For the first time we are now actually seeing the child death review process in legislation. That is one of the issues we are raising. If we are going to put it into legislation, let us do it properly. The proper process is not just a matter of saying that we need a child death review committee and this is how it should function. Part of it is putting in legislation a requirement that the report be tabled in Parliament. That is what we are seeking. We should legislate it in black and white. I do not think it is too much to ask that reporting to Parliament be an integral part of the process. That is the point the opposition is making, which I think is very valid.

A number of things could be said about this legislation, but there are two other suggestions I wish to make, and the first is with respect to the Victorian Children's Council. I would suggest that one of the things we learnt in government is that there is a great deal of value in listening to the voices of children who are and who have been in care. I do not think their voices have been listened to enough in the past. I think these children, who are now adults, have a lot to offer us in terms of advice and sound experience. I would suggest strongly to the government and the minister that when appointments come up to this council that they do not just look at the practitioners and the academics. Yes, those people have things to offer, but I also suggest very strongly that they should look at appointing people to the council who have had experience of being in care.

I also refer to division 3, which relates to the monitoring of out-of-home care services. In the debate on the previous bill I spoke about foster care. It is a real concern to me, and it should be a concern to the whole community, that in the past four or five years there has been a 40 per cent decline in the number of new people wanting to be foster carers. That is really scary. We have a growing number of children who unfortunately

need out-of-home care and need to be placed in secure, safe environments, whether for the short term, the medium term or the longer term. We very much depend on foster carers for that, and we all ought to be looking as a community at what we should do about the declining recruitment rate. The alternate foster care system is the best care system available if a child's own parents cannot be assisted to support and look after that child.

Firstly, we should support the family to look after the child. If the child is not safe in that environment, the next step should be foster care or an adolescent community placement. But there are real problems recruiting people to fill those roles, and we need to address them. If we continue to allow foster care and adolescent community placement programs to run down, we will be left with the worst out-of-home care circumstance, which is residential care — and that is a point people have made.

The Auditor-General has reported that residential care is the worst option, but unfortunately for some children there is no other option because of their high-risk behaviour and the circumstances they find themselves in. We have to be very careful about how residential care is run. I suggest we need to have a long, hard look at the locations of the houses, because too often they are placed inappropriately right next door to their neighbours. In those circumstances you are asking for trouble, and you are making it harder for the young people at risk to behave inappropriately occasionally without causing disturbance to the neighbourhood. We have to look at locations, we have to look at staffing, we have to look at monitoring and we have to look at resourcing, so that if we happen to have a residential care system —

**Mr Nardella** interjected.

**Dr NAPTHINE** — The member for Melton asks, 'Where would you put them?'. Firstly, you would have them on a double block. In country Victoria at least they should be on double blocks. They should not be right up within 1 metre of their next-door neighbours. We can actually do it better than that — and that is the point. We have to have residential care. It is not the best system, but we can do it better.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member's time has expired.

**Ms BUCHANAN (Hastings)** — I rise in support of the Child Wellbeing and Safety Bill. I start with a question: when did disadvantaged people living in residential care units need the permission of other

people in society to live in their street or their neighbourhood? That is the key issue I want to raise before I start talking about the context of the bill, and that is basically what it boils down to.

I want to start my very brief contribution to the debate on this bill by talking about a pivotal time in my life that made me sit back and look at the systemic issues relating to the way governments care for children who cannot care for themselves. There was the death of a beautiful young boy called Daniel Valerio, who was a victim of abuse in Rosebud in 1990. I recall that I was working as a manager of Centrelink in Frankston at that time, and I got a report from the police on the day the child was declared dead. I had to give some confidential information to the police from the related family's records at Centrelink to assist them in their inquiries into his death.

The most striking thing for me were the photos that were published in the paper of that innocent looking, beautiful young child, who would not have been more than about two years old. He had a look of innocence and trust on his face, even when he had a terribly big black eye. Because there was no linking of universal and special services in the area, he fell through the gaps and paid the ultimate sacrifice as a result of the abuse and neglect of some very cruel people in our society.

I guess the foundation of this bill is the fact that there are people in this world who are cruel and that we need to protect those in our society who are the most vulnerable — our children — from those people. There are people who are cruel because they know no different, and there are people who are cruel even though they know different. This bill I think provides the foundation for addressing that scenario.

I was very impressed when the Premier announced the establishment and functions of the office of child safety commissioner, the Victorian Children's Council and the Children's Services Co-ordination Board in December of last year. I took the initiative and went out and spoke with service providers in my area — people from Centrelink, social workers, juvenile justice workers and the newly appointed welfare officers who have been doing such great jobs in our primary schools. I said to them, 'What do you think the guiding principles should be when it comes to child wellbeing and safety?'. Those people have not made formal submissions at any given stage, but I am pleased to say that what they said is reflected in this bill. Through the process of talking one on one with people at the coalface, we have made sure that this bill very much reflects what they are doing in their work with young people, particularly around the issues of early intervention and protection.

I also had the opportunity to speak with lots of other organisations. I spoke to preschool teachers when I did the rounds of the many lovely preschools in my electorate, and I interacted with the maternal and infant welfare centre sisters, who told me what the issues were in their communities. It is all about giving parents and children every opportunity to shine. It is about giving parents every opportunity to look at the services that are available to them. It is also about early intervention, so that we can detect these things early enough and prevent the sort of cruelty that often reflects generational behavioural issues.

The issues and principles in this bill certainly reflect that sort of thing. Without a strategic framework there can be no effective analysis of the processes we currently have in place and there can be no effective indication of the resources that are required to deal with the situation. That is a challenge for any developed country across western society at this time. Our society is changing very rapidly, and the opportunities that communities have to work collectively to nurture and support children who are vulnerable become very much more challenging. This bill is a step in the right direction towards addressing those issues. I am proud to be a Labor member standing here today and talking on this groundbreaking bill.

I agree with the member for Bellarine. In 20 years time we will not be talking about individuals. By then Victorians will be looking back at the foundational framework we have provided them with to make sure that the most vulnerable in our society — our children — are well and truly protected as much as any human beings can be.

**Dr SYKES** (Benalla) — I rise to speak on the Child Wellbeing and Safety Bill. I indicate that I support the principles outlined in clause 5 of the bill — particularly the principle that society as a whole shares responsibility for promoting the wellbeing and safety of children. But in supporting that principle I think that another principle, that parents should be the primary nurturers of the child or should take primary responsibility for the child, should never be forgotten. Parents bring the children into the world, and they should continue to have primary responsibility for those children; but extended families and the community as a whole have a responsibility to help parents, particularly when they fall upon tough times, whether they be financial or emotional.

I also strongly support the principle that all children should be given the opportunity to reach their full potential to participate in society irrespective of their families' circumstances and background. I will come

back to that when I talk about community activities, particularly in country communities.

The other issue I wish to focus on is the promotion of continuous improvements to the quality of services provided to helping and sharing the wellbeing of our children. The challenge in relation to our children is to deliver outcomes: not just to talk the talk but to walk the walk. It is also a balancing act between treating the problems and reducing the risk of the problems occurring in the first place.

Briefly, I will speak about addressing problems. For example, in the Benalla area there are over 40 service providers that help to deal with problems involving our young people. These service providers may address sexual abuse, homelessness, drug and alcohol abuse or a wide range of other services. The concern I have with the delivery of those services at the moment is the lack of coordination amongst the service providers. All too often there is competition between service providers, duplication of effort, and — what I consider to be — gross inefficiencies at various times. Attempts are being made to improve that service delivery. Groups such as North East Support and Action for Youth seek to coordinate service provision.

We have attempts to improve the coordination of service provision through the youth issues forum in Benalla which is coordinated by the police, homelessness groups and public housing groups et cetera. We have a long way to go. The challenge for our service providers is to be encouraged by the government, members and our communities to do what they do better and more efficiently.

Preventative measures need to be put in place. There are some fantastic efforts going on at the moment. In the Benalla area the Rose City Christian Life Centre had a program called Radical for God. Each Friday night it would send a bus into the Benalla area. It would pick up a maximum of 80 children, take them back to its church and provide some love, attention, food and discipline. Those children really looked forward to their night out. The parents looked forward to their children going out because it, firstly, gave the parents a break from their children. Often the parents in this situation are sole parents and crying out for assistance with their children. Secondly, it gave the children a chance to be exposed to love and care from other people in the broader community.

The Benalla Trust Foundation does an absolutely fantastic job in Benalla. It helps families in crises. When families come under financial pressure and emotional strain, as a result of a family illness often

involving the child, the Benalla Trust Foundation steps in, provides emotional support, keeps the family together and takes the pressure off the family during those periods of crisis. That is done by utilising the funding from the Benalla community. Over the past few years over \$100 000 has been given to support families in crisis. Just this year we raised another \$30 000 to \$40 000. That is an example of the community pitching in and helping itself.

We also have young people in our community such as the Up Youth group. A young lady called Wendy Hazeldene is out there raising money and supporting people. We also have young people helping themselves through *Pulse* magazine in Benalla, *Because We Can* magazine in Mansfield and the Vibe group in Euroa. We also have neighbourhood centres in which people work. In Benalla we have Waminda House. People there are looking to help themselves. At Mount Beauty, Yvonne Evans and her band of volunteers do a lot of work to help young people cope with life and also develop their life skills and skills before they go out to the broader community.

It is also important to provide young people with role models, and they do not have to be sporting stars. They just need to be people who have sound sets of Christian values including the important values of: family comes first, rights of the individual, and care and concern about others. We can provide those role models in a number of ways. They are being provided in our primary schools in our area by the You Can Do It program. This is a program that encourages young people to develop persistence and resilience, and the ability to get along with others. Role modelling and guidance is also being provided through sporting clubs such as Australia Little Athletics, minkey and junior football and netball. Role models are also provided through youth groups such as scouts, guides and their various forms; and interest groups like the Mansfield strings program.

All these activities rely on the community and, as we have said, on the principle of the community helping to raise the child. But that community input is put under threat by the requirement for volunteers to undergo police checks, a good intention which I suspect is seriously misdirected. It puts at risk community involvement in bringing up our children.

In country Victoria we still have communities that are safe. We still have communities where you can go to the footy or the netball on a Saturday and let your kids — your 3-year-olds, your 5-year-olds, your 7-year-olds — go off and play with their mates. You know in a country community that they are being

looked after because we have the broader community, the extended family looking after those kids. That is a value that we want to protect. Whilst things like police checks on volunteers are well intended, we must not put at risk the inherent values of country communities, where we help each other and look after each other's kids. That is what you do in country Victoria.

Another direction we are going in that I have concerns about is the under-recognition of the importance of the preschool years: the failure to incorporate our kindergartens in the Department of Education and Training and the failure to give kindergarten teachers adequate salaries and recognition for the skills and importance of the work they do with our children, who are our future.

I also have a concern — and I see that the bill is attempting to address it — in relation to the care of our Aboriginal children. Through my work on the Drugs and Crime Prevention Committee, as well as through my previous work in the Northern Territory, I have been exposed to the additional challenges that our young Aboriginal children face. They are crying out for role models; they are crying out for help. Again we have positive examples, such as at Shepparton, with the Rumbalara Football Netball Club doing an absolutely fantastic job in providing role models. We have Paul Briggs, and we now have the recruitment of Adrian Hickmott, a former Australian Football League footballer, who is going in there to help as a full-time professional coach and to be part of a process of encouraging young Aboriginal people to achieve — not only on the sporting field but also in their broader life. As part of this Academy of Sport, Health and Education program, work is being done with Melbourne University to encourage young Aboriginal people to achieve in their broader life goals as well as on the sporting field. That is an example of using the sporting field to help young people achieve. I think there is wonderful work being done by Paul Briggs and his crew at Rumbalara.

The issue with young Aboriginal people is the same as for our other young people. They need parents that care about them. The parents who bring them into the world have to accept responsibility for looking after them. Those parents then need the help of the extended family. That help is often provided well in Aboriginal communities, particularly those communities I saw in northern Australia which had been able to get on top of their alcohol problems. There is a wonderful sense of extended family there in some of our Aboriginal communities. That also applies to other cultural communities such as the Italian community and other communities that have come to Australia. The

challenge is for Australian culture to adopt that extended family concept and embrace it and provide better support for our young families. Equally our communities must provide that support, as they do particularly in country Victoria, through our sporting clubs and interest groups.

The challenge is there. This bill sets about supporting the fundamental principles of doing the right thing by our children. The challenge is for us not just to talk the talk, but to walk the walk and get out there and implement these principles and ensure that our children — who are our future — have a safe and sound upbringing.

**Mr NARDELLA** (Melton) — I want to raise a couple of issues. The first one is in response to the honourable member for Rodney in regard to birth notifications. Birth notifications are currently in the Health Act and have been for some time. This is the way we activate maternal and child health services. We are moving this provision from the Health Act to the proposed Child Wellbeing and Safety Act as the more relevant act. There are no new responsibilities or imposts on local government. Let me repeat that, because this lazy opposition cannot get it right: there are no new responsibilities or imposts on local government.

Let us talk about the child deaths inquiries. The Bracks government is absolutely committed to this. It provides critical learnings that can help to prevent further tragedies. Everybody in this house would support that, and that is why we have shifted the inquiry functions from the Department of Human Services to the child safety commissioner. The bill will support an arm's length approach to review systemic problems that may contribute to the death of a child.

Again, it is absolutely critical that the house and opposition members understand these primary principles that are encompassed in the bill. The opposition says it opposes the bill but it comes in here and says, 'No, we do not oppose the bill; we support children; we love children; we want to look after them', but the reasoned amendment — let us be clear about what a reasoned amendment is to the honourable members of the opposition — means that it opposes the bill. It does not want this bill to proceed; it wants to delay this bill — realising that there are only a couple more weeks of Parliament to go this year — until February next year.

That is the official position of the opposition — of the shadow Minister for Community Services, the honourable member for Caulfield. The opposition

comes in here and bleeds for children and young people, yet it wants to delay the bill. Why? Because it wants more time. The opposition has not had enough time since the principles were enunciated in a statement in July this year. Let us count the months since this happened — initially in July; it is now October, so that totals four months.

It has had four months to look at this legislation and the principles within the white paper; it had draft legislation to look at and yet it did not have the gumption, the brains or the intelligence to actually make a submission to consider this particular piece of legislation. What does it want to do? It wants to delay the bill for another four months. Let me say this: if we delayed it for another four months, the opposition would still not be any clearer because its heart is not in this. The government really puts in place the principles that are important to look after our young people; that is what this legislation is about — not about the other extraneous points made by honourable members on the other side of the house. It is about those overriding principles.

I go back to the primary point about the opposition: it is primarily lazy. Why is it lazy? Because instead of actually exposing its own hypocrisy by having to do a little bit of work it gets parliamentary counsel to do it. Instead of putting up and running out amendments, for example, for the commissioner for child safety to report directly to the Parliament, it does not do that. That is too much like hard work. The opposition wants to delay the bill so that in four months time it can oppose it again through another reasoned amendment, saying, 'We have not had enough time'. That is where this opposition is extremely bad; it does not believe what it says.

The final point I want to make is that I remember the debates. The honourable member for South-West Coast came in here earlier and said, 'In 1996 we made a decision to report to the Parliament'. That was after we — then in opposition — kicked them to death; that was after the then shadow minister, the honourable member for Albert Park, kicked them to death, after the community kicked them to death and after the media kicked them to death, because the Liberal Party was not reporting to the Parliament; it was not fair dinkum then and it is not fair dinkum now. I support the bill before the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Child Wellbeing and Safety Bill 2005. The member for Melton just said that the opposition is lazy. While The Nationals are not members of the opposition, I would like to clarify that we have only had

two weeks to look at the bill. It makes some fairly dramatic changes to the way children's services are looked at and the principles of children's services, and I think it might have been a bit more appropriate had we been given more time to look at the bill and to ascertain its impact on our communities, but more importantly, for our child welfare and community organisations to have a look at the bill as well, which they have not been able to do.

The issue of promoting our children and keeping them safe and providing an environment and opportunities to allow them to grow in confidence is, of course, supported by all of us in this house. We all think that is a really important outcome. The purpose of this bill is to establish principles for the wellbeing of children and to establish the Victorian Children's Council and the Children's Services Co-ordination Board. It also provides for a child safety commissioner with powers and functions in relation to the safety of children and for the notification of births to the municipal councils.

The member for Melton said that there is no added cost or responsibility for councils, but I believe the extra burden on them will be needing the expertise and making the notifications. While there may not be a monetary cost because it only transfers the responsibility, there still will be some impact on local government; I am not sure whether local government has had the opportunity to understand what the impact will be — as the member for Bass has said — about cost shifting. I know local government is very nervous about any cost shifting from the state government, as has happened in the past.

Part 2 deals with the principles for children. Clause 5(1) says:

The development and provision of services for children and families should be based upon the fundamental principle that —

- (a) society as a whole shares responsibility for promoting the wellbeing and safety of children ...

That is something most of us would agree with. There is a well-known saying not just in Australia but around the world that it takes a village to raise a child. Whenever you talk about those sorts of issues and go to forums where you have experts talking about them, they talk about the old days, when you had the whole community looking after and protecting the local children. You hear about the local police officer who instead of charging or fining a young child knew the child and gave them a warning, saying to the parent, 'You need to be careful because little Johnny has done

this' or whatever. There was the view that the local policeman cared about the wellbeing of the children.

Then we have the teacher who takes an interest in a child and not always but sometimes is the only adult the child trusts. Children may not have that trust at home or outside their family, and certainly for a lot of young children it is the teacher they trust. With mandatory reporting sometimes it is the teacher who knows there is a problem in that child's life and who is the person who has to refer the abuse or neglect to the authorities. That is a burden on teachers. They have often said to me that if a child entrusts them with the knowledge and information, they are then bound to do something with the information to protect the child. It is a fine line for a teacher between the child's trusting them and their having to do something with the information to ensure that the child is protected.

As the member for Benalla said, the most important person in all of this is the parent, and the most important place is the home. That is where children get their morals, values, confidence and self-esteem, which are really important. Children brought up in a supportive environment get the best start in life, and that is why it is important that we make sure that the family is the best place for a child to grow up. That is the ultimate, but as we all know, that does not happen in every family and every community. The government should promote an environment for families and children that allows them to reach their full potential, whatever their circumstances or background. Services for children and families should be available when needed and be appropriate to their needs. As we have all heard before, early intervention is vital.

When a parent or a family in trouble goes to a service for assistance it is no use saying, 'We have not got the funding to see you at this moment'. It is no use saying, 'We are going to put you on a waiting list, and you might have to wait a month or so for us to assess your needs or those of your child'. Providers of welfare and service programs need to be listened to. Our local welfare and community services are the ones that are on the ground; they know the needs of the children in their local communities. They are the ones who know where there is duplication of services and where the gaps in the services are. It is important that the government listen to these community organisations.

Services also need to be culturally appropriate. In my electorate of Shepparton we have the highest population of Aborigines outside Melbourne, and there is a great need for culturally sensitive programs. Aboriginal young people need to have those services, and they need to be proud of their Aboriginality. It is important

that we make sure that the services we provide do not demean them in any way or cause them any disrespect. Sometimes they feel that happens if the services are not there. If those services are not there, then we can have mainstream services providers trained to be culturally sensitive, which is important.

Information also needs to be provided in languages other than English. In my electorate we have a huge number of people from non-English-speaking backgrounds, including communities from South Africa who do not speak English. We have communities from Iraq who have come from the detention centres. We have huge needs for some services.

**Mr Pandazopoulos** — The Congo.

**Mrs POWELL** — Thank you. You are right: they come from the Congo via South Africa.

The bill provides for the establishment of the child safety commissioner, whose role will be to promote continuous improvement and innovation in policies and practices relating to child safety and the provision of out-of-home care services for children. One of the roles of the child safety commissioner will be to monitor services, particularly the out-of-home care services, which we all know are in crisis at the moment. There are some problems with those out-of-home services, so that child safety commissioner is going to be absolutely critical in making sure those services meet the needs of the community and the needs of the young people who use them.

The commissioner will also conduct inquiries into child deaths. There are some dreadful stories in the media and some criticism in this house from both sides of Parliament of the way we deal with the death of children who are in government care. It is really tragic when we see on the front pages of the paper a badly traumatised or horrifically injured child. That needs to be looked at, and we need to investigate to make sure that our children are in safe and secure environments. We should also look at whether the Department of Human Services has dealt appropriately with referrals.

One of the worst problems faced by child protection providers, and I talk to them, is that when they go to a house they have to make a decision about whether to remove the child or whether the child is safe in that environment. If child protection officers make a wrong call, they are seriously disciplined, so it is a very stressful job. We need to make sure that they are supported and that when there are inquiries they are not inappropriately spoken about or left without support.

The bill will establish the Victorian Children's Council. The child safety commissioner will be on that council, as well as eight other members appointed by the minister, and they are supposed to have expert knowledge of the policies and services that enhance the health, wellbeing, development and safety of children. The council is to provide advice to the minister and the Premier.

The Children's Services Co-ordination Board has received a bit of criticism in the house tonight. Membership of the board includes the secretaries of a number of departments — I have not got time to go into all of them at the moment, but a number of significant departments — as well as the Chief Commissioner of Police. Its function will be to review annually and report to the minister on the outcomes of government actions in relation to children and particularly the most vulnerable children in the community. It is also to monitor administration arrangements and support coordination of the government's actions relating to children at local and regional levels. I have a concern about the independence of this board and the need to raise issues of concern if there are problems. I hope there are not too many layers of bureaucracy with the overseeing of the services, because the funds are needed to provide services to our children and make sure they have a decent environment in which to grow and grow safely.

**Ms BARKER** (Oakleigh) — I am very pleased to speak on the Child Wellbeing and Safety Bill 2005, which is about seeking a shared commitment from communities, professionals and all levels of government to give our most precious resource — our children and young people — the best possible start in life. I have heard constant comments from the other side about cost shifting to local government. If local councils want to complain about giving our most precious resource — our children and young people — the best possible start in life, then I think they are not doing the work they are supposed to do. Yet they do it on a daily basis anyway. The most important thing is that, in the context of the bill we are looking at, we have a common set of guiding principles for all child, youth and family services.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Nardella)** — Order! The time to interrupt the business of the house has arrived. The question is:

That the house do now adjourn.

### **Bass Highway, Grantville: safety**

**Mr SMITH (Bass)** — I wish to raise an issue for the attention of the Minister for Transport. I ask him to speak to VicRoads regional manager, David Shelton, and ask him to come to his senses about assistance to small businesses along the partly constructed Bass Highway, both north and south of Grantville. Currently two businesses are operating on a road with a single lane in each direction and with a right-hand turning lane going into their properties, one being the Terlato Winery, which does cellar-door sales, and the other being a stock feed and pet supply business at 1966 Bass Highway.

Both these businesses rely on traffic travelling to Phillip Island, Inverloch and Wilsons Promontory for their income. The proposal is not to have a right-hand turning lane to allow clients to enter their properties. In the case of Terlato Winery that would cause its clients to drive 1.1 kilometres past the property, do a U-turn and then travel 1.1 kilometres back to do a left-hand turn into the property. The other business has been told that its clients and people delivering supplies would have to go past by 600 metres, do a U-turn and then drive back to the property. This business has large trucks, including B-doubles, delivering supplies, and this proposal would create a more dangerous situation, as the proposed opening will also lead to a sand quarry on the other side of the road.

We all know that the winery will lose customers, because people will not drive past the gate to do a U-turn more than a kilometre further down the road. This will affect the livelihood of Mr John Terlato and his family. If this occurs I would think they would have a good claim for ongoing compensation. The customers of the other business will be creating a dangerous situation and putting their lives at risk. Both the properties now have access from a flat, straight piece of road.

Mr Shelton, the regional director, is going to force people to turn near a corner that does not provide safe and clear turning opportunities. I ask the minister to intervene and stop a tragedy from occurring and to stop those two companies going broke, causing the

government to pay them compensation for loss of business.

### **Frankston Reservoir: future**

**Dr HARKNESS (Frankston)** — I raise a matter for the attention of the Minister for the Environment. The action I seek is that he finalise arrangements and appoint a ministerial panel to investigate options for the future use of the Frankston Reservoir. The advisory group ought to be made up of local community groups, government officials and a good cross-representation of the residents of Frankston.

As I have mentioned to the house previously, the Frankston Reservoir is on a 98-hectare site located in South Frankston. The site is surrounded by houses and contains a variety of very important indigenous flora and fauna species, some of which are endangered. The Frankston Reservoir has been used to this point to store drinking water for Frankston. However, the state government has been moving away from using open-air reservoirs to using enclosed water storage tanks. The reservoir will be decommissioned next year and replaced with a 53-megalitre storage tank, which will mean that Frankston residents will get better quality drinking water.

Since being elected a few years ago I have been meeting with representatives of Melbourne Water on a regular basis to discuss this project and the long-term future of the site. Now is an ideal time for environment groups and residents to have their say on the future of this Frankston treasure. Last month I distributed brochures to members of the Frankston community outlining what is happening with the reservoir and also seeking feedback on what they think the future of the reservoir site should be. I have received hundreds of written responses, emails and phone calls from residents.

There is no doubt that this site has significant potential to be a jewel in Frankston's crown. Many residents have indicated that they would like to play active and constructive roles, perhaps as panel members. Many residents are very thrilled that Frankston might finally have a public park, perhaps with a network of walking tracks and bike paths so that the public can enjoy the beauty of one of the most pristine locations on the peninsula.

The reservoir will be decommissioned in 2006, and many issues need to be resolved, such as the future use of the site, including various activities, access to the land from streets, car parking issues, the realignment of Sweetwater Creek and how much of the site ought to be

accessible and how much left completely undisturbed. Frankston City Council certainly knows a good project when it sees one, and I am very pleased that it recognises the importance of the site. I am confident that this support will continue as the project progresses. In fact a couple of candidates for the forthcoming council elections have jumped on this issue. It is very exciting, and I certainly welcome their input into the debate about what will happen on the site.

Once again I ask the minister to establish a ministerial panel as soon as he possibly can so that as a community we can ensure that the future of the Frankston Reservoir is secured.

### **Schools: exceptional circumstances funding**

**Mr MAUGHAN** (Rodney) — I wish to raise a matter for the attention of the Premier regarding drought funding promised to schools in areas declared to be in exceptional circumstances (EC) earlier this year. I am pleased to see that the Minister for Education and Training is at the table.

On 7 July the Premier released details of measures to support Victorian farmers who were continuing to struggle with the effects of drought. As part of that package the Premier announced that schools in EC-declared areas would receive additional educational allowance funding for counselling services and the provision of school breakfasts, uniforms and books on a needs basis. Some \$200 000 was allocated as part of the initiative; however, I am advised that to date no schools in the Rodney electorate have received any additional funding. Certainly there have been schools, children and families in the Rodney electorate who have been suffering from the long-term effects of drought and the lack of irrigation water.

This lack of funding is extremely disappointing, given the significant number of children throughout the Rodney electorate who still require assistance in the form of books, uniforms and counselling. The very serious drought which has prevailed in northern Victoria — and in the Goulburn area for the past seven years — continues to have a devastating effect on farmers, and unfortunately that burden flows on to the children. I am aware of the wonderful work that school chaplains do in this area in providing breakfast, books, shoes and so on.

I am well aware that to date all assistance measures for drought-affected students in schools in the Rodney electorate have come from donations made by the community, and in some instances by other schools. Suburban schools have been terrific in providing

funding for some of the schools in my area. No government assistance whatsoever has been received.

An article in today's *Campaspe News*, which is a Rochester paper, reports that the Department of Education and Training plans to begin visiting some schools in the Rodney electorate this week to ascertain their additional needs and requirements — seven years after this drought began affecting people. It is very interesting to note that these schools have not yet been contacted about the proposed visit. I wonder if these visits have only now been arranged because there has been some resulting media reporting about this deficiency.

**The ACTING SPEAKER (Ms Barker)** — Order! Could the member ask for action.

**Mr MAUGHAN** — Yes, I am asking the Premier to take the necessary steps to ensure that this funding is immediately distributed to schools to relieve some of the financial pressures on drought-affected families in the area. As I said, school chaplains are to be commended for the great job they have done in alleviating some of the difficulty. Absolutely none of the \$200 000 in funding that was announced by the Premier with a great deal of fanfare has found its way through to the needy families in the Rodney electorate.

### **Public transport: Whittlesea Connector project**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Victorian Communities. The action I seek is funding for the Whittlesea Connect project proposed by Whittlesea Community Connections and Link Community Transport. These two organisations have developed the Whittlesea Connect project proposal, which is aimed at delivering a locally based and community-managed transport service to meet the needs of those who are transport disadvantaged.

Due to the growing population within the city of Whittlesea, the provision of public transport is a challenge. Local people face a myriad of obstacles in their attempts to engage with local services and participate in community life. Isolated and disconnected individuals and families are particularly impacted upon by an inability to access essential services, events and programs. Whittlesea is an interface municipality with a rapidly increasing population. The issue of supporting the most vulnerable with community transport options is extremely important.

Whittlesea Connect offers us a local solution which will be important in supporting the development of

community connection and community strengthening in this municipality, an important objective of this government. As I said, Whittlesea Connect has been designed by Whittlesea Community Connections and Link Community Transport, both well-respected organisations with ample appropriate experience in service planning and delivery, to tackle issues aimed at improving direct transport options for Whittlesea's transport disadvantaged, coordinating approaches to address community transport issues, setting up systems to recruit, train and support the community to plan and deliver services as volunteers, and improve the utilisation of publicly funded vehicles.

The recognition given to the specific needs of interface municipalities and the identified role community transport plays in responding to these needs make this a very important proposal. This government has a good record in the provision of mainstream public transport. However, the community urges us to do more for the most disadvantaged who have trouble accessing the additional services. I have spoken in this house of the restoration of previously cut-back bus services, weekend and evening services and the introduction of new services, particularly to the new estates in Mill Park Lake, South Morang and Epping.

**The ACTING SPEAKER (Ms Barker)** — Order! Would the member ask for action.

**Ms GREEN** — As I said at the outset, the action I seek is funding for the Whittlesea Connect project. I fully endorse the Whittlesea Connect project and urge the minister to prioritise its funding in his current deliberations.

### **Disability services: respite care**

**Mr THOMPSON (Sandringham)** — I wish to raise a matter for the attention of the Minister for Community Services. It is a matter that has been drawn to my attention by the case manager at Moira, a welfare agency in the southern region of Melbourne. I thank Meike Zielinski for drawing it to my attention. I would like to put on the record the wording of this letter about the service needs register for Melisa Rojas. I seek in particular action that might provide permanent care for her and interim respite care sooner than is currently available. It states:

I am writing to you in regard to my daughter ... is 17 years old who has a condition called Rett syndrome. This means that ... is totally dependent on myself as her primary carer for all her needs. She requires around-the-clock care. She needs to be fed, dressed, showered and toileted (... is incontinent and wears nappies all the time). Caring for ... has been a full-time job for me and I am at my wit's end and have made the decision to place ... in permanent care. I am no longer

able to care for ... I have two younger daughters who require my time and I have not been able to give them that whilst caring for ...

I had registered for a permanent placement for ... a number of years ago and have not heard from the Department of Human Services since. The problem is that we have been on the urgent waiting list for years and now I cannot cope with the demands any longer. My health has suffered and my family unit is breaking down. I feel that I am unsupported by the government in the provision of adequate respite and this has added further to my stress. Respite has been almost non-existent due to the high demand on services. I have tried many respite houses and am constantly told about waiting lists that span six to eight months. Can you imagine what six or eight months sounds like to someone who is not coping with days, let alone months? We have been told that the waiting list for permanent placement is years long even with our more urgent status. I feel totally let down by the system. I turn to you for some guidance and support.

I cannot stress how urgent this matter is for myself and my family and how much I need to have someone to help me find an answer to this desperate situation. I hope to hear from you very soon.

The letter was forwarded to another opposition member and to the disability intake and response section of the Department of Human Services in Cheltenham.

On behalf of Ms Vida Rojas I seek constructive input from the department to see if we can arrive at an appropriate respite response in the short term to help her cope with the high needs of her daughter, and also to see what can be done in the medium term to arrive at a constructive outcome which might provide stability for the family unit and much-valued respite for Ms Rojas and the other family members.

### **Chinese community: overland walk**

**Mr ROBINSON (Mitcham)** — I want to raise an issue this evening for the attention of the Minister assisting the Premier on Multicultural Affairs in both that capacity and his capacity as the Minister for Tourism. I refer to the enormous contribution made by the Chinese community in the history of the colony and state of Victoria. I am seeking the minister's support for an appropriate commemoration of this contribution. In particular I want to draw the attention of the minister and the house to the approaching 150th anniversary of the great overland walk by thousands of Chinese immigrants seeking their fortunes on the Victorian goldfields — the Melbourne Football Club is still seeking its fortune, unfortunately.

My understanding is that between January 1857 and August 1863 more than 16 000 Chinese immigrants walked overland from the South Australian port of Robe to the Victorian goldfields, mainly Ballarat and Bendigo — a distance of some 500 kilometres. I

became aware of this particular contribution to Victorian history on one of my many visits to western Victoria. The Mitcham electorate is a great place to live and raise a family in the state of Victoria, but if you have to holiday outside your electorate, the electorate of Lowan and the Wimmera region are great places to go. I know that will be endorsed.

The landings at Robe were necessitated by the passage of legislation through this house — the Chinese Immigration Act — which limited the entry of Chinese people to one person per 10 tonnes of ship cargo and imposed a £10 head tax on every Chinese person entering a Victorian port.

**Mr Walsh** interjected.

**Mr ROBINSON** — I am pretty sure it was a Tory government; I am pretty safe in that assertion. It was a very mean and miserable Tory government that imposed such a short-sighted act. Thankfully the legislation was quite unsuccessful. Creative shippers simply advertised free passage to ports in South Australia and there the walk commenced.

Given the enormous contribution the Chinese have made to Victoria over the past 150 years I think it would be more than fitting for the government to sponsor a commemorative walk and/or a series of celebratory events in western and central Victoria from early 2007. I understand that a group of people in Bendigo undertook their own commemorative walk in 2001, but I think we could do something bigger and better than that. I urge the minister to examine this proposal.

### **Victorian Managed Insurance Authority: performance**

**Mr HONEYWOOD** (Warrandyte) — I request the Treasurer and Minister for Innovation, wearing both portfolio hats in this case, to take action to investigate possible anticompetitive behaviour which has disadvantaged a training and quality assurance software company called Quality Award Partners based in my electorate. The Treasurer would be aware of a state government body that comes under his jurisdiction called the Victorian Managed Insurance Authority. Various VMIA-funded projects are being undertaken, and on its web site the VMIA has certain guidelines for project briefs. For example, for a public hospital to apply for funding from the VMIA it has to meet certain criteria. Clinical risk management has been funded by VMIA before, as have other risk management projects.

One of the first funded projects the VMIA proceeded with in conjunction with a software developer called Software Design and Enhancement Pty Ltd was called RiskMan. The company in my electorate, Quality Award Partners, was approached about and demonstrated on two occasions for a second, separate project that was referred to as organisational risk management software. The rival company, Software Design and Enhancement, eventually informed the public hospital which had received the Quality Award Partners demonstrations that it could do exactly what the Quality Award Partners software was doing.

Without any feedback to Quality Award Partners, the hospital in question gained a grant from VMIA for Software Design and Enhancement to develop the same functional organisational risk management module software that the company in my electorate had demonstrated. Effectively we have a private company being provided with funding from taxpayers to develop a software product which another company has already developed and has out there in the marketplace.

Quality Award Partners developed another software product to help hospitals comply with their legal obligations. It trialled this program with a large public hospital group. The trial went well and was progressing when it was suddenly aborted, and Software Design and Enhancement got the funding for this separate software product.

The issue here is that somebody seems to be giving a certain company certain information which is benefiting it while other companies are missing out when it comes to government purchasing. This is potentially anticompetitive behaviour by people involved in state government purchasing. To make matters worse, there is a full-page advertisement on the VMIA web site for the RiskMan program I mentioned earlier. This company, which has been given so many other tenders and so many other products, is even getting free ads as well. This has to be investigated by the Treasurer, because it is just not good enough in supporting software development in Victoria.

### **Chinese Museum of Australian History: funding**

**Mr LIM** (Clayton) — My question is also for the attention of the Minister assisting the Premier on Multicultural Affairs. I ask him to provide funding from the Victorian Multicultural Commission (VMC) to the Chinese Museum of Australian History in Melbourne. As the Parliamentary Secretary for Victorian Communities, I take great pride and interest in multicultural affairs and represent both the Premier and

the Minister assisting the Premier on Multicultural Affairs at various community events across Victoria. The Bracks government is committed to cultural diversity, and we consider it as one of our greatest assets.

The Chinese community is an important part of our state's history, being one of the first migrant groups to come to Australia during the early part of the 19th century. The Chinese museum in the heart of Chinatown is a great Victorian cultural asset. It captures and illustrates Chinese heritage, culture and contribution to the community of Victoria.

I am aware that the Chinese museum is seeking funding for restoration to its historic buildings through the VMC's buildings and facilities grant category and also seeks funding for a community strengthening project. The museum is looking at restoring its roofing and guttering, which is leaking and could cause damage to the museum's current collection. The museum houses some very precious heritage of Chinese settlement in Victoria; therefore, it is unique to Victoria and most deserving of preservation and protection.

The museum plays a very important role in the life of the Chinese community in Melbourne, providing a venue for community meetings, conferences and exhibitions of art work. It is an important landmark in the Chinatown precinct, and it is now a recognised tourist attraction in its own right. I understand the community strengthening project submitted by the museum involves the production of a DVD for the upcoming Country of Origin exhibition, which will examine the contributions of Chinese-Australians from different backgrounds to Australian life.

I am proud to say that I represent a very multicultural electorate. According to the 2001 census, the city of Monash, which is in my electorate, has the highest concentration of any local government area in Victoria of residents born in China. I am well aware of the great social and economic contribution the community makes in my local area. Therefore I ask the Minister assisting the Premier on Multicultural Affairs to ensure funding to the Chinese Museum of Australian History so it can continue its work and make even greater social, cultural and economic contributions to the state of Victoria.

### **Road safety: pre-driver education**

**Dr SYKES** (Benalla) — My issue is the lack of funding and government support for pre-licence driver education and training. I ask that the Minister for Transport increase funding and general support for the pre-licence driver education and training programs at

Alexandra Secondary College, in the Alpine shire and at Charlton, Mildura and Shepparton. This has been important to The Nationals for several years, and Mr Barry Bishop, a member for North Western Province in the other place, made a particularly strong case in support of pre-licence driver education and training in his minority report on the parliamentary Road Safety Committee's inquiry into the country road toll. The issue was brought to my attention by Mr John Birtchnell of Alexandra, Mr Sam Crisci at Myrtleford Rotary club and Ms Debbie Saunders at FCJ College at Benalla.

When he wrote to me Mr Birtchnell stated that of 60 to 65 year 10 students at Alexandra Secondary College in 1969, 25 were killed in road accidents in the following 10 years. Members of the community responded to that tragic situation and within weeks raised \$20 000 to buy a car and fund training. Later they funded training at DECA, the driver training complex, at Shepparton. A similar excellent program is conducted at Charlton, with over 1000 students per year going through the Charlton driver training course. Local Rotary clubs provide similar programs for students at the Bright, Beechworth, Mount Beauty and Myrtleford schools. Over 300 students go through those programs each year. But these programs are under ongoing financial pressure as the government cuts back its financial support.

Recently FCJ College at Benalla raised with me its concerns about the costs at DECA increasing from \$250 per student to \$450 per student. Apparently the justification for the government withdrawing its support is that it questions whether the program works. As I said, of the students in year 10 at Alexandra Secondary College in 1969, 25 out of 65 were killed within 10 years. Since 1979 only 1 out of the hundreds of students who have done this course has actually died in a road accident; and only 2 of the thousands of students who have done the Charlton course have died in road accidents in the subsequent 10 years.

I call on the government to back a winner — to back pre-licence driver education and training, to support programs at Alexandra, Myrtleford, Charlton, Shepparton, Mildura and the Alpine shire in general, and to encourage the setting up of similar programs throughout Victoria.

### **Schoolies week: Surf Coast**

**Mr TREZISE** (Geelong) — I raise an issue tonight for action from the Minister for Police and Emergency Services. The issue I raise relates to schoolies week in Victoria, and specifically in the Geelong region.

As this house is well aware, schoolies week is all about year 12 secondary school students celebrating the end of the year and the end of their secondary school education by letting their hair down, relaxing and enjoying a newfound freedom over a week-long celebration. Generally these celebrations are held in beach towns in the Geelong region; in recent years they have been centred on the township of Lorne.

The vast majority of these students are decent young citizens out to have a good time and cause trouble to nobody. However, as members are well aware, there are always a few fools in every crowd who manage to spoil the fun for everybody else. Last year in Lorne some of these fools came in the form of drunken thugs preying on essentially young women. The action I seek from the minister is for him to ensure that appropriate police numbers and policing policies are enforced in towns like Lorne during schoolies week to ensure that troubles caused by thugs and intoxicated youth are minimised.

In raising this issue with the minister I fully appreciate that the matter of unruly or illegal behaviour is not all to do with policing. The issue can also be addressed through education, through local government initiatives — especially local government working with local businesses, particularly local liquor outlets — and of course the problem can also be tackled at home before the young students head off for the week.

Of particular concern with regard to last year's celebrations were not the students themselves; the problem was with a number of young males in their early 20s who, as I said, prey on young women and assault any male who may get in their way. These brainless thugs — and they are brainless thugs, appropriately referred as toolies — need particular attention from the police. It is not good enough that these thugs can spoil the week for everybody else.

Schoolies week should be an enjoyable time for year 12 students who have had a hard 12 months. They should be able to celebrate safely, without the threat of assault, violence or harassment. In raising this issue I also appreciate that policing in such circumstances can be very difficult and volatile to handle. I know that Victoria Police has carried out very commendable work over recent schoolies weeks, but in saying this I seek the minister's urgent attention to this matter for 2005.

### Responses

**Ms KOSKY** (Minister for Education and Training) — The member for Bass raised for the attention of the Minister for Transport a matter about

the Bass Highway and the Terlato Winery. I will bring that matter to the attention of the Minister for Transport.

The member for Frankston raised a matter for the attention of the Minister for Environment concerning finalising the arrangements for and the appointment of a panel to consider the future of the Frankston Reservoir, and I am sure he will take prompt action to respond to the member.

The member for Rodney raised a matter for the attention of the Premier in relation to drought assistance for schools in the form of counselling, books and other matters that would assist school students who have been affected by the drought. The member has personally raised that issue with me subsequently, and I know the matter will be responded to very promptly.

The member for Yan Yean raised a matter for the attention of the Minister for Victorian Communities about funding for the Whittlesea Connect project, and I am happy to draw that to the attention of the Minister for Victorian Communities.

The member for Sandringham raised for the attention of the Minister for Community Services an issue about care for a constituent and respite care in the interim, and I am happy to bring that to the attention of the Minister for Community Services.

The member for Mitcham raised a matter for the Minister assisting the Premier on Multicultural Affairs about support to appropriately recognise the contribution of the Chinese community, and I know that the minister will pay proper attention to that matter.

The member for Warrandyte raised a matter for the Minister for Innovation, who is also the Minister for State and Regional Development, about anticompetitive practices in relation to an organisation called Quality Award Partners. I am happy to bring that to the attention of the minister.

The member for Clayton raised a matter for the Minister assisting the Premier on Multicultural Affairs in relation to funding for the Chinese museum for the restoration of buildings, and I am happy to bring that to his attention.

The member for Benalla raised a matter for the Minister for Transport about pre-licence driver education training for schools in his electorate. I am sure the minister will respond to that matter.

The member for Geelong raised a matter for the attention of the Minister for Police and Emergency

Services concerning schoolies week in the Geelong region. I am happy to bring that to the attention of the Minister for Police and Emergency Services so that the young people do not let their hair down but have a good time.

**The ACTING SPEAKER (Ms Barker)** — Order!  
The house stands adjourned.

**House adjourned 10.32 p.m.**