

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT  
FIRST SESSION**

**Wednesday, 21 February 2018**

**(Extract from book 2)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources . . . . .	The Hon. T. H. Pallas, MP
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Minister for Industry and Employment . . . . .	The Hon. B. A. Carroll, MP
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Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .	The Hon. L. D' Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports . . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker**

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker**

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

**Acting Speakers**

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley,  
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,  
Ms Thomson, Ms Ward and Ms Williams.

**Leader of the Parliamentary Labor Party and Premier**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John <sup>5</sup>	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>6</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison <sup>7</sup>	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>8</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>9</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma <sup>10</sup>	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Elected 31 October 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Resigned 3 September 2015

<sup>4</sup> ALP until 7 March 2017

<sup>5</sup> Nats until 28 August 2017

<sup>6</sup> Elected 14 March 2015

<sup>7</sup> Died 23 August 2017

<sup>8</sup> Elected 31 October 2015

<sup>9</sup> Resigned 2 February 2015

<sup>10</sup> Elected 18 November 2017

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

### **Legislative Assembly committees**

**Privileges Committee** — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

### **Legislative Assembly select committees**

**Penalty Rates and Fair Pay Select Committee** — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

### **Joint committees**

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

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

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

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

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

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

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

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

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

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

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

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**Wednesday, 21 February 2018**

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 a.m. and read the prayer.**

**PETITIONS**

**Following petitions presented to house:**

**Flinders Street reserve, Rye**

To the Legislative Assembly of Victoria:

The petition of the residents of the Mornington Peninsula draws to the attention of the house the need to protect, in accordance with the state government biodiversity 2037 plan, a valuable bushland reserve with very high conservation significance located at 50 Flinders Street, Rye. This petition therefore requests:

1. the state government retain the land for public use; and
2. protect this bushland reserve from future housing subdivision being a significant remnant of native vegetation in an otherwise highly urbanised residential area.

**By Mr DIXON (Nepean) (95 signatures).**

**Polwarth electorate roads**

To the Legislative Assembly of Victoria:

The petition of the residents of the Colac Otway and Great Ocean Road regions draws to the attention of the house the significant safety issues which exist on key tourist roads on and leading to the Great Ocean Road.

In particular, there are major issues at a number of key intersections, including the Birregurra-Forrest Road and Lorne-Colac Road intersection, the Tomahawk Creek Road and Princes Highway intersection and the Cape Otway Road and Winchelsea-Deans Marsh Road intersection.

The petitioners therefore request that the Legislative Assembly of Victoria resource VicRoads for the purpose of funding urgent safety upgrades at these intersections and to urgently review and fund other major safety upgrades as required on these tourist roads.

**By Mr RIORDAN (Polwarth) (448 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Bayswater on 20 February be considered next day on motion of Ms VICTORIA (Bayswater).**

**Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).**

**Ordered that petition presented by honourable member for Polwarth be considered next day on motion of Mr RIORDAN (Polwarth).**

**DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES****Melbourne Exhibition Centre expansion project**

**Ms ALLAN (Minister for Major Projects) by leave, presented project summary.**

**Tabled.**

**ACCOUNTABILITY AND OVERSIGHT COMMITTEE****Victorian oversight agencies 2016–17**

**Mr ANGUS (Forest Hill) presented report.**

**Tabled.**

**Ordered to be published.**

**DOCUMENTS**

**Tabled by Acting Clerk:**

Statutory Rules under the following Acts:

*Aboriginal Heritage Act 2006* — SR 10

*Family Violence Protection Act 2008* — SR 14

*Medical Treatment Planning and Decisions Act 2016* — SR 13

*Serious Sex Offenders (Detention and Supervision) Act 2009* — SR 12

*Veterinary Practice Act 1997* — SR 11

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 10, 11, 12, 13.

**MEMBERS STATEMENTS****Golden Square Pool**

**Ms EDWARDS (Bendigo West) (09:36)** — Tonight the councillors at the City of Greater Bendigo will vote on a recommendation to close the Golden Square Pool. On behalf of the Golden Square community, many of whom have written to or contacted their local councillors and me, including over 100 school students from Golden Square Primary School and the many

thousands of people who use this facility, I implore the council to keep this facility open.

The Golden Square Pool recently celebrated its 100-year anniversary, and it is a remarkable history. In 2013 when the pool faced closure the community fought hard to keep it open. Hundreds of volunteer hours went into bringing it up to standard, thousands of dollars were raised and a committee was formed to run the facility. Due to the perseverance, passion and determination of the community the pool has remained open. Its success is evident: 66 000 people have been through the gate in five years. It has hosted swimming events, entertainment events, kids' birthday parties and New Year's Eve celebrations, just to name a few. The committee and supporters are all volunteers.

Our community is facing significant challenges when it comes to chronic disease. We have an ageing population, high obesity and diabetes rates, and high heart attack and cancer rates. To address these health issues we need more facilities like the Golden Square Pool, not less. While the new Kangaroo Flat aquatic and wellbeing centre will be a great facility for our community, I do not believe that it should be one or the other. Both facilities are needed to accommodate our growing population and to ensure that people have access to facilities that promote good health, exercise, fun and, importantly, family and community cohesion. I urge the City of Greater Bendigo councillors to keep the Golden Square Pool open.

### **Malka Leifer**

**Mr SOUTHWICK** (Caulfield) (09:38) — I am pleased to report to the house that after a 10-year struggle to have former Adass Israel School principal Malka Leifer extradited back to Australia, she has been arrested in Israel pending further investigation. In 2008 Leifer fled Victoria facing 74 charges of indecent assault and rape. After numerous failed attempts Israeli police now claim she has been faking a mental illness to avoid extradition to Australia. Although there is a lot more to go before justice is served in this case, this is an important breakthrough.

I want to pay tribute to child abuse survivor Dassi Erlich, who has never given up on this fight, along with her sisters Elly Sapper and Nicole Meyer and many others who have fought in this important struggle.

In April last year former Premier Ted Baillieu suggested I make contact with Dassi to see what we could do. This resulted in me raising this with the Premier in Parliament. The Premier certainly raised it in his visit to Israel. There were 17 000 signatures on a petition that

was presented when I visited the Knesset in Israel. I presented it to Likud member Sharren Haskel and Labor member Michal Biran, both of whom have been fighting for justice on this case. On my second visit in October last year, with Dassi and her sisters, we also met justice minister Ayelet Shaked and Israel's chief prosecutor to see what they could do in this case.

My efforts have only been small compared to the many that have assisted with this case. From the Prime Minister to the Premier down, so many have advocated for justice in the Leifer case. My plea today is for us all not to give up and to ensure justice is served and Leifer comes back to face the courts.

### **Mary Crean**

**Mr FOLEY** (Albert Park) (09:40) — I rise to mark the passing of Mary Crean, who recently passed away at the age of 103. In her own right Mary was a dynamic figure who had a major impact on her community and the wider political, social and cultural landscape of our state and nation, as well as being the matriarch of a significant political family that continues to shape our cultural and political life.

Living almost her entire life in Middle Park, Mary married Frank Crean in 1946, setting off a partnership that would see Frank twice a member of this house before setting off an amazing 11 successful elections as the federal Labor member for Melbourne Ports. In the days before electorate offices Mary was in fact the acting and only electorate officer for Frank, and the family home was a place of endless meetings, energies and the resolving of many issues right across our community. Frank rose to be Deputy Prime Minister and Treasurer in the Whitlam government. Mary and Frank and her three sons were all successful with sadly, Stephen, passing away too young. Simon and David each carved out successful political careers of their own.

But it was Mary's contribution to her local community that was without peer. There is not a kindergarten, child welfare centre, aged-care facility, church group, multicultural community or any other local worthy cause that does not have the handprints of Mary Crean all over it. This extends to her roles in the National Gallery of Victoria's women's group, Melbourne High, Girl Guides, Freedom from Hunger, Salvos and many others. Vale, Mary Crean.

### **Benalla rail services**

**Ms RYAN** (Euroa) (09:41) — I would like to welcome members in the chamber to this week's Euroa trains update. Today I would like to introduce you to

Alice Crichton. After getting off an overnight flight recently Alice, her husband and their one-year-old baby were forced to spend the night in Melbourne, because when they attempted to catch the train home to Benalla they discovered the train had been replaced with a coach, and there were no more seats on the coach from Seymour to Benalla. Alice says:

Because we were not able to catch the train back as we had planned, we had to spend an additional \$200 on accommodation and food that we had not budgeted. We chose to catch the train as I did not feel that it would be safe for us to drive over two hours from Melbourne after an overnight flight.

People in Benalla have just as much right to access reliable (and more!) frequent public transport as people in the metropolitan hubs of this state.

Let me also tell you about Gavin Walsh from Wandong. Gavin commutes to Melbourne every day and says his train has only been on time three times this year. He says:

I feel that the quality of service is rapidly deteriorating to the point where we are lucky that our train arrives at its destination on time both to and from the city each day.

I know that there will always be the occasional service disruption but when it's the occasional service that runs on time, it really has me questioning giving up on the rail service and getting back into my car.

It is time to stump up and buy the new trains you promised, Premier.

### **Violence against women**

**Ms HUTCHINS** (Minister for the Prevention of Family Violence) (09:43) — As a local member for Sydenham and as the Minister for Women and the Prevention of Family Violence, the experiences of women are at the forefront of my advocacy every day. Increasingly over the past year, we have seen women unite globally in solidarity to shine a light on sexual harassment, sexual abuse and rape. Let me be clear in saying sexual harassment is not easy for women to talk about. Sexual harassment is not fun for women to talk about. Our society no longer has permission to shrug its shoulders and say, 'Boys will be boys', and look away.

I would like to commend the councillors at the City of Melbourne — councillors Oke, Watts and Sullivan — for having the strength to stand up and complain against bad workplace behaviour in their workplace. In politics, in the workplace, on the street and in their home, women should feel safe to speak out against bullying and harassment. We must not forget those who cannot speak out for themselves. Do not let that diminish the importance and difficulty of your experience. We

support you, those who cannot speak out. I look forward to working with all the women and men in my electorate to continue the fight for gender equity. We must listen and believe women when they speak up about sexual abuse. Time is up.

### **Mornington Peninsula native vegetation**

**Mr DIXON** (Nepean) (09:44) — Since European settlement over 90 per cent of the Mornington Peninsula's native vegetation has been lost. It is not surprising that more than 2500 people signed a petition by local residents to save a remnant of native vegetation in a highly residential part of Rye. As one petitioner wrote:

Such a tiny pocket of lung left in that maze of houses ... hold steady and fight the right to breathe.

The 3 hectares of bushland has been owned for many years by the Department of Education and Training and was originally intended for a school. That plan has now been abandoned. The site is bordered by Flinders Street, Alexandra Avenue and Milton Road.

A 2012 report commissioned by the department found it is home to environmentally significant plants and grasses, orchids, old moonah woodland, at least 18 species of birds and 54 indigenous plant species, some listed as vulnerable or endangered. The report advised that this is 'a significant remnant of native vegetation' and of 'very high conservation significance ... including habitat for the nationally significant Leafy Greenhood' orchid.

Locals have enjoyed access to the bushland over the years. It is in need of weed clearing and maintenance but is a rare open space in the heart of Rye. Acquisition of this land fits clearly into the Victorian state government's biodiversity 2037 plan to stop the decline of native plants and animals and improve our natural environment over the next 20 years. The land is presently zoned public use. Residents want it retained for public use. As one petitioner said, 'Remnant native bushland must be kept and preserved for current and future generations'. I urge the government and the shire to honour these sentiments.

### **Lonsdale Street Greek Festival**

**Mr DIMOPOULOS** (Oakleigh) (09:45) — I would like to congratulate Melbourne's Greek community for the success of the recent 31st Lonsdale Street Greek Festival. This event keeps on getting bigger and better, and I believe the 2018 festival was the biggest yet. This event is proudly supported by the Victorian government. So I was incredibly proud to be with the

Premier and Minister Mikakos from the other place on the Saturday night as the Premier announced \$600 000 from the state government to keep the festival going for the next four years and to make it bigger. In addition the Premier announced \$337 000 to complete the Parthenon frieze replica placed over the main entrance of the Greek Centre. I look forward to attending many more Lonsdale Street festivals — a great display of the wonderful mix of multiculturalism in our great city.

### Oakleigh South Primary School

**Mr DIMOPOULOS** — I would also like to speak about the decision of this government, and in particular the Minister for Education, to retain a large parcel of land at Oakleigh South Primary School. Around 15 years ago a piece of land of some 1.4 hectares was declared as surplus at this school by the education department. Since that time the school has continued to make use of the land for sporting activities and staff parking. I am very pleased to report that thanks to the intervention of the minister the land will now be permanently kept for the school's use. Much thanks must go to the school leadership and community, the member for Clarinda and Clare O'Neil, the federal member for Hotham, for their ongoing advocacy on this issue. I wish that wonderful school ongoing success.

### Energy prices

**Mr TILLEY** (Benambra) (09:47) — The last time we were in this place I highlighted the challenges for regional people — businesses, industry and farmers — who suffer frequent power outages. Around that time the Premier thumped the table and demanded distributors compensate home owners here in the suburbs who sweated through 40 degrees on 28 January. A few days later the Premier for Melbourne handed out \$5 million to them in a tricked-up version of an existing compensation package. Lengthy power failures are a regular event in regional Victoria and my constituents believe they too need to be compensated, but in stark contrast they do not want a handout; they want to be rewarded for innovation and self-reliance.

In November last year I raised the issue of Kevin Prime, a dairy farmer in Tawonga, who had spent \$20 000 on a diesel generator to provide a back-up supply in the case of an outage. I asked the Minister for Energy, Environment and Climate Change — who is at the table and should be listening to this but has her back turned — what could be done to offset the cost. What could this state government do to help a farmer's financial hardship created by Labor's ideological policies and a ridiculous renewable energy target? More than two months later the reply has come back, and the

answer is next to nothing. The minister has referred Mr Prime to an energy assessment grant that turns out to be a tit-for-tat payment scheme. This is a farmer who has invested in a diesel generator because he knows he cannot afford to lose power when he is milking. He already has solar panels to dilute the impact of power bills that are another by-product of this government's policies. It is just another kick in the guts for regional Victoria, another example of a Labor minister's —

**The SPEAKER** — The member's time has expired.

### School bullying

**Ms GRALEY** (Narre Warren South) (09:48) — The facts are that roughly one-quarter of all Victorian students are bullied at school, and despite the fact that a number of good things have come as a result of technology, it has also meant for many children the abuse is not confined to the schoolyard. Bullying affects a student's academic performance, leads to anxiety, depression and self-harm. With recent reports of a hit list at a prestigious Melbourne boy's school, it is clear how horrible some of these bullies can be and the devastating impact that bullying can have on someone's life. No-one deserves to be bullied or harassed because of their ethnicity, their gender, their appearance or their sexuality. I say no to all forms of discrimination.

Unfortunately the issue of bullying is incredibly complex and a difficult one to tackle. It is fundamentally a mental health issue and as a result it requires several different nuanced approaches. The member for Kew's hopes for a one-size-fits-all policy is just too simplistic. I wish to commend those that have created life-saving tools, like the Department of Education and Training Bully Stopper initiative, the Alannah and Madeline Foundation's eSmart toolkit, the Safe Schools program and recently Channel 7's Beat the Bullies campaign. To finally rid schools of bullies, we need a holistic and informed approach. We need teachers and principals to have access to the right tools. We need parents to know what to look for and what they can do to help. We need community leaders and influencers to stand up against bullying. We need to support intelligent, not ideological, policy that becomes good, safe practice in school.

Our Premier has shown his commitment to tackle this issue by announcing that the Andrews Labor government is providing the funding and resources to tackle bullying online and in person in stopping bullying for every child. Funding of \$2.5 million will enable all Victorian schools to use the Alannah and Madeline Foundation's eSmart program for free. Thank you to Lesley Podesta for her tireless advocacy. The

Victorian anti-bullying and mental health initiative will support every student's mental health and wellbeing and will be instrumental in saving young lives.

### **Darebin Falcons**

**Ms THORPE** (Northcote) (09:50) — The Darebin Falcons offer opportunities for women and girls in cricket, soccer, Australian Rules football and eight ball. The success of the Darebin Falcons has been possible because of a strong commitment from players, club members and supporters, all of whom have a passion, like myself, for women's sport. This commitment to and support for women's sport is unique and has enabled the Darebin Falcons to become one of Australia's most successful women's AFL clubs. In 2017, 15 Darebin Falcons were drafted to play in the inaugural season of the AFL Women's league — a historic achievement in itself.

Sexism in sport is still a very real issue in this country. Women and girls experience all sorts of barriers that prevent them from playing on an equal footing to men. Women feature in only 7 per cent of sports programming in Australia. Football is the world's most popular sport, with almost 300 million playing amateur or professional football, and yet only 22 per cent of these participants are female. The list goes on.

I acknowledge club president Sarah Brady and the tireless work that the Falcons women put into creating a safe and welcoming environment for girls to grow in sport and for women to play to their full potential.

### **Victorian Premier's Volunteer Champions Awards**

**Ms BLANDTHORN** (Pascoe Vale) (09:51) — I have great pleasure in rising today to congratulate two Pascoe Vale constituents, Noel Dunstan and Elissa Simmons, who were both recipients of the 2017 Premier's Volunteer of the Year, Dame Elisabeth Murdoch Award. Both were recently presented with the award at a formal ceremony at Government House by the Parliamentary Secretary for Carers and Volunteers.

The first of these constituents, Noel Dunstan, a Hadfield resident, received his honour for devoting more than 30 000 voluntary hours to the community over more than 50 years in his capacity as keeper and custodian of the Glenroy community hall. Noel has overseen many a community event within our local community, and many amongst our community are certainly grateful for the efforts he has put into ensuring that the hall meets their needs.

The second of these constituents, Elissa Simmons, again a Glenroy local, received this honour for being instrumental in the successful rebuild of the Glenroy West Kindergarten. Formerly part of the school, the kindergarten now has its own facility, a purpose-built facility, and Elissa was certainly instrumental in its success. She has also been instrumental in giving ongoing service to the kinder and ensuring that it goes from strength to strength and increases its enrolments.

It is because of people like Noel and Elissa that our community in Glenroy is such a great place to live, to work and to raise a family. So I thank them for the ongoing service that they provide to our community.

### **Energy supply**

**Mr McCURDY** (Ovens Valley) (09:53) — Today I request that the Premier be fair to regional people and not just be the Premier for Melbourne. The power outages that occurred in Melbourne earlier this year were caused by a combination of closing down Hazelwood power station and Mother Nature turning up the heat on Victoria. Residents will be compensated up to \$180 for this inconvenience. The residents of Whitfield and Cheshunt are rightly asking me, 'When will the Premier offer compensation for power losses to country communities who were devastated by Mother Nature in a tornado-like storm in late December?'. Some were without landline phone services, mobile services and power for over a week. So I ask the Premier to tell the communities of Whitfield and Cheshunt if they will be compensated like their metropolitan counterparts have been.

### **Jetty licences**

**Mr McCURDY** — I seek an explanation from the Minister for Water regarding Goulburn Murray Water charges for jetty licences in Lake Mulwala and Bundalong. Increases over the years have been in line with CPI, but Mrs Ilba Prosser of Yarrawonga was informed recently that her jetty licence will increase by in excess of 100 per cent this year. With over 400 jetty licences in this region, please tell me this is not just a cash grab by a city-centric government. Mrs Prosser is in her 80s and has limited capacity to pay such a massive increase. I would encourage the minister to come to Yarrawonga and explain the changes to a community meeting.

### **Ovens Valley electorate roads**

**Mr McCURDY** — The Minister for Roads and Road Safety, who refuses to come to the Ovens Valley electorate to discuss the bridge, has again shown a lack

of respect to regional people in the wake of his latest embarrassing blunder. I request that the minister apologise to regional Victorians for thumbing his nose at the state of our roads and for trying to cover up the lack of investment with wire rope barriers. While the minister ignores the state of country roads, lives are being lost. Premier, show some leadership and remove him from this portfolio.

### **Clemente program**

**Ms KNIGHT** (Wendouree) (09:54) — The Clemente program is one of those wonderful, quietly achieving programs that everyone should know about. For 10 years now the Australian Catholic University in Ballarat has worked with Federation University, Centacare, the Smith Family, United Way and the City of Ballarat to offer free, supported tertiary-level education in the humanities to local adults facing disadvantage. The students are faced with at least one, and usually more than one, of the following: mental illness, homelessness, family violence, addiction and unemployment. I have had the absolute honour and pleasure to attend a few graduations, and I cannot tell you how amazing they are. The pride and confidence of the participants is absolutely palpable. I think this quote from a local participant, recorded in the book *Shifting Perspectives: the Clemente Australia Anthology*, says it all:

... I remind myself that the future will bring ... more courses ... more camaraderie, more friendships and more learning. I just love learning new things. Not just because I get something extra to add to my CV, but for its own sake. Learning academic subjects is thrilling. And I'm not exaggerating! I just love it. What a way to expand the mind.

My sincere thanks go to all those involved in this exceptional program. For something to go from strength to strength for 10 years and to absolutely change the lives of those in our community is quite something and deserves our praise and admiration.

### **Beach Road, Mentone to Mordialloc**

**Mr THOMPSON** (Sandringham) (09:56) — I wish to place on the parliamentary record my ongoing opposition to the narrowing of Beach Road between the Mentone Lifesaving Club and Mordialloc. I am opposed to the narrowing of Beach Road and the removal of a number of parking spaces in the area. In particular I, along with a significant percentage of the community, hold real concerns regarding the creation of a hazard and the increased risk of injury and litigation that may flow from the works. I am concerned that neither the council nor VicRoads have considered the magnitude of the risk of injury to pedestrians,

beachgoers, cyclists and motorists or any proposed steps to significantly alleviate the danger and ensure the road is reasonably safe to use.

I hold the view that if and when an accident occurs due to the works, which I consider likely, noting that 10 000 to 15 000 cyclists are estimated to use the road on a weekend, it is difficult to see on what basis the council could defend itself any allegations of negligence in the context of the road being narrowed. The council clearly has actual knowledge of the particular hazard and the risk of injury. In relation to the defences in favour of public policy it is apparent that the council has prioritised environmental considerations over and above issues of safety, which is unreasonable in my view under the circumstances.

### **Betty Newton**

**Mr THOMPSON** — I wish Betty Newton all the best for her 100th birthday year.

### **Ivanhoe electorate schools**

**Mr CARBINES** (Ivanhoe) (09:57) — Olympic Village Primary School in West Heidelberg is one of six schools across the Ivanhoe electorate sharing in almost \$30 million of construction works and upgrades happening right now, thanks to three years of investment by the Andrews Labor government. I was very pleased to be at Olympic Village Primary School last Friday with the federal member for Jagajaga, the Honourable Jenny Macklin, to announce \$6 million to rebuild Olympic Village Primary School. As a past resident for seven years of Goodenough Court in Olympic Village, West Heidelberg, I know full well the value to the local community of the school and the work that it does.

Can I say also that this has been a great community effort. The community focused on delivering one key goal and objective — working together with unity of purpose to deliver a new school for West Heidelberg. It will go out to tender soon, we will start construction in September and we will complete that project in September next year. I commend and congratulate the families in West Heidelberg, the school community, school council president Margaret Phillips and Cresten Pearce, who said in the local newspaper this week that the new school will provide for everything the current school community needs.

I say also that across the electorate Viewbank College, my old school, is getting \$11.5 million; St Martin of Tours Primary School is sharing in a \$3 million project half-funded by the state government; Rosanna Golf

Links Primary School, my daughter's school, is getting \$6.28 million; Ivanhoe Primary School, \$2 million; Banyule Primary School, a million-dollar master plan has been completed; Olympic Village Primary School, \$6 million; and Fairy Hills kindergarten, several hundred thousand dollars for access for all abilities. We are getting the job done in Ivanhoe.

### Child safety kits

**Mr NARDELLA** (Melton) (09:59) — This year another multitude of young children have started kindergarten in the Melton electorate — over 900 kids. In the Melton electorate, where we have more than 40 babies born each week, children are being looked after by professional and caring kindergarten teachers and aides, and volunteers.

Safety is a prime issue for children and their families, and one of the tasks that I do every year is distribute a child safety kit. The child safety kit has information on issues ranging from choking, strangulation and suffocation to button batteries to bath safety, burns and scalds to swimming pools, SunSmart, hot cars and choosing a helmet to driveway safety. It only serves as a guide, and professional advice should be sought if necessary by the parents.

A lot of people come into my office to actually get a kit after they find out that we have it. For the kids it is really important, because if you are looking at protecting children, a lot of times you just need to know some of the really basic things that you might need to do to treat cuts, grazes or lacerations. The kits are really good to have as a bit of a guide. I welcome anybody to come and get one.

### Sunbury Road duplication

**Mr J. BULL** (Sunbury) (10:00) — It was fantastic to announce \$5.4 million for a safety upgrade of Sunbury Road last week. I have met with and spoken to many residents about the importance of improving safety on this road, and of course it is the Andrews Labor government who will get it done.

### Sunbury youth advisory council

**Mr J. BULL** — Last week I was also delighted to welcome the newest members of the Sunbury youth advisory council (YAC). The council is designed to discuss a range of local issues and challenges young people face every day in our community, as well as working with the Andrews Labor government to find real solutions. The members of the 2018 YAC are Grace Taylor, Thomas Steers, Molly McFarlane,

Michelle Grover, Teagan Fox, Kara Gifford, Natasha John, Leonie Back, Trent Matuauto and Tori Luke.

### Jarrold Bell

**Mr J. BULL** — On another matter, there are many wonderful volunteers in my community. I would like to take this opportunity to commend Jarrod Bell, who is also a member of my team. Jarrod was last week named the State Emergency Service volunteer of the month — a fabulous achievement. He works incredibly hard. Well done to Jarrod!

### St John Ambulance volunteers

**Mr J. BULL** — I also had the opportunity last week to meet the fantastic, hardworking St Johns Ambulance members in Sunbury. These men and women volunteer their time to attend community events and local functions. They ensure that medical care is available for those that need it. They give up their time, both during the week and across the weekend, to serve the community. These members are passionate and hardworking. I would like to take this opportunity to once again thank you for all of the service you give to the Sunbury community.

### South-West Coast electorate roads

**Ms BRITNELL** (South-West Coast) (10:02) — I once again rise to speak on the condition of roads in south-west Victoria and once again I direct these comments to the Minister for Roads and Road Safety. Since the minister will not listen to me or my constituents, I hope he will listen to the views of the Moyne Shire Council, who have made a submission to the Law Reform, Road and Community Safety Committee, which is holding an inquiry into VicRoads' management of country roads. I hope the minister does not use his colourful language, as he did with Jo Beard, the mayor of Corangamite, and keeps it more respectful for the Moyne shire CEO.

The council's CEO, David Madden, was quoted in the *Cobden Timboon Coast Times* last week as saying that the main problem with the current VicRoads system was 'a lack of adequate funding'. He said:

An additional \$50 million per annum for a minimum of four years needs to be invested in the network to bring the region up to at least a state average.

Mr Madden went on to say:

The focus needs to shift away from merely a population basis, but also consider the value of regional roads to the economy through inputs such as agriculture and tourism.

Given the Great South Coast region carries almost 30 per cent of the state's truck freight and is the state's largest agricultural producer, this would be a momentous and highly beneficial shift.

Mr Madden also reflected on a key bugbear for many of my constituents — that is, the fact that works fall apart in a matter of weeks — and he suggested several actions to mitigate what he calls a waste of money and an embarrassment. I would suggest the government take heed of Mr Madden's concerns.

### **Joel Bertoncini**

**Ms THOMAS** (Macedon) (10:03) — Congratulations to Joel Bertoncini for being part of the Queen's Baton Relay in Bendigo last week. Joel is an exceptional young man who in October 2015 ran from Sydney to Kyneton to raise money for cancer research in memory of his best friend's father, Pete Connor Sr. Joel has inherited his spirit of community service from his parents, Dennis and Denise, who are well-known in Kyneton and the Macedon Ranges for their commitment to our community through the Lions Club and other activities.

### **Victorian Emergency Management Institute**

**Ms THOMAS** — Last week I was pleased to be in Mount Macedon to officially open the Victorian Emergency Management Institute (VEMI) on behalf of the Minister for Emergency Services. VEMI has a vital role in developing leaders in Victoria's emergency services sector. It was fantastic to see a veritable who's who in emergency management at the opening as well as local Country Fire Authority volunteers and students from Braemar College.

People in my community will never forget that in 2015 the federal Liberal government closed the institute and sacked local workers following the notorious commission of audit that identified the institute as surplus to requirements. At that time not a peep was heard from local Liberal representatives. Is it any wonder, when the Victorian Liberals have already announced that they will establish their own commission of audit should they win government later this year? In stark contrast, the Andrews Labor government has renovated and redeveloped the iconic 6½-hectare site and restored its role as a premier training institute in Australia.

In the short time VEMI has been operating, it has employed five full-time equivalent staff, and it is expected that more jobs will be created as operations at this facility ramp up.

### **St Albans Lunar New Year Festival**

**Ms SULEYMAN** (St Albans) (10:05) — The Year of the Dog started with a bang in St Albans, with a fantastic celebration as part of the Lunar New Year festivities, beginning with the annual St Albans Lunar New Year festival, attracting over 20 000 people in St Albans. I would like to thank the St Albans traders and the St Albans Business Group Association for yet again organising a significant event that has become a milestone in the western region. I would also like to take this opportunity to wish the Vietnamese community in the electorate of St Albans a very happy Lunar New Year. May it be prosperous and healthy. Chúc mừng năm mới!

### **Taylor's–Kings roads, St Albans**

**Ms SULEYMAN** — On another matter, I am pleased to inform the house that the dangerous and congested roundabout at the Kings–Taylor's roads intersection in St Albans has now been removed. Together with my colleagues the Minister for Aboriginal Affairs and the Minister for Consumer Affairs, Gaming and Liquor Regulation, we have been able to successfully advocate for and most importantly deliver on this safety outcome for the western part of the electorate. I recently joined the Minister for Roads and Road Safety and the Minister for Aboriginal Affairs to see firsthand the traffic signalling in operation. This includes a safer pedestrian crossing. This particular intersection has more than 35 000 vehicles travelling through it each day, so this is an extremely significant upgrade to this intersection, allowing for reduced travel times and traffic queues, and improved safety for all.

### **Ashburton Festival**

**Mr WATT** (Burwood) (10:06) — Sunday, 25 February, is the Ashburton Festival. It is a great time to enjoy local community activities. I encourage all those people in the Ashburton area and anybody who wants to pop down and visit the Ashburton Festival to do so on Sunday.

## **STATEMENTS ON REPORTS**

### **Accountability and Oversight Committee: oversight agencies 2016–17**

**Mr ANGUS** (Forest Hill) (10:07) — I am pleased to rise today to speak on the fifth report of the Accountability and Oversight Committee in the 58th Parliament, and that is the report that I was privileged to table in this place earlier today, entitled

*Report into Victorian Oversight Agencies 2016–17.*

This report arises as a result of the statutory role of the Accountability and Oversight Committee, and that is to examine the annual reports of the three agencies that the committee oversees. They are the Victorian information commissioner, formerly known as the freedom of information commissioner, the Victorian Ombudsman and the Victorian Inspectorate.

Pages iii to v of the report outline in detail the committee's functions. The authority for the committee's functions is found primarily in two pieces of legislation, namely the Parliamentary Committees Act 2003 and the Ombudsman Act 1973, sections 26H and 26I. The report is comprised of four chapters. Chapter 1, being the introduction, goes into further detail about the role of the Accountability and Oversight Committee, deals with the responsibilities and roles of that committee, looks at the Victorian integrity framework more generally and outlines the oversight of agency performance, functions and duties as well as the structure of the report overall. Chapter 2 looks at the freedom of information commissioner and the important role that they play in the community — and I will come back to some of that shortly. Chapter 3 looks at the Victorian Ombudsman and their important role as well, and chapter 4 looks at the Victorian Inspectorate.

The committee has made five recommendations in this report, and they are found on page xv. Of those five particular recommendations there are three in relation to the Victorian freedom of information commissioner and one each in relation to the Ombudsman and the inspectorate.

Regarding the Victorian freedom of information commissioner, we have recommended there, as we have in the past, that the Victorian government amend the Freedom of Information Act 1982 to allow complaints to be submitted other than in writing. We found again — as we did the work of the committee, heard from the freedom of information commissioner during the course of the year and looked at their own report — that that continues to be an issue and is something that should be addressed. In recommendation 2 we have said:

That the Office of the Freedom of Information Commissioner provides data in its annual reports on the time frames of complaint resolution.

We included that because we felt that it would be helpful for the broader community to see what sorts of time frames are involved in approaches that are made to the Victorian information commissioner and would add to the value, if you like, of the report that is produced. I think that should be able to be done, hopefully without

too much additional work, and it would just add that bit of depth to their reporting. Recommendation 3 is:

That the Victorian government amend the Freedom of Information Act 1982 to provide the Office of the Victorian Information Commissioner with the power to compel compliance by agencies in relation to review decisions.

One of the things that we have seen as a committee both this year and in previous years is the fact that sometimes there is non-compliance by agencies regarding decisions that have been made, and that causes immense frustration in the community and indeed can have other detrimental effects as well. So I think it is appropriate that that power be looked at with a view to enforcing the requirements within the regime as outlined.

In conclusion, as the chair of the Accountability and Oversight Committee, I want to firstly thank my fellow members for their contributions; and secondly, I want to thank the staff who have worked very hard for the committee, particularly in relation to the production of this report. As members will see when they look at it, there are a lot of numbers in here. A lot of detailed work has to go into it, and important reconciliations need to be made of the numbers contained in all the tables and schedules. I thank the staff for doing that work and for getting that right, for doing all the reconciliations and analysis of those numbers to make sure that what is presented in here is right.

It is another very important report for the Parliament and it should be of interest to members, and I commend the report to them.

### **Public Accounts and Estimates Committee: budget estimates 2017–18**

**Mr PEARSON** (Essendon) (10:12) — I am delighted to make a contribution today on reports, and I refer to the report of the Public Accounts and Estimates Committee of October 2017 on the 2017–18 budget estimates. Specifically I refer members to page 28, paragraph 2.5.1 headed 'Risks to the Victorian economy due to increasing international trade protection'.

These observations made in the report relate to a note in the Export Finance and Insurance Corporation, which talked about the risks of protectionist policies pursued by Victoria's major trading partners. The budget papers expand on this, saying:

Australia's economic performance is heavily influenced by global economic conditions and international trade. An increase in global tariffs could reduce the competitiveness of Victoria's exports, lower Australia's terms of trade and lower Victoria's GSP growth.

I raise this today because there is this great temptation in the current environment, and it is embodied by the Brexit movement in the United Kingdom and the rise of Donald Trump, to try and imagine some mythical time in history when tariff walls provided the foundations for a modern, stable and progressive society and a strong, vibrant economy. Nothing could be further from the truth. The reality is that where you have had sovereign nations invoke tariff walls at times of economic uncertainty and challenging economic circumstances it has invariably exacerbated an economic crisis. If you have studied the Great Depression, you will know the stock market correction in October of 1929 was just that — a correction.

In the case of Australia, it had already sustained two years of a recession, which in fact was one of the key reasons why Scullin was elected as Prime Minister about two weeks before the crash. But despite that correction occurring in 1929, 1932 was the worst year. It was the worst year at a global level because of the retaliatory actions that sovereign nations undertook, ostensibly to try and protect jobs and to try and protect their own economies by ratcheting up tariff walls. You got into an economic tit for tat across the world. What should have been a market correction of no great note, no great standing, resulted in a profound economic contraction. If you look at Australia, it really came down to an unemployment rate of around about 33 per cent in 1932, and it could entirely have been avoided.

Admittedly, economics as a field was relatively new, and it was more in the province of accountants, who were focused on balanced budgets and believed that you should prioritise in terms of honouring your debts rather than trying to stimulate the economy. That was evidenced by the Prime Minister's plan, which was enunciated by Sir Otto Niemeyer from the Bank of England. But everything old is new again, and I think we do run the risk that with this level of global uncertainty there will be this argument that we need to try to recreate tariff walls, try to hide behind protective barriers. It just does not work for a country like Australia, where we only represent 1 per cent of global trade.

That is not to say that you turn around and say, 'Everyone is a winner as a consequence of globalisation'. I am not saying that. There are clear losers as a result of globalisation. But the challenge for progressive governments is to find a way in which you can ensure that the economy continues to expand, that Australia can play its rightful role as a middle power in Asia and have a strong, vibrant economy in order to provide the protections that are required for people who have lost out from globalisation. It is about

making sure that if, for example, you have lost your job as a consequence of automation, there is an opportunity for you to be re-skilled or for you to go back to university and undertake further studies and for the state to participate and help you and facilitate that journey. It is about trying to ensure that you do not leave people behind.

I guess to summarise in the brief time I have got, it is about trying to find that middle path of embracing globalisation, recognising it is here but making sure that we do not leave people, the victims of globalisation, behind.

### **Public Accounts and Estimates Committee: budget estimates 2017–18**

**Mr D. O'BRIEN** (Gippsland South) (10:17) — I too am pleased to rise to speak on the report of the 2017–18 budget estimates of the Public Accounts and Estimates Committee, of which I am happy to be a member. The report goes into general government sector finances in historical context, including asset investments under 3.4.2. I want to go to the asset investment that is made in regional Victoria, and specifically the commitments the government made last year with respect to the port of Melbourne lease. Members will recall there was a rather protracted series of negotiations on a range of issues related to that lease, but one of the things that we on this side — that I took into my party room and that members of the Liberal Party took as well and that the coalition insisted on — was that at least 10 per cent of the proceeds of the port of Melbourne lease be dedicated to infrastructure facilities in regional Victoria.

Indeed the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 as passed says at section 15(2):

The amounts authorised by the Treasurer to be paid out of the Victorian Transport Fund to fund the cost of all or any part of the development of regional infrastructure projects must equate to, in aggregate, at least 10% of the net transaction proceeds.

That would have been good. We had a \$9.7 billion lease figure on the port of Melbourne, which means there should be at least \$970 million delivered to asset infrastructure in regional Victoria.

So it was a great surprise to us in last year's budget to find a table on page 10 of budget paper 4 titled 'Regional projects funded from the sale of Port of Melbourne'. It lists a number of them, including 'Regional rail revival — Gippsland rail upgrade' — \$435 million.

As we found in evidence last week at the outcomes hearings on the budget, this in fact is not funded from the proceeds of the port of Melbourne lease — it is funded by the federal government. Those opposite will say all sorts of things about asset recycling. Even the secretary of the department last week made it clear that that was a former program that the state government had missed out on and, as a result, that funding was provided by the federal government — \$435 million of it.

In addition to that, the table lists \$288 million of major periodic maintenance on the regional rail network. Now, I submit that periodic maintenance is not what was intended to be delivered by the port of Melbourne lease transaction. Indeed section 15(1)(ii) of the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016 lists the following:

infrastructure projects for or in relation to public transport, roads, rail, the movement of freight, ports or other infrastructure (including regional infrastructure) ...

It is not maintenance, not just the average things that are done every year by our various departments and agencies; major infrastructure is what should have been funded. By those calculations — \$435 million delivered by the federal government and \$288 million delivered on maintenance issues — the Andrews Labor government owes regional Victoria \$723 million because it has failed to acquit its obligations under the Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016, an act that was passed by this Parliament. It is not just a handshake agreement but an act passed by this Parliament.

I can list a number of projects in my own electorate that the Andrews government should be funding. They include the final two stages of the duplication of the Princes Highway between Traralgon and Sale. There is a \$33 million commitment required for that, to be added to a federal contribution. I have been campaigning for some time for a train-stabling facility at Sale, which would allow us to bring VLocity trains to Sale and provide us with at least two additional services to Melbourne every day. We want to get to a dedicated Gippsland train line just as Geelong, Ballarat and Bendigo have for their regional rail links. Gippsland does not have one. These are the sorts of projects that this money should be put into.

There is the dreadful state of the South Gippsland Highway. Our roads are suffering, but we had the Minister for Roads and Road Safety saying yesterday that what he is providing is 'better than a kick in the dick'. Well, I can tell you that that has gone down like a lead balloon with regional constituents. The South Gippsland Highway and the Strzelecki Highway could

both have money spent on them. We have got port and boating infrastructure — the Toora boat ramp, the Loch Sport boat ramp, Shallow Inlet — in my electorate. These are all things that this approximately \$970 million should be spent on. We have been short-changed, and the Andrews government needs to do better to make sure that it acquits its commitments.

### **Public Accounts and Estimates Committee: budget estimates 2016–17**

**Mr McGUIRE** (Broadmeadows) (10:22) — I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates for 2016–17 and particularly to the contribution by the Minister for Industry and Employment, who referred to how working in collaboration presents an opportunity to drive strategic results. I want to continue my contribution on the need to place critical issues in the national interest above partisanship. This is important not only at the state level but also in our relations with the Australian government, and it is particularly relevant to the roles I have as Parliamentary Secretary for Medical Research and Parliamentary Secretary for Small Business and Innovation.

Today I want to highlight the benefits of a strategy that I have proposed to maximise innovation where it is needed most. To place this strategy in context:

Australia is in a \$1.6 trillion global innovation race, where the prize at stake is a bigger share of global wealth, better jobs and the best access to the products of innovation ...

Innovation is essential to create more economic and social opportunities. With the resources investment boom easing and our population ageing, Australia needs to find new sources of growth and improve productivity to maintain our standard of living. The *Australia 2030: Prosperity through Innovation* report states:

The biggest growth opportunities will come from knowledge-intensive companies that innovate and export, as they are the most profitable, competitive and productive. These companies will increasingly need to solve global problems at scale. When they succeed, they will make a substantial contribution to new jobs growth in Australia. This will come through both direct employment and indirect jobs throughout the economy from companies in their supply chain or in the service economy for their workers.

Innovation will also be critical to the employment market in Australia in 2030. Despite present fears about automation eradicating jobs, by 2030 a shortage of workers is a more likely problem than a shortage of jobs.

That is a critical proposition being put forward by the *Australia 2030* report on how we need to drive innovation, but I want to actually pick up a gap in this report which I think is critical — that is, it does not

really talk about place-based initiatives around innovation. I want to highlight that in Europe they have already spent about €100 billion on place-based innovation centres. This is a critical proposition that Australia needs to drive.

The Australian government might respond that they have a regional investment and jobs project, but the problem is that it has largely been a mechanism for pork-barrelling. This is the issue that I have highlighted previously in the report *Creating Opportunity: Postcodes of Hope*, published in 2016, where I called for redevelopment zones — or maybe we just call them jobs zones — to actually highlight where we can maximise these benefits.

Melbourne's north offers a critical proposition. Then we have Geelong, and you would look at the Latrobe Valley as a third such centre that could be harnessed. Geelong already has a city deal announced. This is why I am proposing that, given that one in 20 Australians is going to be living in Melbourne's north within two decades — that is the prediction — Melbourne's north is where we have the most benefit to be gained from these investments. Within 20 years this region is expected to match the current population size of Adelaide. It boasts Australia's largest concentration of advanced manufacturing and the most affordable and available land for development, it is within close proximity to the heart of the city and it has blue-chip infrastructure. This goes to the critical need to put innovation hubs where they are needed most.

The other policy issue I want to raise is that there is a skew for innovation investment to be done through universities. I think we need to put universities where the firms are too. Again, this proposition works brilliantly in Melbourne's north in its designated capital, Broadmeadows, because we have the Ford site, we have the Ericsson site, we have CSL, we have Visy and we have the Irish innovators Kingspan. Here are all these sites where we can look at attracting universities to be a partner, and I am trying to drive that as chair of the Broadmeadows Revitalisation Board. I am calling for greater collaboration at state and federal levels to actually change the so-called postcodes of disadvantage to again become postcodes of hope.

As we go through deindustrialisation, what are the new industries, what are the new jobs and how do we harness innovation? And how do we do it at the world's best proposition? The whole strategy around taking care of a place-based strategy is now critical, and that is why we need a city deal for Melbourne's north. Now that the one for Geelong has been announced I think the next

logical one is Melbourne's north, four times the population size of Geelong.

### **Accountability and Oversight Committee: oversight agencies 2016–17**

**Mr WATT** (Burwood) (10:27) — I rise to speak on the *Report into Victorian Oversight Agencies 2016–17*. It is a report by the Accountability and Oversight Committee. I acknowledge a former member of the committee and a current member of the committee, with one taking the other's position on the committee — the member for Williamstown and the member for Bentleigh.

The report covers a number of areas, but what I would like to go to is section 3.3.4, which talks about investigations referred from Parliament. I suppose I should give some context to what I am talking about here. I know we are talking about the 2016–17 report, but just to give context I want to refer to the report for the 2015–16 period, where section 3.4.4 refers to investigations referred from Parliament. That report states:

Section 16 of the Ombudsman Act allows the Parliament to refer matters to the Ombudsman for investigation and report. On 25 November 2015 the Legislative Council resolved to refer to the Ombudsman an investigation into allegations that members of the Australian Labor Party misused members' staff budget entitlements. The terms of reference required the Ombudsman to investigate and report on ...

I am referring to this because of the report today. The terms of reference are in part:

allegations that ALP members of the Victorian Parliament misused members' staff budget entitlements, against the provisions of the Parliament of Victoria Members Guide, that is, 'Electorate officers are employees of the Parliament of Victoria, and are directly accountable to the member in whose electorate office they work ... These positions are provided to support the member in their parliamentary and electorate duties. The Parliament does not fund positions to support the member's political or party duties' ...

The second point in those terms of reference is:

any other breach of applicable policies, laws or codes in relation to these allegations.

I note that in February 2016 the Ombudsman filed an application seeking a determination by the Supreme Court as to whether she had jurisdiction to investigate the allegations. In August 2016 the court ruled that the Ombudsman did have jurisdiction. In September 2016 I note that the Victorian government decided to spend hundreds of thousands of dollars to appeal that decision. There was an appeal, but the report tabled today makes it very clear that in December 2016 the

Court of Appeal upheld the Supreme Court judgement that the Ombudsman has jurisdiction to investigate a referral by the Legislative Council of allegations that the Australian Labor Party members of the Victorian Parliament misused members staff budget entitlements. The Victorian government sought leave to appeal in the High Court, and this was refused.

With only 276 days until the election it does not surprise me that this government would try to spend so much time and money stopping the Ombudsman from investigating the rorts which were clearly perpetrated by members who sit on the front bench and other members for the purposes of making sure that other members would sit on the back bench and that they could have their white cars.

I find it quite disgraceful that any member in this chamber would think it is acceptable to sign a time sheet to say that a person who they have never met, who has never walked into their electorate office was actually working for them. It is very clear that that was not the case.

I note that in an article in the *Herald Sun* of August last year a Labor MP said that the air must be cleared, rather than keeping people silent by giving them jobs, noting the fact that many of these people in the red shirt brigade were given jobs that they were not qualified for just to keep them silent. This Labor MP said that it would be 'easier just to repay the Parliament'.

I contend that it is not that it would be easier to repay the Parliament and that it is not that the Labor Party should repay the Parliament because there is an election in 276 days and we need to remove this cloud over the election but that it is the right thing to do. You rorted money. You stole money. You should pay the money back. You should be held accountable and you will be held accountable. Hopefully in 276 days the people of Victoria will hold you accountable for your rorting.

### **Electoral Matters Committee: electronic voting**

**Ms SPENCE** (Yuroke) (10:32) — Today I would like to make some comments in relation to the Electoral Matters Committee inquiry into electronic voting, which reported in May 2017. Since the tabling of the committee's report we have received the government's response to the recommendations, and we have also received the response from the Victorian Electoral Commission (VEC). The comments I wish to make today relate to recommendation 5 in the committee's report and the response of the VEC to that recommendation. Recommendation 5 states:

The committee recommends that the VEC prepare a detailed cost-benefit analysis for rolling out electronic roll mark-off facilities to all Victorian polling places, including early voting centres and election day voting centres, at the 2018 Victorian state election. This information should be included in the VEC's 2017–18 annual report.

In making this recommendation the committee considered what electronic technology was currently used during Victorian state elections and ways in which technology can be used to improve the administration and efficiency of our state elections. One form of electronic technology that we looked at was the use of electronic certified lists and the electronic roll mark-off devices in the form of tablets as an alternative to the paper roll mark-off at polling places. These devices allow for electoral officials to mark an elector's name off the roll electronically, with the device linked to the VEC's election management server. As many would know, these devices were deployed by the VEC during the 2010 and 2014 state elections; however, they were only available at early voting centres.

Given the limited use of these devices by the VEC, the committee also considered the Australian Electoral Commission's (AEC) use of electronic certified lists for federal elections. We were aided in doing this by the federal Parliament's Joint Standing Committee on Electoral Matters, which had considered this issue in their inquiry into the 2013 federal election. That committee recommended in its report that the AEC deploy electronic certified lists where possible to all early voting centres and mobile voting teams at the next federal election, that these be progressively implemented with a view to the eventual replacement of paper lists at all polling places and that there be a cost-benefit analysis and report included in the AEC's annual report process.

Our committee agreed with the commonwealth committee in that regard, in that electronic lists:

offer significant benefits for the delivery of election support services through an improvement in the timeliness and accuracy of roll mark-off management, reduction in paper lists ...

and more timely election results. It was for these reasons that the committee made its recommendation for the VEC to conduct a similar cost-benefit analysis to the AEC and, in doing so, to focus not just on the hardware costs but also on the reduced staffing costs associated with the time saved by using a traditional paper roll. As noted earlier, the VEC has responded to the committee's recommendations and advised that at the 2014 state election there were a total of 1065 devices deployed with 591 covering mobile early

voting, 369 covering all early voting centres and 591 devices at 106 election day centres.

The VEC agreed with the findings of the committee that electronic roll markings reduced voting time, particularly for absentee voters; it enables faster count times for early and absent votes; and also provides the ability to instantly identify attempts of multiple voting. The VEC also noted that they provide the ability to monitor voting flows throughout the day and respond to unexpected peaks and they remove the need for paper rolls to be scanned after the election, which is currently a four-week exercise that has to be undertaken.

However, the VEC did advise that there was a significant cost to these devices being rolled out to all election day centres and they stressed the need to effectively balance the benefit of the devices with the cost. So I am pleased that the VEC have advised, in their response, that they will undertake a detailed cost-benefit analysis of deploying electronic mark-off facilities to all voting centres in Victoria during the 2018 election and I look forward to receiving the report from the VEC by 30 June this year, with work also being referenced in the VEC's annual report for 2017 and 2018.

## PARKS VICTORIA BILL 2018

### *Statement of compatibility*

#### **Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Parks Victoria Bill 2018.

In my opinion, the Parks Victoria Bill 2018, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The bill will repeal and re-enact with amendments the Parks Victoria Act 1998 to establish Parks Victoria as a more independent park management agency with specific objects, expanded functions and direct land management powers and responsibilities.

The bill will also make consequential and related amendments to the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Water Industry Act 1994, the Wildlife Act 1975 and several other acts.

#### **Human rights issues**

##### *Section 12 — Freedom of movement*

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live.

Clause 84 of the bill will insert section 101 into the Conservation, Forests and Lands Act to enable regulations to be made for the protection and management of some of the land that Parks Victoria manages, including in relation to regulating or prohibiting the entry of persons into that land, and to restrict or prohibit access to areas through setting aside areas or otherwise.

The power to prohibit access can enable land managers to reduce risks to public safety and protect sensitive conservation areas. This type of power already exists in other Crown land legislation, including the Crown Land (Reserves) Act and the National Parks Act.

The new regulation-making power may be perceived as limiting a person's freedom of movement. In itself, the power does not limit any person's freedom of movement. However, when developing regulations or administering the regulations to prohibit access, the human rights set out in the charter will need to be considered in accordance with the obligations under that act. Any limits on a person's right to freedom of movement would only be imposed to the extent necessary to fulfil the purpose of prohibiting access.

The bill does not limit the right protected under section 12 of the charter.

##### *Section 18 — Taking part in public life*

Section 18 of the charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. It further provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to public office.

Clause 154 of the bill will repeal section 14 of the National Parks Act, which provides for the appointment of park advisory committees. Clause 196 of the bill will repeal section 32AE of that act, which provides for the Alpine Advisory Committee, whose role is to assist in the development of a management plan for the Alpine National Park.

The repeal of those provisions may be perceived as limiting a person's right to participate in public life. However, clause 24 of the bill will provide a broader power for Parks Victoria to appoint one or more advisory committees to give advice and information to Parks Victoria with respect to any land managed by Parks Victoria or any of its functions. Such committees could include park advisory committees or committees to advise on the development of management plans for particular parks. This broader power will expand the potential for the public to be appointed to committees and to participate in public life.

Therefore, the bill, as it relates to committees, does not limit the right protected under section 18 of the charter.

Clause 19 of the bill specifies the circumstances in which the office a member of Parks Victoria becomes vacant. These

circumstances include where a member is convicted of an indictable offence. Clause 21 specifies the circumstances when the Governor in Council may remove a member from office. For example, the Governor in Council may remove a member from office if that member is negligent in the performance of the member's duties. They are similar provisions to those applying to various other public entities.

These clauses may engage and limit the right under section 18. However, they are justified in the interests of facilitating good corporate governance and, in the case of clause 21, also helping to safeguard against the misuse of public funds. The circumstances are clearly stated and not arbitrary and are clearly linked to the objective of good governance. There are no less restrictive means available to achieve the objective.

### **Section 19(2) — Cultural rights**

Section 19(2) of the charter provides for the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

This right is particularly relevant to several clauses of the bill which aim to promote the right:

Clause 7 provides that one of the objects of Parks Victoria will be to recognise and support traditional owner knowledge of and interests in land managed by Parks Victoria.

Clause 8 provides that a function of Parks Victoria will be to support the involvement of a specified Aboriginal party for such an area of land in the management of that land.

Clauses 40 and 48 require consultation with any relevant specified Aboriginal party in the preparation or amendment of a land management strategy or a land management plan for areas managed by Parks Victoria.

The bill thus promotes the rights protected under section 19(2).

Hon. Lily D'Amrosio, MP  
Minister for Energy, Environment and Climate Change

### *Second reading*

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) (10:38) — I move:

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under standing orders:**

The Parks Victoria Bill 2018 will repeal and re-enact with amendments the Parks Victoria Act 1998 to establish Parks Victoria as a strengthened and more independent park management agency with specific objects, expanded functions and direct land management powers and responsibilities. The reforms are consistent with the Victorian Labor 2014 platform.

### **An outstanding parks and reserves system**

Victoria is fortunate to have a magnificent system of parks and reserves covering approximately 4.1 million hectares — about half of the state's Crown land. These areas mainly comprise the national and other parks under the National Parks Act 1975 but also include several thousand other areas managed for conservation or other purposes under several different acts.

These parks and reserves contribute a wide range of tangible and intangible benefits, including protecting significant parts of the state's diverse natural and cultural heritage. Many of these areas are of particular significance to traditional owners and they provide a wide range of ecosystem services and recreational benefits for the broader community, and contribute significantly to the visitor economy.

The management of these special places requires a strong park management agency with clear accountabilities and responsibilities, equipped to tackle the challenges of park management in the 21st century for the long-term benefit of the environment and the community.

### **Strengthening Parks Victoria as a park management agency**

Parks Victoria was established in 1996 to manage various parks and reserves on behalf of the state. Formed from an amalgamation of the former Melbourne Parks and Waterways and most of the former National Parks Service, it initially operated as Melbourne Parks and Waterways trading as Parks Victoria and became a statutory authority in its own right in 1998 under the Parks Victoria Act.

The creation of Parks Victoria occurred within the context of the then government's broader public sector management reforms, sometimes referred to as the purchaser-provider model, and aimed to establish a clear separation between the purchaser of park management services — mainly the Secretary to the Department of Environment, Land, Water and Planning — and the provider of those services — Parks Victoria.

Parks Victoria's main function has been to provide services for the management of parks, reserves and other land under the control of the state. It also provides services for the management of certain waterways land in Melbourne, acts as a committee of management of some Crown land reserves, and leases reservoir parks from Melbourne Water Corporation. Parks Victoria also acts as a manager of several local ports under the Port Management Act 1995 and as a waterway manager for certain areas under the Marine Safety Act 2010, arrangements which will remain unaffected by the bill.

While Parks Victoria is responsible to the secretary for the provision of services, it is also responsible to the minister administering the Parks Victoria Act. The current arrangement and accountabilities are complex. Twenty years on from its creation, it is appropriate to review the model under which Parks Victoria operates.

The bill will strengthen Parks Victoria as a park management agency by moving it from being a provider of services operating in a purchaser-provider arrangement to a statutory authority having direct control and management of Victoria's national parks and other reserves. With clear objects and a comprehensive set of functions, the bill will enable Parks Victoria to operate with greater strategic and operational

autonomy but within a reporting framework that includes a clearer line of accountability to the responsible minister.

The bill is essentially a governance bill; it will not change any existing land uses. The existing land management acts, particularly the National Parks Act and the Crown Land (Reserves) Act 1978, with their checks and balances applying to a wide range of different circumstances relating to parks and reserves, will remain the principal source of powers and responsibilities for the land that Parks Victoria manages.

#### Overview of changes to be made by the bill

The bill will establish clear objects and functions for Parks Victoria. These cover the broad range of activities for which Parks Victoria is to be responsible and emphasise the need to protect, conserve and enhance the areas for which Parks Victoria will have direct responsibility. They also acknowledge the importance of traditional owner involvement in Victoria's national parks and other reserves, and that these areas are part of the broader landscape and that it is important for Parks Victoria to confer with and cooperate with the secretary and other land and water managers.

The bill will give Parks Victoria direct control and management of Victoria's national parks and other reserves, rather than relying on service agreements with the secretary or a relevant minister. Consequently, the bill will give Parks Victoria direct land management powers under the relevant land acts in relation to the land for which it is responsible. Several overarching responsibilities will remain with the secretary, the most notable being the responsibility for the prevention and control of fire, and recovery from fire. Parks Victoria will continue to support the secretary by providing staff and resources.

The bill will also introduce several improvements and efficiencies to assist Parks Victoria in its management of our parks and reserves:

it will enable the minister to issue a statement of obligations to Parks Victoria that will set out the broad expectations of the minister in relation to Parks Victoria performing its functions and exercising its powers;

it will require Parks Victoria to prepare a statewide land management strategy that will set out the general long-term directions, strategies and priorities for the protection, management and use of the land it manages;

it will give Parks Victoria an overarching power to prepare land management plans for the land it manages which may cover more than one park or reserve;

it will enable Parks Victoria to formally establish advisory committees to give it advice and information in relation to any of the land it manages or any of its functions;

it will enable the Governor in Council to make regulations for the management of land for which the existing regulation-making head of power is inadequate — for example, where an area managed by Parks Victoria has not been formally reserved for its intended purpose and which might comprise land with different land status; and

it will simplify the requirements for preparing corporate planning documents, including corporate and business

plans, in line with amendments made in 2017 to the Royal Botanic Gardens Act 1991 and the Zoological Parks and Gardens Act 1995.

#### Conclusion

In summary, the legislative reforms will mean that:

Parks Victoria will have comprehensive objects and functions, and land management powers and responsibilities in its own right;

there will be clearer governance arrangements and more efficient tools to achieve better management outcomes for Victoria's national parks and other reserves; and

there will be appropriate checks and balances to enable the minister to be clear about the performance expected of Parks Victoria by enabling the minister to issue statements of obligations and directions, and through the corporate planning process.

A strengthened Parks Victoria operating in a more efficient operating environment will help better realise the benefits to the environment and the community of well-managed parks and reserves and will enable it to be a world-class park management agency equipped to tackle the increasing park management challenges of the 21st century.

I commend the bill to the house.

**Debate adjourned on motion of Mr CLARK (Box Hill).**

**Debate adjourned until Wednesday, 7 March.**

## EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2018

### *Statement of compatibility*

**Mr MERLINO (Minister for Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Emergency Management Legislation Amendment Bill 2018.

In my opinion, the Emergency Management Legislation Amendment Bill 2018, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### Overview

The Emergency Management Legislation Amendment Bill 2018 (the bill) establishes a new emergency management planning framework. Key features of the bill include new governance arrangements at the state, regional and municipal levels and core requirements when preparing emergency management plans.

The bill also clarifies the interaction between the statutory compensation scheme under the Victoria State Emergency Service Act 2005 and the common law. These changes remove existing impediments for Victoria State Emergency Service (VICSES) volunteers who are injured or suffer property damage during their emergency service from receiving common-law damages.

### **Human rights issues**

Section 9 of the charter provides that every person has the right to life. Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with the law.

The bill seeks to strengthen and improve arrangements for emergency management planning, which will promote the right to life and property rights. By improving the planning arrangements for the mitigation of, response to, and recovery from, emergencies, threats to life and property should be reduced.

The clarifications in the bill to facilitate VICSES volunteers accessing common-law damages for property damage promotes their right to property under the charter.

The Hon. James Merlino, MP  
Minister for Emergency Services

### *Second reading*

**Mr MERLINO** (Minister for Emergency Services)

(10:39) — I move:

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under standing orders:**

This bill has at its centrepiece a new framework for emergency management planning in Victoria. This reform is coupled with a range of changes to other elements of our emergency service arrangements to meet operational needs and address a number of other issues.

#### **Emergency management planning reforms**

Strong and effective planning is the foundation of a successful response to, and recovery from, an emergency. Currently, there are both operational and legislative measures to support the planning process, with the legislative measures spread across an array of different pieces of legislation: the Emergency Management Act 1986, the Emergency Management Act 2013 (EM act), the Country Fire Authority Act 1958, as well as a range of legislation in specific portfolios and industry sectors. Victoria's current arrangements for emergency management planning do not provide a comprehensive or holistic approach to planning. There is also a lack of clear, consistent and transparent governance mechanisms to underpin emergency management planning. The roles and responsibilities of agencies are unclear, outdated and fragmented in key respects, and there is no consistent obligation for agencies to discharge their roles under the current plans.

As a result of events such as the Black Saturday bushfires, the floods in 2010–11 and the Hazelwood mine fire, significant reforms have already been made to emergency management

arrangements in Victoria. Underpinning these reforms is a joint understanding that governments and agencies must work together to facilitate flexible and networked preparations for responding to, and recovering from, emergencies.

The reforms have recognised that individuals, communities, emergency services organisations, businesses and industry have shared responsibilities for emergency management. However, more specific reforms are required to better integrate emergency management planning and implement a planning framework that is collaborative, flexible and based on shared responsibility.

In 2014, the Victorian emergency management reform white paper advocated a planning approach for all agencies and all emergencies built on networked arrangements, greater interoperability and a stronger emphasis on risk mitigation. The white paper identified that Victoria's existing emergency management planning arrangements do not provide a comprehensive approach to emergency management planning. The white paper highlighted that improving planning processes is critical in minimising the likelihood and consequences of disasters and emergencies on the community.

A number of public inquiries have also been critical of Victoria's emergency management planning arrangements and recommended significant improvements. Most recently, recommendation 3 of the Inquiry into the Hazelwood Mine Fire highlighted a specific need to introduce more integrated fire management planning.

There is little doubt that scrutinising the events of the past has highlighted the need for reform of the current arrangements. The government is proud to deliver a new legislative framework that provides the necessary underpinning to best prepare for an emergency and to best protect our communities.

Importantly, this bill provides for a new objective in the EM act 2013 to clarify that the new planning arrangements and the act provide for an 'all communities—all emergencies' approach to emergency management. This objective reinforces that communities are at the centre of decision-making in all of our arrangements for managing emergencies.

The bill addresses the need for reform of the existing planning arrangements in the Emergency Management Act 1986 and the EM act 2013 by replacing them with a new, integrated and coordinated framework for emergency management planning. The key features of the new framework include:

integrated planning for activities that occur before, during and after an emergency;

arrangements that provide for all likely emergencies;

a new governance structure for emergency management planning;

common principles to guide and drive the planning process;

plans that provide for the roles and responsibilities of all relevant agencies; and

clear and transparent quality assurance and accountability mechanisms.

The bill establishes a clear and transparent governance structure that facilitates and supports planning arrangements at the state, regional and local levels.

Under the new governance arrangements, the emergency management commissioner (EMC) will be responsible for state-level planning and new regional and municipal emergency management planning committees will be established to plan at the regional and municipal levels, respectively. These new committees will promote shared responsibility for planning, by requiring relevant agencies to participate in the planning process. The new municipal level arrangements will also apply in a similar way to Victoria's alpine resorts, to ensure that the arrangements are comprehensive.

The regional and municipal emergency management planning committees will be comprised of representatives of specified agencies, including state government departments, local government and other agencies and stakeholders. Additional agencies and stakeholders will be invited to supplement the core membership. This will provide clarity regarding the core membership, as well as flexibility to include additional representatives tailored to the risks and needs of each region and municipal district.

The bill requires each emergency management plan at the state, regional and municipal levels to provide for an integrated, coordinated, and comprehensive approach to emergency management. Each plan will provide for arrangements that span all relevant emergencies. The plans must specify agencies' roles and responsibilities, and address all stages of emergency management, being mitigation, response, and recovery. This promotes a consistent approach to preparing emergency management plans across all three planning levels. While the bill provides for these core elements of an emergency management plan, it also facilitates a flexible approach to planning. Each plan, especially at the regional and municipal levels, will be tailored to the specific risks, communities, and geographical footprint to which it applies.

The bill provides for a combination of measures for oversight and assurance, including an approval mechanism for each emergency management plan, a statement of assurance process, and system-level assurance by the inspector-general for emergency management.

The new governance arrangements require the new state-level plan to be approved by the State Crisis and Resilience Council, the new regional plans to be approved by the EMC, and the new municipal plans to be approved by the relevant regional emergency management planning committee. These mechanisms provide oversight of the plans and facilitate operational integration between the different planning levels.

A statement of assurance will be prepared by the EMC or the regional or municipal emergency management planning committee, as the case may be, to confirm that its emergency management plan satisfies the new statutory requirements. For example, this would include requirements for the core contents of each plans, and for consultation on the plans. This statement of assurance serves as a key tool for the 'approver' of each plan to determine that the plan complies with the new requirements.

These approval mechanisms will be further complemented by an independent assurance role for the inspector-general for emergency management. This will provide assurance of the

quality of both the new planning process and the plans prepared under it.

The new planning framework in the bill will be implemented in stages to ensure a smooth transition to the new arrangements. The state-level arrangements will commence first. A new state emergency management plan will be developed to set the direction for Victoria's emergency management arrangements. Following the state-level arrangements, the new regional emergency management planning committees will be established to develop regional emergency management plans. The new municipal emergency management planning committees will then be established to prepare municipal emergency management plans. It is expected that the new framework will be fully operational by the end of 2020.

The bill does not provide detailed guidance on the planning process. Rather, the bill establishes an overarching framework to underpin emergency management planning. The framework includes general principles to guide the planning process, and key statutory obligations regarding the preparation of emergency management plans and their contents. To supplement these overarching arrangements, ministerial guidelines will be developed to provide for the more detailed, practical guidance on the planning process. These guidelines can be refined or altered over time to meet new or changing operational requirements, risks or issues. They can also be tailored to the needs of each planning level within the new framework. As such, the guidelines will provide a flexible and practical mechanism to implement the new planning framework on the ground.

An exposure draft of the Emergency Management Legislation Amendment (Planning) Bill (exposure draft) was released for public consultation in May 2016 to seek stakeholders' views on the reforms. Feedback was received from a wide range of stakeholders, including local government, emergency management agencies and industry. The proposed new arrangements received broad support. A range of different views on the detail of the planning bill were put forward, which were extremely valuable in informing the further development of the new framework. The reforms strike a balance between these different views to deliver a new framework that best meets the needs of the sector as a whole.

Some key changes were made to the new emergency management planning framework in response to stakeholders' feedback on the exposure draft. These include refinements to the municipal and regional emergency management planning committees to strengthen the representation of emergency recovery agencies, and changes to the regional emergency management planning committees to give councils a stronger voice on those committees. The framework now includes a power to issue guidelines in relation to dispute resolution, and a principle was added to expressly require emergency management plans to promote community resilience to emergencies. The existing role of the municipal recovery manager within municipal councils was added to the framework to give this critical role a clear statutory underpinning. A number of other technical refinements were made to ensure that the new arrangements apply effectively in practice.

Collectively, these new arrangements will support a stronger, more efficient and integrated approach to planning for emergencies for all Victorian communities.

**Other changes**

The planning bill has been incorporated into this bill, which also incorporates a number of other changes to improve emergency management arrangements.

The inspector-general for emergency management (IGEM) performs a critical role in providing assurance of Victoria's emergency management arrangements. The IGEM is currently a public servant appointed by the Secretary to the Department of Justice and Regulation. The bill instead provides for the IGEM to be appointed by the Governor in Council. This will increase the independence of the IGEM, giving further confidence to the community in the IGEM's important assurance functions.

The bill clarifies the interaction between the no-fault statutory compensation scheme in the Victoria State Emergency Service Act 2005 (VICSES act) and common-law damages claims. VICSES volunteers who are injured or suffer property damages in performing their emergency service roles can currently obtain compensation under the VICSES act. The changes in the bill overcome an existing limitation in that act that precludes those volunteers from accessing common-law damages. VICSES volunteers will be able to access both types of benefits, whichever is greater. This promotes fairness for Victoria's VICSES volunteers, by placing them on a similar footing to claimants under other no-fault compensation schemes.

The bill also includes amendments to facilitate the relocation of the VICSES Broadmeadows unit to an unused part of the Fawkner Memorial Park. The bill does this by providing for the revocation of the site's permanent reservation as a cemetery. This will pave the way for the VICSES Broadmeadows unit to relocate to this site, if and when associated arrangements for VICSES to secure the site are finalised.

These additional changes in the bill ensure that we continue to support the invaluable work performed by Victoria's emergency service volunteers.

I commend the bill to the house.

**Debate adjourned on motion of Mr CLARK (Box Hill).****Debate adjourned until Wednesday, 7 March.****HEALTH AND CHILD WELLBEING LEGISLATION AMENDMENT BILL 2017***Council's amendment***Message from Council relating to following amendment considered:**

Insert the following New Clause to follow clause 22—

**“A New section 149A inserted**

After section 149 of the **Public Health and Wellbeing Act 2008** insert—

**149A Review of provisions relating to immunisation of children attending or to attend early childhood services**

- (1) The Minister must arrange for a review to be conducted into the operation of sections 143B, 143C, 143D and 143E.
- (2) The Minister must cause a copy of the review to be laid before each House of the Parliament before 30 November 2020.
- (3) The review must give particular consideration to any unintended or adverse effects of sections 143B, 143C, 143D and 143E and may include recommendations on any matter addressed in the review.”.

**Ms HENNESSY (Minister for Health) (10:40) — I move:**

That this house makes the amendment suggested by the Legislative Council.

In speaking to this matter, I am very delighted to see the progress of these amendments to the no jab, no play legislation. There are a number of very important public policy issues that are progressed by this legislation. Essentially what this bill does is tighten and simplify immunisation requirements for enrolment in an early childhood service or primary school in two ways: firstly, they will provide that the only document that early childhood services and primary schools will be able to accept on enrolment is an Australian immunisation history statement; and secondly, mandatory periodic checks will be introduced to verify that children are receiving their scheduled vaccines on time throughout their early years in education and care.

Essentially these amendments will address problems created by a relatively well-known case involving a doctor called Dr Piesse. Dr Piesse is a reasonably well-known and self-admitted anti-vaccination doctor who has boasted publicly that he has assisted families to attempt to avoid both commonwealth regulation in the space as well as Victorian regulation in the space.

The new legislation makes the immunisation history statement from the Australian Immunisation Register the only evidence accepted for the purposes of enrolling in an early childhood education and care service in Victoria. Essentially there are a range of other regulatory issues that have been progressed in this bill. Some of those go to specific powers of the Health Complaints Commissioner as well. There was a further amendment that was passed in the Legislative Council to review the no jab, no play legislation and table the report in Parliament by 2020, which the government supports, and we indicate our support in this place as well.

We are seeing the evidence that our no job, no play legislation is working. We reached a 95 per cent level of immunisation in the most recent reporting period. That is the first time that our state has ever reached that level of herd immunity, a really significant outcome. We have also been very delighted with the significant decrease in rates of whooping cough. We put that down to us reinvesting and reversing the cuts of the former coalition government in respect of its very cruel and brutal cuts to the whooping cough vaccination for new parents. We saw a very significant rise in instances of whooping cough. We have now seen a very, very significant decline.

With those few words, we look forward to continuing to ensure that we are lifting our vaccination rates. As I said, the evidence is that it is working because for the first time ever Victoria has reached a 95 per cent herd immunity rate in respect of early childhood centres. So the regulatory model is right; it is working properly. We do want to send a message to any of those rogue medical professionals that have attempted to subvert the objective and purposes of the legislation that they will no longer be able to do so.

In closing, can I also express my appreciation to the many people in our early childhood centres that have worked enormously hard in order to ensure that this legislation is a success. Our 95 per cent herd immunity rate that we have now achieved is in large part a great credit not only to our primary healthcare system, GPs and maternal child health nurses but particularly to the leaders and the volunteers in our early childhood services, who have done a fantastic job in supporting this legislative model. I wish the bill a speedy passage through the house.

**Ms KEALY** (Lowan) (10:45) — The Liberals and Nationals will support the amendments put by the Greens and passed in the upper house. Any way that we can possibly improve the reporting requirements is obviously something we need to do when it comes to important health measures such as introducing vaccination rulings and requirements. Also, to improve overall vaccination rates, it is essential that we do make sure we do achieve herd immunity, and that we continue vaccinating in the community, so that we do not see incidents of measles and other debilitating diseases — sometimes fatal diseases — being prevalent in our community and putting some of our most vulnerable community members at risk, whether it be babies who are unable to be vaccinated due to their age, whether it be people who are immunocompromised or whether it be some of the elderly people in our community that we need to look after as much as we can.

During the debate in both the lower house and the upper house the Liberals and Nationals, my colleagues, did put forward concerns about the quality of the data that was outlined within the provisions of the bill. Further to that, my colleague in the upper house the shadow Minister for Health, Ms Wooldridge, put forward an amendment that would have removed the exemption for concession card holders in terms of the requirement to have a vaccination performed before they were able to go into a childcare facility as part of the no job, no play laws. It is very disappointing that Labor and the Greens voted against this amendment, particularly in light of other discussions and comments that would indicate there is a will to improve vaccination rates across the state of Victoria.

We need to make sure that children who have parents or caregivers who are concession card holders, whether they have a healthcare card, whether they have any type of pension card or a youth allowance — perhaps they are studying full-time — also have the opportunity to be vaccinated to ensure that they have the same opportunities and protections that children whose parents are not concession card holders have. In light of that, I do urge the government to reconsider the amendment put by Ms Wooldridge. I urge the government to perhaps consider this as a future amendment to strengthen and tighten requirements in Victoria around vaccination rates and to continue the push forward so that we improve our herd immunity into the future for every Victorian, not just a select group. We have got exemptions that are far too wide at this point in time.

I note that the Minister for Health made very generous comments, which I absolutely reiterate, around the great work of the maternal and child health workers in our communities, supported by GPs, nurses, other health professionals and people who are linked to childcare facilities. They do an absolutely fabulous job ensuring that their immunisation rates are high. They deal with children and parents who are very fearful of needles and vaccinations in a positive way, and that usually means there are very few tears in those maternal and child health rooms. We have, of course, better vaccination rates and better defence against these types of killer diseases in our communities.

I know our regions are particularly good at immunisations. We have 100 per cent vaccination rates in some of our electorates, which is a credit to each and every maternal and child health nurse. I thank them for their amazing support to improve the health outcomes of our children and our local community.

**Motion agreed to.**

**Mr Clark** — Deputy Speaker, I direct your attention to the state of the house.

**Quorum formed.**

## OATHS AND AFFIRMATIONS BILL 2017

### *Council's amendments*

#### Message from Council relating to following amendments considered:

1. Clause 2, line 14, omit "1 September 2018" and insert "1 March 2019".
2. Clause 69, lines 22 and 23, omit "1 September 2019" and insert "1 March 2020".

**Mr PAKULA** (Attorney-General) (10:50) — I move:

That the amendments be agreed to.

**Mr Clark** — On a point of order, Deputy Speaker, I am sorry to interrupt the Attorney-General, but copies of the bill and amendment have not yet been circulated. Can I request that that occur?

**The DEPUTY SPEAKER** — The house will pause while the amendments are circulated.

**Mr PAKULA** — Thank you, Deputy Speaker, and with the indulgence of the member for Box Hill I have moved that the amendments be agreed to. Having done so, I seek to make a few brief comments. These are simple amendments which extend the default commencement date of the bill to 1 March 2019. We certainly have appreciated the support of the opposition and members in the other place who agreed to that minor technical amendment.

The bill was first introduced into this house in June, with the second reading in July of last year. At that time it was anticipated that the bill would pass the other place by October; therefore it was drafted with a default commencement date of 1 September 2018 with the intention of providing a 12-month commencement period to ensure time to develop the necessary regulations and changes to court rules and forms to ensure that the significant number of regulations that would require consequential amendment were prepared in advance of the commencement date and to conduct a comprehensive communication strategy which included consultation, public awareness, outreach and training about the changes.

As members would be aware, the bill did not indeed pass the other place within that anticipated time line, so

the amended commencement period is necessary due to the significant number of affected agencies and organisations, which are well beyond the usual reach of the department in regard to stakeholders. If the default commencement date is not amended, organisations will not have the opportunity to adequately prepare their forms and their staff ahead of the changes and consequential regulations will not be completed, so we would appreciate the support of this chamber in moving that default commencement date by that six-month period to 1 March 2019. I commend the amendments to the house.

**Mr PESUTTO** (Hawthorn) (10:53) — The opposition will not oppose these amendments, but we want to place on record our concerns about the business program of this government. This is not the only piece of legislation that has been delayed. We have around 20 bills, I am advised, sitting in the upper house that are just being stalled by the government. The Bail Amendment (Stage Two) Bill 2017 is now 13 months late. We do not even know when the bail amendments, first and second tranche, will actually commence. What we do know is that the first tranche has a default commencement date of 1 July 2018 and the second tranche of bail reforms has a default commencement of 1 October 2018.

We are not going to oppose this amendment, but we say to the government: even though this is the final year and we only have I think 12 sitting weeks left, get your act together. We should not have to await these extensions and see further requests effectively for more time to get your program together. We have had plenty of occasions when we have had to come into this house and debate trivialities because the government has wanted to play games on various matters. Late last year I recall a gallery of attendees who had come to watch Parliament having to sit through a pointless, trivial process instigated by the government to try to embarrass those of us on this side, and I can tell the government that it did not succeed. It all fell in a heap, but we wasted a day on all of this. So on behalf of the coalition and on behalf of Victorians, I say to the government: get your act together.

This bill really should have commenced last year. There is no reason why it should have been held over for so long. There are more pressing matters, of course, such as bail, which I have already mentioned, but if the government is going to continue to play games and waste valuable sitting time on pointless, trivial antics designed to score political points and no more, then we are only going to see more of this. So we will not oppose this amendment, but I do want to register our

strongest censure of the government for mismanaging its legislative program.

**Motion agreed to.**

**PLANNING AND ENVIRONMENT  
AMENDMENT (DISTINCTIVE AREAS AND  
LANDSCAPES) BILL 2017**

*Second reading*

**Debate resumed from 20 February; motion of  
Mr WYNNE (Minister for Planning).**

**Mr MORRIS** (Mornington) (10:57) — I rise this morning to make some comments on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. This is not quite the bill as described in the second-reading speech, although it does bear a passing resemblance to it. I think, though, some of the claims in the second-reading speech about the impact of the bill and the protections it will provide are putting the best-case scenario on it. I certainly have some concerns about a number of things that are not in the bill. The provisions with regard to the urban growth boundary in the Macedon Ranges council area are fine. The proposed protection for declared areas is equally fine. As I said, superficially it is okay.

The difficulty I have with the bill is the extent of the discretion that is permitted to the Minister for Planning and the extent of the discretion that is effectively allowed to the government of the day to cherry-pick the areas they choose to protect. If we are serious about protecting the peri-urban areas for future generations, if we are serious about managing the growth that is occurring in those areas and managing it in an effective way, then we need, as a Parliament, to be far more prescriptive about where those areas apply and indeed how they are applied. Indeed there is a long history of this Parliament, over a number of decades, being involved in actively protecting those areas. I would suggest that to say that simply because the bill has been brought in it is in fact a landmark in the management of the peri-urban areas is overstating the case to a very great extent.

The second-reading speech talks about the Macedon area and it talks about protecting other areas, but it is not at all prescriptive with regard to other areas. Perhaps that is because the track record of this government in particular and successive Labor governments in general is not as good as it should be protecting sensitive areas.

**Business interrupted under sessional orders.**

**The SPEAKER** — Before calling questions I just wanted to raise a concern with members of the house about the behaviour of some members on both sides of the house when they have been asked to leave the chamber. Members are aware that under standing order 124 I sometimes ask members to leave the chamber, particularly during question time, for disorderly conduct. Some members, after being asked to leave the chamber, have continued to shout or talk or gesture, which in my view is a sign of further disrespect to the chamber. The only further sanction the house has given me in the standing orders and sessional orders is standing order 125, which is a more serious sanction. So I ask members, if they have been asked to leave the chamber for disorderly conduct, to do so in a respectful and quiet way.

**DISTINGUISHED VISITORS**

**The SPEAKER** (11:01) — On a more positive note I wish to welcome to the gallery a delegation from the state of Connecticut led by Mr Scott Bates, Deputy Secretary of the state of Connecticut. Welcome to our Parliament.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Minister for Roads and Road Safety**

**Mr GUY** (Leader of the Opposition) (11:02) — My question is for the Premier. Yesterday in Parliament the Minister for Roads and Road Safety claimed he had apologised for his foul language to the mayor of Corangamite shire and then promptly told the media straight after question time he had no intention of toning down his language. Your minister still thinks it is acceptable as a minister to use vile language and then is unremorseful to the extent that he boasted he would rather resign than change his ways. Premier, the standard you walk past is the standard you accept.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Bentleigh and the member for Kew. The Leader of the Opposition has the call.

**Mr GUY** — As Premier, do you accept the minister's behaviour or, in his words, will you be asking for his resignation?

**Mr ANDREWS** (Premier) (11:03) — I thank the Leader of the Opposition for his question. As I made clear yesterday and this morning, and I will again make clear now before the chamber, it was appropriate that

the minister apologise for the language that he used, and that would be the end of the matter as far as I am concerned.

*Honourable members interjecting.*

**The SPEAKER** — The member for Bass is warned.

**Mr ANDREWS** — What, of course, remains is the galloping hypocrisy of the Leader of the Opposition, who is happy to sit there with the member for Warrandyte just over his shoulder —

**The SPEAKER** — The Premier will resume his seat.

**Mr Clark** — On a point of order, Speaker, the Premier is debating the issue. The question goes to whether or not the minister's apology yesterday was sincere and therefore whether the Premier will act on his refusal to honour his apology and require him to resign. I ask you to bring him back to answering that question.

**The SPEAKER** — I do ask the Premier to come back to answering the question.

**Mr ANDREWS** — Again I do not think the Minister for Police got any apology from the member for Warrandyte. Did Janice Munt's daughter get an apology from the member for Mount Waverley? Did the member for Oakleigh get an apology —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. The member for Bass has already been warned.

**Mr Paynter** interjected.

**The SPEAKER** (11:04) — The member for Bass will leave the chamber for the period of 1 hour.

**Honourable member for Bass withdrew from chamber.**

**The SPEAKER** — Order! I have warned members about the way in which they leave the chamber.

**Mr Clark** — On a point of order, Speaker, the Premier is again debating the issue and I ask you to bring him back to answering the question.

**The SPEAKER** — I uphold the point of order. I ask the Premier to come back to answering the question.

**Mr ANDREWS** — Thank you very much, Speaker. As I said, the minister has offered an apology. That is appropriate and that is the end of the matter.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:05) — Given by his own admission the roads minister will not be changing his ways, and by his own admission will not be toning down his language — and it is clearly only a matter of time before your roads minister uses conduct and language like this again — Premier, how many times are you going to accept or excuse your minister's behaviour before you finally sack him?

**Mr ANDREWS** (Premier) (11:06) — I am not entirely sure there was a question there. Apparently the Leader of the Opposition is a fortune teller now, and the arbiter of what sincerity is. He will not apply the same standards to his own little rabble he leads.

**Mr Guy** — On a point of order, Speaker, on relevance, my question is in relation to an apology that was given in the chamber by the roads minister and a press conference given by the roads minister. It is not a hypothetical. I asked the Premier clearly whether he is going to accept or excuse this behaviour in the future. I ask you to bring him back to answering that straightforward question.

**Ms Allan** — On the point of order, the Leader of the Opposition has missed a crucial part of what his supplementary question included, which was referring to should the minister for roads do something in the future. He was clearly posing a hypothetical to the Premier, and the Premier in the context of that hypothetical was being entirely relevant to addressing the issue that has been raised by the Leader of the Opposition.

**Mr Walsh** — On the point of order, Speaker, I think the Leader of the House has not listened to the question. The question was very clearly about how many times the Premier is going to accept or condone the behaviour of the minister for roads, and I ask you to bring the Premier back to answering that question please.

**The SPEAKER** — Order! The question began with the statement 'Given the minister would not be changing his ways'. I think the Premier is being responsive to the question asked.

**Mr ANDREWS** — As I was indicating, the minister has apologised. He has done that in the chamber, as I understand, and he has spoken with the mayor of the relevant shire and she has accepted the

apology. It is appropriate that the minister has apologised. As I said, that is the end of the matter.

**Ministers statements: Metro Tunnel project**

**Mr ANDREWS** (Premier) (11:08) — I am very pleased to rise to update the house on the biggest public transport project this state has ever seen, the Metro Tunnel project — talked about by many, but delivered by this government — the best part of 7000 jobs, a turn-up-and-go public transport system, five new stations, 9 kilometres of track, 790 apprentices, trainees and cadets. It is good to get on and get things done. Those opposite would know nothing about that, but the apprentices and trainees and cadets that the Minister for Industry and Employment and the Leader of the House and I met this morning were very pleased to be given an opportunity to begin their working life on such a significant project.

Of course there are many projects they could have begun their working life on, because there has never been more infrastructure being constructed in Victoria than right now. But there is a very sharp contrast between those who are prepared to invest in infrastructure, in road and rail, in skills and jobs and certainty and prosperity for the future, and others who would block everything. Not content to have wasted four years in office, not content to have wasted every opportunity given to them, with majorities in both houses of Parliament —

**The SPEAKER** — Order! The Premier will resume his seat.

**Mr Clark** — On a point of order, Speaker, the Premier is now proceeding to debate the issue rather than advise the house about matters relating to his portfolio. I ask you to bring him back to complying with sessional orders.

**Ms Allan** — On the point of order, Speaker, the Premier is the Premier of the government. I think pretty much everything the government does in terms of our portfolios —

*Honourable members interjecting.*

**Ms Allan** — Well, I was just helping the manager of opposition business out.

*Honourable members interjecting.*

**The SPEAKER** — The Leader of the House, in silence.

**Ms Allan** — I appreciate stating the obvious is giving a bit of a helping hand to the opposition, Speaker. The Premier is entirely allowed to canvass issues across the range of portfolio activities that has been happening under his leadership, and he is being entirely within the confines of the standing orders.

**The SPEAKER** — The opportunity for making a ministers statement does not afford members the opportunity to simply attack the opposition. I ask the Premier to come back to making a ministers statement.

**Mr ANDREWS** — As I was saying, Metro Tunnel is not only on budget but beyond that it is ahead of schedule — fully 12 months ahead of schedule. But sadly there are some in our community who oppose level crossings, oppose Metro Tunnel, oppose the West Gate tunnel, oppose north-east link, oppose jobs, oppose infrastructure, oppose everything, and they just identified themselves in that point of order.

**Wire rope barriers**

**Mr WALSH** (Murray Plains) (11:11) — My question is to the Minister for Roads and Road Safety. Yesterday in question time you repeated the line that wire rope barriers were being rolled out according to protocols set in 2014. You accused country people of being ‘banjo-playing conspiracy theorists’ when they were simply quoting the latest VicRoads protocols that were actually set by you in September 2016.

*Honourable members interjecting.*

**The SPEAKER** — Order! When the house comes to order, the Leader of The Nationals has the call.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Frankston is warned. The Attorney-General will assist in the running of the house, and I ask both the Premier and the Leader of the Opposition to assist in the smooth running of the house. The Leader of The Nationals has the call.

**Mr WALSH** — Minister, how many wire rope barriers across the state breach your 2016 protocols, particularly the minimum offset of 3 metres?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:13) — I thank the Leader of the National Party for his ‘ooh-ah’ question, to be honest. The protocols actually allow a setback of between 2 and 4 metres, and were developed in 2014 by the Country Fire Authority and VicRoads. I do note that I just had a look at these statistics this morning. Of the 31 people

who have lost their lives on our roads this year, 20 of those were drivers, and unfortunately 14 of those were in country Victoria. We know that the likelihood of country Victorians having an accident on our roads is four times more likely than it is for suburban drivers. So let me be very clear: I make no apology for rolling out —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will resume his seat. The member for South-West Coast and the Minister for Police are both warned.

**Mr Guy** — On a point of order, Speaker, on relevance, the question was very clearly around the wire rope barrier protocols that were set in 2016 and how many of them breached those guidelines of a minimum of 3 metres. It was a very straightforward question to the roads minister.

**The SPEAKER** — I note the minister has only been answering the question for 40 seconds. I do ask the minister to now come back to answering the question.

*Honourable members interjecting.*

**The SPEAKER** — I warn the member for Eltham. The member for South-West Coast has already been warned.

**Mr DONNELLAN** — As I indicated, the protocols indicate between 2 and 4 metres. Let us be very clear: my concern is that I want to save country lives. I want to ensure that the 109 out of 155 accidents which happened in country Victoria last year do not occur again.

**Mr R. Smith** — On a point of order, Speaker, the minister has been directed by you to return to the question.

**Mr Pakula** interjected.

**The SPEAKER** — Without the assistance of the Attorney-General.

**Mr R. Smith** — He disrespected what you said by continuing in the vein of answering what he started with. The question is: according to the 2016 guidelines that he himself set, how many of those wire rope barriers are in breach of his own guidelines? That is the question. You have already asked him to come back to that question, and I ask you to direct him to do so again.

**Ms Allan** — On the point of order, Speaker, under many, many rulings from the Chair, the precedent has been set that the preamble forms part of the question. The preamble that accompanied the question from the

Leader of the National Party included reference to the 2014 protocols and 2016 protocols. The minister for roads was being entirely relevant to the question that was asked, because he was just talking before he was interrupted by the member for Warrandyte about the 2014 protocols.

**The SPEAKER** — I do ask the minister to come back to answering the question.

**Mr DONNELLAN** — As I indicated quite specifically, the protocols indicate between 2 and 4 metres. The wire rope barriers which were rolled out on the Calder Highway are approximately 2 metres. I have asked VicRoads to actually check to make sure of that, but the protocols indicate between 2 and 4 metres.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast has been warned for the final time.

*Supplementary question*

**Mr WALSH** (Murray Plains) (11:16) — Minister, in your frenzy to roll out these wire rope barriers across the state, many of them in breach of your own protocols —

*Honourable members interjecting.*

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

**Mr WALSH** — Minister, in your frenzy to roll out these wire rope barriers across the state, many of them now in breach of your own safety protocols, country people — people you call dingbats — have raised concerns about wire rope barriers with less than the minimum setback protocols that you have approved. Will these barriers, in breach of your own protocols, be removed, and if so, at what cost?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:17) — Let us be very clear: these are being rolled out very quickly deliberately, because I am very concerned about the loss of lives on country roads. I make no apology for that, and I certainly do not expect that after many, many years of bipartisan support for road safety that the Liberal and National parties are returning to what they did in 2010 — questioning the efficacy of these wire rope barriers.

*Honourable members interjecting.*

**The SPEAKER** — The Leader of the Opposition!

**Mr DONNELLAN** — But there is a frenzy, and my frenzy is about rolling these out to ensure we save country lives.

**Ministers statements: Metro Tunnel project**

**Ms ALLAN** (Minister for Public Transport) (11:18) — It is a great opportunity to update the house on the terrific progress the Andrews Labor government is making on delivering the Metro Tunnel project and running more trains more often. As the Premier has just said, we were down there at the future Town Hall station site — the Premier, the Minister for Industry and Employment and I — to talk about how we are not only delivering this project but also delivering this project ahead of schedule.

This is a project that, when we pulled it out from down the back of the couch, which is where the former government had shoved it for four long years, and we dusted off the cobwebs and the dust that had gathered over that period of time, we set to work on getting this project delivered as quickly as possible. We have been guided by the advice of experts and engineers, and we have been really pleased to be able to announce today that rather than the original completion date that had been made publicly available of 2026, this is now on track to be completed in 2025.

This is not just great for public transport users, but it is also great for those 7000 jobs that have been created as part of this project. It is early days, and we know that big projects like this face many challenges, but perhaps the biggest challenge to delaying this project and to risking the 7000 jobs that are being created by this project are those who want to renegotiate the contract — those who want to go in and reopen the contract. Even though this project is well advanced into the construction phase, there are those who want to renegotiate the contract.

If I can quote from a letter of 18 December last year from the shadow Minister for Public Transport, it said, to quote, that a coalition would:

... adjust key details of the project, including the precise alignment of the tunnel ...

They literally want to stop this project in its tracks. We reject that, and we are getting on with delivering the Metro Tunnel.

**Wire rope barriers**

**Mr RIORDAN** (Polwarth) (11:20) — My question is for the Minister for Roads and Road Safety. The recently completed Princes Highway west of Geelong

has new wire rope barriers that have been installed, in many areas a metre or less from the outside white line, breaching your own protocols. This is a brand-new, upgraded dual carriageway with wide verges and plenty of room for barriers to be installed according to your own protocols. Minister, with so much space to do it properly, why did you approve these barriers, in breach of your own protocols?

*Honourable members interjecting.*

**The SPEAKER** (11:21) — Order! The member for South-West Coast will leave the chamber for the period of 1 hour.

**Honourable member for South-West Coast withdrew from chamber.**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:21) — I thank the member for his question and reject the proposition that it actually does breach the protocols. Let us be very clear.

**Mr R. Smith** — On a point of order, Speaker, I have the protocols that the minister himself set, dated December 2016. I am happy to make them available to the house so that the minister can see that they actually say ‘minimum offset 3 metres’.

**The SPEAKER** — Order! The member can make that document available to the house. The minister to continue.

**Mr DONNELLAN** — Let us be very clear: the member has put forward a proposition which I reject utterly — absolutely, utterly reject it. There are set protocols in there, and there are exemptions depending on the particular environment. If you are on a cliff and if you have got trees near the edge of the cliff the wire rope barriers will be closer. But let us be very clear: I make no apology for rolling out wire rope barriers to save country lives.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte is warned.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the Princes Highway west is not on a cliff. The minister may not understand the geography of Victoria very well —

**The SPEAKER** — Order! Your point of order is?

**Mr Walsh** — But that part of the Princes Highway, as said in the question, is a new freeway, it has a wide verge, and there is plenty of room to have done it

correctly. I ask you to bring him back to answering the question as to why it was not done under the protocols that he set.

**The SPEAKER** — Order! The minister has concluded his answer.

*Supplementary question*

**Mr RIORDAN** (Polwarth) (11:23) — Minister, you have said that you will review the placement of wire rope barriers on the Calder Freeway after the CFA raised serious concerns about their placement hindering the ability to fight fires. If you are prepared to review them on the Calder and with similar concerns being raised by my local Country Fire Authority and State Emergency Service brigades, will you now review the placement of these barriers on the Princes Highway west?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:23) — I thank the member for his question, and it is based on the presumption that they actually do not meet the protocols. Let us be very clear that I do not accept that as a proposition particularly. I will keep rolling out these wire rope barriers because I know that they save country lives; 85 per cent of accidents we have on country roads are where people exit the road on the left or trot from one side of the road to the other and have a head-on collision.

**Mr Hodgett** — On a point of order, Speaker, the question was not about the continuation of the rollout of wire rope barriers, it was whether the minister would review it in line with another review he has announced, and I ask you to bring him back to actually answering the question that was asked.

**The SPEAKER** — Order! The minister has concluded his answer.

**Ministers statements: employment**

**Mr PALLAS** (Treasurer) (11:24) — I rise to inform the house about the continuing resurgence of a Victorian jobs market and of course the success of the Andrews Labor government in creating jobs and putting Victorians in work.

The most recent job start-up of course shows that since we were elected there have been more jobs created in Victoria than anywhere else in the country. ‘How many jobs?’, I hear you ask. ‘Lots’ is the answer — over 316 000 jobs in fact, and nearly 200 000 of those jobs are full-time jobs, which incidentally is five times more than those opposite managed in their four long-lost years.

We have also managed to create six times more jobs in regional Victoria than those opposite. The Nationals, of course, off on a frolic of their own, have no interest in Victorian jobs. Just look at how they have tried to kill off jobs in Benalla.

**Mr Clark** — On a point of order, Speaker, the Treasurer is now departing from making a ministers statement and is proceeding to debate the issue, and I ask you to bring him back to making a ministers statement.

**The SPEAKER** — The Treasurer had been making a ministers statement and then had departed from making a ministers statement. I ask him to come back to government business.

**Mr PALLAS** — As I say, the jobs growth in this state is nothing short of spectacular. Few commentators would talk down our labour market or our economy, both of which lead the nation. But of course the member for Malvern is ambitious. He is to the Victorian economy what John Howard was to fast bowling.

**Mr Clark** — On a point of order, Speaker, the Treasurer is now defying your ruling and returning to debating the issue. I ask you to instruct him to return to making a ministers statement.

*Honourable members interjecting.*

**The SPEAKER** — Yes, I do ask the Treasurer to come back to making a ministers statement. I warn the member for Ringwood to cease shouting across the chamber.

**Mr PALLAS** — Whether it is new housing tax cuts, whether it is new infrastructure or whether in fact it is our efforts to ensure that there is stamp duty relief for first home owners, we are committed to these things. People can see the effort that we are putting in: tax cuts to business so that they can employ more — we are out there doing it each and every day. Those opposite are just in the business of knocking and blocking. But despite their efforts the ANZ Stateometer today has once again confirmed the robust growth of the Victorian economy.

**Aboriginal child removal**

**Ms THORPE** (Northcote) (11:27) — My question is for the Minister for Aboriginal Affairs. At National Sorry Day commemorations last week I was reminded that it has been 21 years since the *Bringing Them Home* report and the Victorian government’s apology to the stolen generations, yet in 2015–16 Victoria had the highest rate of Aboriginal and Torres Strait Islander

children in out-of-home care, at 87.4 in 1000, almost 15 times the rate of removal for non-Indigenous children. Further, 60 per cent of Aboriginal children were placed with a non-Aboriginal carer, despite recommendations to the contrary in the *Bringing Them Home* report. In 2016 the government announced its *Roadmap for Reform* to address these issues. I ask the minister: what are the latest figures on Aboriginal child removal in Victoria, and what has changed to address this appalling situation in the last two years?

**Ms HUTCHINS** (Minister for Aboriginal Affairs) (11:28) — I thank the member for her question and really cherish the opportunity to be able to stand up here in the house and talk about the stolen generations, because unfortunately it has been a conversation that has been lacking in the last few years. I met with a delegation only two weeks ago here in the Parliament of stolen generations members in Victoria, including Murray Harrison, who was a member of the stolen generations and who was actually celebrating his 80th birthday on the day he came in to see me. He talked about the hardship and the real-life stories that are still being lived every single day by those of the stolen generations here in Victoria.

I have said on the public record, in fact just last Tuesday at one of the commemorative events for the stolen generations at the Aboriginal Advancement League, that we will work with the federal opposition, who have committed to a redress scheme for the stolen generations. We will continue to work with them when they come to government at the federal level. We know the current federal government under Malcolm Turnbull have turned their backs on Aboriginal Australians and Aboriginal Victorians by ignoring the call that came from Uluru around having a voice to the Parliament and having a redress scheme that will help heal and help with reconciliation.

Certainly when it comes to the matter of Aboriginal children in out-of-home care, honestly one of the most disappointing days that I have had in my time as Minister for Aboriginal Affairs was the day that I stood to do a press conference with the Minister for Families and Children and to talk about the humungous increase that had occurred under the previous government and how we were going to tackle it — a 42 per cent increase of Aboriginal kids moving into out-of-home care. When we stood at that press conference unfortunately one journalist turned up to hear what the facts were and what we were doing to take that issue on.

I have got to say I am very proud of what this government has achieved, in the very short time we have been in government, in this space. We have

committed and worked hand in hand with the Victorian Aboriginal Child Care Agency, the leading agency for Aboriginal child care in this state, to actually move forward in addressing these issues. We have implemented some of the recommendations from Taskforce 1000. We have made the huge step of changing section 18 of the relevant act that those opposite actually put in place. We have repealed that to make sure that more people with Aboriginal kinship are connected to their culture, because we know from the experience of the stolen generations that this is the way we heal; this is the way we move forward.

*Supplementary question*

**Ms THORPE** (Northcote) (11:32) — In an *Age* article this year the outgoing commissioner for Aboriginal children and young people was angered at the rate of deaths of Aboriginal children. About one in 10 deaths of children known to child protection workers were Aboriginal children. Given the majority of recommendations of the *Bringing Them Home* report have not been fulfilled and now we have yet another report, the *Always was, always will be Koori children* report, I ask the minister: how many more children need to die and how many more recommendations must lie unfulfilled before the next scathing report?

**Ms HUTCHINS** (Minister for Aboriginal Affairs) (11:32) — I thank the member for her question, and I welcome the opportunity to be able to discuss these extremely important issues here in the Parliament, because we all know that those opposite have not asked a single question in this space in the time that they have been sitting on the front benches, so I welcome the opportunity to be able to speak about these issues.

Certainly I am extremely proud to be working in partnership with the Minister for Families and Children on implementing the recommendations that have come from both of those reports and moving forward. I think the most important thing that we have done in this space is to ensure that we are investing in kinship programs and ensuring that where Aboriginal children are at risk in their current homes due to domestic violence and family violence and due to alcohol and drug abuse we are doing our best to ensure that they are continued in care and connected to their local culture, to their local kinship and to be protected.

**Ministers statements: West Gate tunnel project**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:33) — I rise to update the house on the benefits of the West Gate tunnel project and the detrimental effects that the blocking of the planning

scheme amendment would have. As we know, 6000 jobs will be coming out of this particular project. I was down at Williamstown Road this week, where there are approximately 700 people working at that site and at the site down in Footscray. If this project does not go ahead, we will not have a second river crossing, there will not be relief for people in Geelong and Ballarat, there will be further congestion on the Bolte Bridge and there will be further congestion on the M1 corridor.

We know this project is supported across the board, whether it be the Victorian Chamber of Commerce and Industry, the Committee for Ballarat, the G21, the Victorian Transport Association or the Institute of Public Affairs. I noticed an article in the *Herald Sun* today in which the CEO of the Business Council of Australia indicated very clearly:

Governments and oppositions are entitled to disagree on policy, but at some point the government of the day has to be able to get on with delivering the infrastructure the community so desperately needs.

What we have had is an extensive environment effects statement process, and we have engaged directly with the community. There was also very strong support from the RACV. They indicated that they had 'previously expressed concerns with elements of the project' but did not believe 'the road should be opposed on principle'.

To do nothing is not an option. That is what we know happened with the last government. They are low-level flyers that delivered absolutely nothing except big ads on projects they never started. That is what the RACV say they do not want to see again. They want this project built, like everybody else in the outer and inner west and those people in Geelong and Ballarat.

### Level crossing removals

**Mr M. O'BRIEN** (Malvern) (11:36) — My question is to the Treasurer. Treasurer, the Auditor-General has reported that your level crossing removal program has already blown out by 38 per cent, or \$3.3 billion, despite it not even being half completed. At the estimates hearings last week your departmental secretary, David Martine, could not explain the cause of this massive cost blowout, stating: 'I'm really not in a position to go through the detail on why the project has blown out by \$3 billion'. Treasurer, given you are installing cheap and nasty sky rail instead of the community-preferred rail under road, how do you explain this massive cost blowout that you are inflicting on all Victorian taxpayers?

**Mr Richardson** interjected.

**The SPEAKER** — Order! The member for Mordialloc!

**Mr PALLAS** (Treasurer) (11:37) — Thank you very much to the member for Malvern for the question. Quite frankly, the greatest opportunity cost lost for the state of Victoria was the insolence and indolence of those opposite, who did nothing. Every day that passes —

**Mr Clark** — On a point of order, Speaker, the Treasurer has not even attempted to answer this question but has proceeded to debate it. It was a question about a finding by the Auditor-General and how he would explain the cost blowout that has occurred under his watch. I ask you to bring him back to answering that question.

**The SPEAKER** — Order! I do uphold the point of order, but I note that the Treasurer has only just started his answer. The Treasurer to come back to answering the question.

**Mr PALLAS** — I was just warming up. To make the point, my secretary was in fact asked this question in the Public Accounts and Estimates Committee (PAEC) hearing. I was watching. I watched the brilliance that was displayed by those opposite in PAEC. He made this very telling observation: 'Perhaps you ought to speak to the secretary responsible around these issues'. Might I say, the member for Kew took up the opportunity and raised the issue with the secretary, who went through in great detail these issues.

**Mr M. O'Brien** — On a point of order, Speaker, is the Treasurer seriously suggesting that cost blowouts on major projects have nothing to do with him? Because if he is, what is he even doing? Why do you take a pay cheque every fortnight?

**The SPEAKER** — Order! The member for Malvern knows that is not a point of order. The Treasurer to continue.

**Mr M. O'Brien** interjected.

**The SPEAKER** — Order! The member for Malvern is warned.

**Mr PALLAS** — If only we saw this level of animation from them when they were in government. If only we saw this excitement instead of the sleeping that typified their government. Can I be clear that this government, for each and every day that passes, will remind the people of Victoria through our level

crossing achievements what an outstanding achievement this is. We know of course from the evidence why there are additional costs — because we are taking additional opportunities, not less. We are enhancing rail signalling, we are upgrading stations and we are actually building bigger and better infrastructure so Victorians get exactly what they need and deserve — and failed to get under the years of insolence of those opposite.

**The SPEAKER** — Order! The member for Hastings is warned. The member for Ringwood has already been warned. I take this opportunity to warn the member for Footscray.

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) (11:40) — Treasurer, when questioned about the \$3.3 billion level crossing removal blowout identified by the Auditor-General, you told the media that it was 'a good example of why governments should never talk costs until they've signed contracts'. Given your record of massive cost blowouts on every major project you touch, isn't it more a good example of why no-one should believe a single word you say?

**Mr PALLAS** (Treasurer) (11:40) — The question went to the trust of people, and I suppose the implication is whether we should trust the questioner. Remember, it was the member for Malvern who repeatedly told Victorians that the regional rail link line was blown out. In fact it came in under cost.

**Mr Guy** interjected.

**The SPEAKER** — Order! I ask the Leader of the Opposition to cease shouting across the table.

**Mr Richardson** interjected.

**The SPEAKER** — Order! The member for Mordialloc is warned.

**Mr Clark** — On a point of order, Speaker, again instead of answering the question the Treasurer is trying to talk about anything except the question that he was asked. I ask you to instruct him to cease debating the issue and come back to answering the question asked by the member for Malvern.

**The SPEAKER** — Order! It was a broad question, but I do ask the Treasurer not to use this as an opportunity to attack the opposition.

**Mr PALLAS** — Thank you, Speaker — 22 seconds in. At least I got a bit more time than the 15 seconds for

the last one. The question went to trust, and people can trust this government to get on to deliver vital infrastructure, to believe in and to support and grow jobs in this state and to get on and deliver the things that we said we would do. That is what people can trust from this government — a government committed to building infrastructure while those opposite sat idly by and saw the Victorian economy grind to a halt.

**Ministers statements: apprenticeships**

**Mr CARROLL** (Minister for Industry and Employment) (11:42) — I rise to update the house on the Andrews government's record investments in infrastructure and the opportunities it is providing for our apprentices, giving young people an opportunity to shine and to shape our city on our record infrastructure game-changing investments, whether it be building the education state through the member for Mordialloc's support of the Beaumaris Secondary College; building the best healthcare in the nation through the support of the member for St Albans and the Joan Kirner Women's and Children's Hospital; the West Gate tunnel, supported by the member for Williamstown and the member for Footscray; or the Metro Tunnel, where the Premier, the Minister for Public Transport and I went to meet the apprentices today. It is a game changer. As the Premier said, it is going to provide 790 apprenticeship opportunities. There is only one apprentice on that side, we all know, who is the focus over there — the member for Kew.

The apprentices we spoke to today realise the opportunity they are getting on these infrastructure investments — whether it is the Metro Tunnel or the State Library of Victoria, these are transformative projects. But they are not easy projects; they are a bit difficult as well. It is a bit like the Young Liberal Movement presidency over there. There was a bit of a challenge over the weekend, but you have got to push through and challenge. I am very proud to be part of a government that has got the backing of our apprentices. We are making sure that we are training the future of our workforce for tomorrow, so they are able to immerse themselves in a project for the 21st century.

Speaker, can you imagine: we are delivering 80 strategic projects versus their eight. With the chaos of the Baillieu-Napthine-Shaw governments, we saw 80 versus eight. They like to include the Bendigo Hospital in their projects, but that is something that is up for debate. While we are getting on with delivering, and we are delivering the next generation of apprentices, they are still working out who is going to be the next generation of the Young Liberals. Let us let the member for Kew have another opportunity to shine.

**The SPEAKER** — Order! The time for question time has expired.

**Ms Ryall** — I again raise a point of order, Speaker, in relation to adjournment matter 13 154, which still has not been responded to by the Minister for Health. This matter was raised on 21 September last year, which is actually five months ago. It does not matter how many times you request a response from the minister, it is not forthcoming. I would ask that perhaps there might be consequences for a five-month or four-month delay on requests about very, very important dental care in my community.

**The SPEAKER** — I thank the member for Ringwood for that point of order. I wrote to the minister yesterday, and I will follow up the issue of a reply.

**Mr Wells** — On a point of order, Speaker, I wish to raise a point of order in regard to the non-reply to question 13 389, which I lodged on 31 October 2017 to the Minister for Police. It is of significant importance given the crime rate in the Rowville electorate, and I ask you to follow that up for me.

**The SPEAKER** — I thank the member for Rowville. I will follow that matter up.

## CONSTITUENCY QUESTIONS

### Caulfield electorate

**Mr SOUTHWICK** (Caulfield) (11:46) — (14 012) My question is to the Minister for Roads and Road Safety. Minister, given that you have agreed to fund electronic 40-kilometre an hour safety speed signs at Glen Eira College after me raising this issue numerous times in this place, when can Shelford Girls Grammar expect to receive a similar pedestrian crossing upgrade, a school which has safety issues similar to Glen Eira College? I have raised this issue with you on numerous occasions: on 7 September, 19 October and 22 November last year, and a petition was presented on 19 October with 978 signatures. This is a very important issue for the students and the community at Shelford Girls Grammar, and they would like to know, given the situation is similar to that of Glen Eira College, when they will receive the same kind of support.

### Yuroke electorate

**Ms SPENCE** (Yuroke) (11:47) — (14 013) My constituency question is to the Minister for Education. What information can the minister provide on the timeline for acquiring land for the future Craigieburn South secondary college. Yuroke parents want to ensure that their kids get the best possible start in life,

and it was no surprise that local families welcomed funding in the 2017–18 Victorian budget to secure a third secondary school for Craigieburn residents to educate local kids alongside great existing secondary schools. This new facility will also complement the government's massive investment in new local primary schools, including the brand-new Newbury Primary School and the future Aitken Hill primary school, the Greenvale North West primary school and the Oscar Romero Catholic Primary School. I look forward to hearing from the minister and sharing his response with local residents.

### Lowan electorate

**Ms KEALY** (Lowan) (11:48) — (14 014) My question is to the Minister for Mental Health. How long will Victorians with mental illness, their friends, family and other carers have to wait for the Andrews Labor government to sign off on an agreement to access vital funds through the \$80 million Liberal and Nationals federal government psychosocial support services fund for community mental health, when agreement discussions have been significantly delayed for the frivolous reason of staffing changes in the Victorian minister's office? Our community mental health sector deserves certainty of funding so that their vital programs can continue to keep people well through the transition to the national disability insurance scheme. We need to support people to stay well and engage with the community rather than wait for them to get to crisis point and then provide acute intervention, sadly all too late for some.

It is extremely disappointing to hear that discussions with the Victorian government have not progressed due to simple staffing changes in the Victorian minister's office. Securing funding for community mental health should be a priority for the Andrews Labor government, but clearly it is not. How much longer will the community have to wait for the minister to sign off on the agreement so they can continue to receive the mental health support they need?

### Pascoe Vale electorate

**Ms BLANDTHORN** (Pascoe Vale) (11:49) — (14 015) My constituency question is for the Minister for Sport, and I ask: will the minister consider funding an upgrade of the Coburg City Oval, the home of the Coburg Lions Football Club and the Coburg Cricket Club? It was great that at my invitation the minister recently attended the Coburg City Oval and inspected the facilities for himself. I know he saw firsthand the potential that the oval has, particularly if it is upgraded. Currently, though, the facilities are substandard; they

are well below those of other VFL grounds. Although the Coburg City Oval is home to the Coburg Lions and the Coburg Cricket Club, it also hosts the West Coburg Football Club for a number of their home games each year. It also hosts the Victorian amateur finals, the Essendon District Football League finals and the VFL women's matches. There is great community support for an upgrade of these facilities, and there is also support from AFL Victoria and Cricket Victoria. I trust the minister will consider providing an upgrade to the Coburg City Oval.

### Hastings electorate

**Mr BURGESS** (Hastings) (11:50) — (14 016) My question is to the Minister for Families and Children. When will the Andrews Labor government deliver on its 2014 pre-election commitment to increase funding for the neighbourhood houses that the community needs? Crib Point, Hastings, Somerville and Langwarrin are all community houses that are very important community assets. Constituents and patrons of these houses are concerned that their neighbourhood houses continue to face increasing needs and costs and are struggling to maintain current services. Neighbourhood houses offer a wide range of services and support, including diploma and certificate courses, computer courses, art and craft, Victorian certificate of applied learning classes, health and wellbeing programs, English as a second language, home improvement classes, playgroups, occasional child care and other facilities including hall hire. My community asks that the Labor government commits to supporting our neighbourhood houses in line with the promise it made to them.

### Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) (11:51) — (14 017) My question is to the Minister for Health and concerns Casey Hospital. I ask the minister to explain how the expansion of Casey Hospital funded by the Andrews Labor government will help to further improve performance and response times at the hospital. Despite inheriting a health system in crisis we have supported our paramedics, nurses, doctors and allied health workers. We now have our best ambulance response times in nine years. None of this would be possible without the hard work and dedication of Casey's health workers, who every day take care of our growing population. They are there for all of us when we need them. I look forward to more good news for Casey families from the Minister for Health.

### Gembrook electorate

**Mr BATTIN** (Gembrook) (11:51) — (14 018) My question is to the Minister for Education, and I rise on behalf of the students, parents, and teachers at Insight Education Centre for the Blind and Vision Impaired, a specialist school in Berwick, and also their founder, Alan, who is here today. Since the state government committed \$2.4 million in 2014 to Insight, Victoria's only specialist school for the blind, why has the minister's department referred a total of zero students from mainstream schools to Insight over three years and is it now threatening the school with closure?

### Sunbury electorate

**Mr J. BULL** (Sunbury) (11:52) — (14 019) My question is for the Minister for Roads and Road Safety. Minister, what are the construction and design time lines for the \$5.4 million safety upgrade of Sunbury Road between the Tullamarine Freeway and Oaklands Road? Last week I was thrilled to announce that as part of the upgrade the road would be widened. This is a vital upgrade and incredibly important for a growing community. There were 13 crashes recorded along this section of road in a five-year period to 2014, which includes one head-on crash resulting in a fatality, seven crashes involving serious injuries and five other crashes causing injury. I look forward to this upgrade, and I thank the minister for his commitment to Sunbury and this important project.

### Sandringham electorate

**Mr THOMPSON** (Sandringham) (11:53) — (14 020) My question is directed to the Minister for Education. Can the minister affirm and confirm to this house that all members of this chamber are welcome to be invited to local state schools in their electorate? I am advised that in a statement recently made by a school education improvement leader at a beachside education department briefing to principals in the Southern Metropolitan Region of Melbourne, principals were advised to be aware of campaigning in an election year by politicians. This was interpreted by one school principal as an edict that members of this chamber were not to be invited to local schools.

### Yan Yean electorate

**Ms GREEN** (Yan Yean) (11:54) — (14 021) My question is to the Minister for Public Transport, and I ask: what will the time lines be on the timetable changes for the Plenty Valley bus network? Consultation was done by Public Transport Victoria late last year, because there is a great bus network that

exists in that area that has not been in operation for very long, but of course with the Mernda rail project, which is going ahead like the clappers, there is a need to change those buses so that they will connect with the three new stations and give a great service.

**Mr Watt** — On a point of order, Speaker, with regard to a constituency question of the member for Pascoe Vale, she very specifically said, ‘I ask that the minister consider providing an upgrade’. That is very clearly an action. I think she might have misunderstood, as this is what she should be doing in an adjournment, not in a constituency question, and I therefore ask that you rule her question out of order.

**The SPEAKER** — I will rule on this point of order. I heard the member ask if the minister will ‘consider funding’ a particular project, which I consider to be a question. I will check *Hansard* tomorrow, but otherwise I rule that the question was in order.

**Mr Watt** — I look forward to you reading the *Hansard*, because it was very clear. On a further point of order, Speaker, with regard to the member for Sunbury: he specifically asked for information on time lines. If information is readily available, it is not for members to ask questions in this house. He should just check the VicRoads website, which very clearly states the time lines that he is after.

**The SPEAKER** — I do not rule the question out of order. I am not able to determine whether that information is readily available. Notwithstanding, the point of order you raise, in principle, is correct.

## RULINGS BY THE CHAIR

### Questions without notice and ministers statements

**The SPEAKER** (11:56) — Yesterday the member for Warrandyte raised a point of order about the responsiveness of the Minister for Roads and Road Safety’s answer to the first supplementary question in question time, asked by the member for Euroa. After reviewing the transcript, I consider the answer to be responsive. The member for Box Hill raised a point of order about the responsiveness of the Premier’s answer to the final supplementary question in question time, asked by the member for Lowan. After reviewing the transcript, I consider the answer to be responsive.

## PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017

*Second reading*

**Debate resumed.**

**Mr MORRIS** (Mornington) (11:56) — As I was saying before question time, the track record of the Labor Party and particularly the track record of this government in protecting peri-urban areas is certainly very patchy. I now want to turn particularly to the Mornington Peninsula, as a case study, to support that proposition. Planning, and particularly good planning, on the Mornington Peninsula has a very long history. Indeed the former council of the Shire of Mornington, which I had the pleasure of serving on, was, back in the 1950s, the first non-urban municipality in the state to put in place a planning scheme. Of course in the seventies we had on the peninsula statements of planning policy 1 and 2. Statement of planning policy 1 set out the development of the Port of Hastings and statement of planning policy 2, which was complementary and very important, set out the conservation area and the protection of the balance of the peninsula that was not to be developed for the port.

If we look through the period of the Hamer, Thompson, Cain, Kirner and Kennett governments, they were all supportive of protecting the peninsula, and there was very much a bipartisan approach. I served for a number of years on the Western Port Regional Planning and Coordination Committee. There were a wide range of interests and a wide range of political allegiances, but despite those differences the committee had no difficulty pursuing policies to protect the peninsula. That all changed of course under the Bracks government. I do not think it was intentional at first — it was more accidental — and then of course later in the government we had planning minister Hulls, who was simply belligerent and determined to force the peninsula into the metropolitan area.

With the Bracks government, the first chink — and this is why I say it was unwitting — was to impose the green wedge zone on the peninsula. It was a big improvement in many places around Melbourne, but unfortunately it weakened the existing planning controls, so the area between, for example, Mornington and Mount Eliza which was protected by the interurban landscape protection zone, specifically designed to protect the landscape. That was replaced by the green wedge zone, and unfortunately in that translation the controls were weakened. We then had a series of battles on other issues.

Prior to the 2010 election the opposition had made a commitment to develop a local planning statement for the Mornington Peninsula. When the Baillieu government took office, I had the privilege of chairing that process, strongly supported by the then planning minister, now Leader of the Opposition, and strongly supported by the mayor, councillors and executive of the Mornington Peninsula shire. Together we developed what became another first for the peninsula: the *Mornington Peninsula Localised Planning Statement* in July 2014. I will not quote from it extensively, but it makes the point very clearly that the peninsula is an area that is adjacent to but distinct from the metropolitan area. It is peri-urban in the purest sense, and we need to protect that.

We need to provide for a clear separation of the Mornington Peninsula from the metropolitan area, and we need to have expressed different planning priorities for that area and the metropolitan area. That distinction is played out in a number of sub-propositions, but particularly in the context of this discussion, protecting the character and the role of settlements, of towns and of villages to ensure that the development, whether residential or commercial, is of a type and of a scale that maintains the character or supports the change to a preferred future character. The policy is not just about the residents; it is also about the visitors, and of course that is a significant number of people for a place like the peninsula.

There is also a strong emphasis in the planning statement on protecting landscape and cultural values, including areas of special character, beauty and significance. Unfortunately the current government has effectively set this document aside. They pay it virtually no attention at all. In fact the application of VC110 to the Mornington Peninsula and the incredible damage that it not only has the potential to do, but is in fact starting to do to the character of the townships is clear testament to this government's view that the peninsula should simply become urban from Mount Eliza to Portsea — simply an extension of the metropolitan area.

The other aspect I wanted to touch on is the impact of ignoring this statement and the risks. There is a property in Mount Eliza formerly owned by Sir Reginald Ansett that is currently being marketed as a 'truly stunning landmark waterfront property', and it absolutely is — it is in the green wedge. The intention has been for decades that that landscape be protected, yet the sale material, which I have a copy of here, talks about:

Potential for redevelopment and incorporation of a range of uses, including commercial, leisure, hospitality, health care, education ...

All of these are entirely inconsistent with the intention of the green wedge zone and utterly inconsistent with the notion of protecting the landscape. Yet the current arrangements that are in place for the Mornington Peninsula permit that sort of ad to be run, and they permit that sort of use to perhaps occur despite it not conforming with the expressed policy intent.

There is a real problem with the controls that are in place and there is a real problem with the attitude of the government. That is why the opposition has put forward the proposed amendments not just for the Mornington Peninsula but also for the Bellarine Peninsula and the Yarra Ranges area — and is absolutely in support of their extension to the Macedon Ranges as well. The proposed amendments would extend the influence of localised planning statements, which, as I have indicated, for the Mornington Peninsula is a very balanced document. It picks up the development of the port, and it picks up future development. It is not a matter of 'lock the gate and don't let anyone else in'; it is a matter of how we protect these areas while simultaneously dealing with development.

That document exists for the peninsula, and documents exist for other areas. They need to be treated with respect. They need to be identified and incorporated in planning policies and planning schemes and in legislation, recognising the value of the work that has been done in preparing them. The opposition is proposing that localised planning statements should be incorporated into this act, as were the old statements of planning policy. They were effectively statutory documents. That is what we are seeking for the localised planning statements, and we are also seeking to respect the development of these areas and set aside the insidious and disastrous impact of VC110, which will change forever the character not just of the Mornington Peninsula but of each of the affected areas. I support the amendments strongly.

**Mr McGuire** (Broadmeadows) (12:04) — This bill aims to strengthen recognition of the state importance of distinctive areas and landscapes and protect their unique features and special characteristics. Such assets are defined as landform, historic and cultural, environmental, natural resources, land productivity and strategic infrastructure. Significantly, the bill provides enabling legislation for the protection of valued assets located in the peri-urban region of Victoria's major regional cities and other areas at a future time. In this regard I want to propose that Broadmeadows be included under this legislation, because forgetting should never trump remembering.

Broadmeadows is one of Victoria's earliest settled districts, and its history and significance unfortunately has largely been forgotten. Secrets from the past, emblems of Australia's identity and the promise of future success converge in a district that explorer William Hovell described glowingly in 1824:

Never did I behold a more charming and gratifying sight, at least not where it is in its natural state ... It perhaps may be supposed that I speak interestedly, or beyond what it really deserves, but that is not the case.

Treaties with local Aborigines underscored the rivalry between John Batman and John Pascoe Fawkner to lay claims to the land within this district. Batman used treaties with these First Nations people to underscore his proposition for a vast area of land north and west of Port Phillip Bay. Batman chose for himself the land incorporating most of the Broadmeadows district. The Governor of New South Wales proclaimed the treaties void in 1835, declared the settlers trespassers and took the region under formal government control. European settlement's first land grab was ominous. Exploited by a long line of land speculators, failed by dubious municipal councils of the past and blighted by decades of political indifference, Broadmeadows has suffered the worst attributes of private enterprise and the public sector's inability to deliver its historic promises. This is a community that has endured many burdens but offers significant and strategic opportunities for the 21st century.

To put this in a historical context, the army camp first brought Broadmeadows to the awareness of an adolescent nation. Diggers, light horsemen and Victoria Cross winners of the Australian Imperial Force trained here before being dispatched to Gallipoli and the Western Front. The *Argus* reported:

The paddocks surrounding the camp were full of troops advancing in extended order, skirmishers opening a hypothetical fire on an imaginary foe, and supports doubling to their aid.

According to the aptly named *Broadmeadows: A Forgotten History*:

The Light Horsemen rode out each day to do their training in the rolling paddocks towards Somerton. Artillery practice was commenced once the guns arrived, drawn in a dusty convoy along Sydney Road. And the men, still awaiting their uniforms, marched the green grass underfoot to dust on the parade grounds.

Gallipoli became a nation-defining battle for Turkey and Australia. Combatants salvaged a degree of humanity from the trench warfare by exchanging water and chocolate amid the heat, snow and slaughter. As *Broadmeadows: A Forgotten History* records:

To those who would never return, and who trained so constantly in the paddocks of the district, Broadmeadows remained the last piece of Australia they knew.

The Commonwealth Serum Laboratories (CSL), another progeny of World War I, grew up opposite the Maygar Barracks. Established to defend an island continent against the Spanish flu pandemic that killed more people than the Great War, CSL has evolved into an Australian flagship for medical research and pharmaceutical manufacturing — a multibillion-dollar enterprise exporting life-saving blood products.

The family home where I grew up is around the corner from Camp Road in the heart of 'one of the most ambitious plans in the world' to develop a new model suburb the size of a provincial city, which turned into one of the biggest social failures in generations. The *Age* headline splashed 'Model town for Broadmeadows' in 1951, reporting 'Commission to take over 5500 acres'. The housing commission had never undertaken a project of such magnitude, but conservative Victorian Minister of Housing and Materials, Mr Swinburne, promised that in just a few years there would be thousands of new houses and tens of thousands of new citizens. Sewerage, water and all requirements would be provided. The suburban railway would be extended. There would be churches, playing ovals, shops, schools and picture theatres. 'It seemed too good to be true', a historic account deadpanned. Broadmeadows is still struggling to recover from this failure to deliver.

Slum reclamation after World War II meant poor families who found temporary accommodation on Melbourne's doorstep in Royal Park's Camp Pell were decanted into Victorian housing commission estates including in Broadmeadows. The move placed them out of sight in the countdown to the 1956 Melbourne Olympic Games. Row upon row of pastel-coloured concrete homes — hotboxes in summer and iceboxes in winter — were built for families described as factory fodder.

My family arrived in Broadmeadows in 1959, only months before Prime Minister Robert Menzies and Premier Henry Bolte attended the opening of the Ford plant accompanied by the RAAF band and fluttering flags representing 43 companies where Ford operated. Dancing girls and an orchestra welcomed the first Falcon, the XK.

Poor housing conditions result directly in physical illness and indirectly in tensions and dissatisfactions which cause broken homes, drunkenness and juvenile delinquency, leading to vice and crime.

That is what a royal commission investigation into the Victorian housing commission found in 1956.

In this connection, poor housing conditions do not necessarily mean small frontages, leaking roofs and lack of facilities. It may involve a solid structure, put up in the wrong place, without thought to the requirements of life other than mere shelter.

Such consequences for Broadmeadows were known and understood. Systemic failure and wilful blindness prevailed.

This kept going through decades of conservative rule. As a young political reporter, one of my first assignments was to interview the head of the Premier's department on his retirement three decades ago. I asked Major General Ken Green questions about his biggest successes in his long and distinguished career and pressed him to disclose the biggest failure. The leading mandarin in Victoria confessed that the greatest failure in a generation of government was Broadmeadows. The failure was a lack of coordination even within one tier of government to deliver the basic infrastructure most suburbs had taken for granted long after Melbourne was evolving into one of the world's most livable cities. The failure was also one of political will.

I just want to fast-forward to the proposition that half a century after it was established the suburb of Broadmeadows still did not have a public library. Thousands of residents signed a petition to establish civilisation's foundation for enlightenment 40 years after the local council rejected a proposal, mounting the Orwellian argument that a library would be a luxury in this blue-collar community. Signed with elegant handwriting, the petition represented the aspirations of a generation. It was showcased under glass at the opening of the Hume Global Learning Centre, which was done at my insistence, after Hume City Council championed my cause, because the critical proposition is that talent is not defined by demographics but too often opportunity is.

I want to give the historical connection that Victoria's longest serving Labor Premier, John Cain, tried to address the law and order and economic development concerns in the 80s. The Bracks-Brumby governments made critical education investments of \$110 million, merging dilapidated schools into contemporary campuses. The Andrews Labor government has established the suburban development portfolio and is investing to try to give opportunities to build a future and to get the industries that are needed most in this community.

We have the issue with the Australian federal government. I have been trying to get them to partner in a city deal. But what we do have from their budget is a plan to build a detention centre housing convicted paedophiles, drug traffickers and members of outlaw bikie gangs in Broadmeadows, in this compound where the army camp was established, which became the migrant hostel, where wave upon wave of people first called Australia home. This is such a flawed proposition; it highlights why Australia's system of government is broken and must urgently be fixed. It significantly goes to the failure of the silo mentality — that a government department is pursuing its agenda at the exclusion of higher value opportunities and community views and expectations. Rather than building this centre for almost \$30 million, it should be a catalyst for economic development and for the government to match its election priority of jobs and growth where they are needed most. We need to get beyond this endless gaming of the system and actually see where areas need to have their history honoured and the people recognised for their will, wit and nous, which has underscored prosperity for generations. They should not be abandoned. They should not be treated in this way.

**Mr THOMPSON** (Sandringham) (12:14) — I am pleased to make a brief contribution on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. The previous speaker referred to the role of Broadmeadows and its relationship to recruitment and Australian troops training there before going forward to Europe and the Middle East. Interestingly, in the same theme, as we look at our history there is a view articulated that 8 August this year marks one of the most significant days in Australian history, the 'black day' of the German army in the First World War, according to Ludendorff. It was a day when the German leaders knew that Germany would lose the war. There is a great raft of history in relation to the role of Broadmeadows and the Australian troops who trained there and went to serve. There is also the particularly powerful and poignant story of two brothers who served at Gallipoli and throughout the Western Front and who, on the last day of the war, lost their lives. That is a particular event that will be marked at Montbrehain during the course of this year.

The bill before the house at the moment covers a number of municipalities by way of definition. There are a range of distinctive features also within the Sandringham electorate that I would argue warrant some tighter conservation and appreciation measures. Bayside City Council last night considered a proposal to restructure the Sandringham Golf Course to enable the establishment of a golf driving range and an elite

training academy. Whilst I understand the benefits of that proposal to a group of stakeholders, I remain of the strong view that the integrity of the best public golf course in Melbourne should not be compromised to the detriment of serious public course players in Melbourne for the next 100 years.

It is a matter of ongoing debate that, as a result of the Treasury advance by the government to facilitate the co-location of Golf Victoria and Golf Australia, the Sandringham Golf Course was selected as a site for this to take place. To my mind it will forever detrimentally impact upon the renown of the Sandringham course and its longer track for the benefit of future generations. At a time when Melbourne's population is projected to grow to 8.7 million people over the next four decades or so, in effect doubling the population of Melbourne, it is imperative that we protect our green spaces, our open spaces, our recreational lands for the benefit of future generations.

There is another area of land in my electorate too which has some historic features and some conservation values — that is, the Gas and Fuel Corporation of Victoria land on the Nepean Highway, Hihett, north of the Moorabbin courthouse and just south of the Buckingham Motor Inn. There is a large chimney on the site which will be conserved and preserved, but there is also a consultation underway to enable that particular site to be developed as high-density housing and the overlay — the preferred outcome by the City of Kingston — is for the heights to be between three and five storeys. It has been called in, and the proposal is that the height be some 26 metres or up to eight storeys. In taking a visionary perspective of this 7 hectares or so of land, in my view it is imperative that regard be given to the potential use of this land for car parking for commuters on the Frankston line so that in 40, 50 or 100 years people can look back and say, 'This house, this Parliament and this planning minister had a good sense of vision for the people of Victoria to enable there to be an effective transport exchange, to enable Frankston line commuters to access the city in a reasonable way'.

In addition, with the high demand for increased sporting spaces in the southern region of Melbourne for junior women's football, junior women's soccer and junior women's netball, some regard should be given to expanding the recreational playing fields of the southern region of Melbourne to benefit future generations of Victorians as our population expands to 8.7 million people over the next four decades.

**Mr HOWARD** (Buninyong) (12:20) — I am pleased to add my comments on this significant piece of

planning and environment amendment legislation, and I am pleased that many members on the other side of the house have spoken supportively on this piece of legislation too. We know this piece of legislation has particularly come out of discussions that the member for Macedon has had with the Minister for Planning, including when he was the shadow planning minister ahead of the election, because people from the area of Macedon in particular — the Woodend and Gisborne areas — have been very concerned for some period of time. The reason they moved up to these beautiful areas was that they wanted that tree change lifestyle. They recognised that the areas in those parts of the Macedon Ranges are beautiful, that they have that lovely treed character, normally with larger blocks, and that they provide a great lifestyle. They are aware of course that Macedon is close to Melbourne so there is pressure on those towns where more and more people are wanting to go and live. The threat is that you would get standard residential development happening in a lot of these places that do have special character, and therefore you would potentially lose that character.

I am thoroughly aware of this because up until the last election I represented part of the Shire of Macedon Ranges. It was not the part that has this particular treed character — I represented the Kyneton, Malmsbury and Tylden areas in the Macedon Ranges shire — but clearly I was aware whenever I travelled to those areas that this was an issue. I know that the former member for Macedon was thoroughly aware of this issue and had been working for some period of time to find a solution that would satisfy the residents of those towns that the government was aware of their issue and could put protections within the planning scheme to protect the special character of their towns.

This piece of legislation does not of course just relate to Macedon, but there is a clear starting point there. I noticed that the people of Macedon are very pleased that the commitment, or promise, which was made by the Labor Party ahead of the last election, and which was drawn out by the current member for Macedon, is being kept and that meetings have already taken place in Kyneton to discuss the character of the Macedon Ranges shire area — particularly, as I said, the Woodend and Gisborne areas, but also other areas in that shire — so that we can discuss the issues with those people and put in place a declaration that this is a distinctive area to be recognised and a statement of planning policy can be inserted within the planning framework to ensure ongoing protection of this area.

I know this is an area of particular concern to people in the Macedon Ranges shire, but I also know that people in my electorate and in areas around Ballarat have been

raising concerns, particularly around the eastern fringes of the City of Ballarat and out into Mount Clear, Mount Helen and even Buninyong, where we know we have a backbone of Crown land.

Another commitment made at the last election was that if Labor was elected the area of state forest known as the Canadian State Forest would get status that would see it protected. It is now a regional park known as Woowookarung; it has gained a new name, recognising the Aboriginal heritage in the area. It has been exciting to see that Woowookarung has now been protected under this government as an area of forest around the east of the City of Ballarat. In doing that, we know there is a lot of housing out to the edges of Woowookarung Regional Park, and the residents in that area say, 'Well, we still have some of our trees and larger block sizes in our area that flow out from the Woowookarung Regional Park, and we want to know that we're not going to see in years to come the next-door neighbour's larger block being broken up into smaller, standard residential blocks that will then see the trees in our neighbourhood being removed for standard residential development'.

I am sure that as we work through this the City of Ballarat will be looking at this change to see whether it can apply to those areas through to the east and the south of the City of Ballarat and indeed further around to other forested areas that I expect might be relinquished by their forest leasees in the coming years. The city will obviously have to deal with the rezoning of that land — I am talking about areas around Mount Clear and Mount Helen — as was the case with the Canadian State Forest, as it was then, so that we can ensure that the special character of those areas is not going to be lost in a move to having high density residential areas.

Obviously a sensible planning scheme does recognise that in inner-city areas there is the opportunity to develop higher density. We do not want to see our city sprawling out. We know that in the Melbourne metropolitan area and the broader Melbourne area we have established green zones, which is very sensible, to ensure that areas of special character are protected within our urban areas so that we do not lose the character of those areas and so that we provide some green lungs in our urban areas. Around those green-lung areas we need to ensure that we do not just have standard housing where there are natural treed areas. We need to try and protect natural treed areas or areas where the communities feel there is special character that needs to be protected.

I am very pleased to see that the government has honoured the commitment made to the people of the Macedon area ahead of the last election via this bill. Those people will have the satisfaction of knowing that their neighbourhoods are now in a position to be protected. This concept can flow on to other communities within regional Victoria, and the bill notes other areas. For other speakers from Melbourne metro areas who see areas within their urbanised electorates that do have special character that perhaps was not initially foreseen in the planning of this bill, we need to acknowledge that if you do have these large areas of special character, they can be recognised and we can build protections into the legislation.

I am certainly pleased to see this bill coming forward. I congratulate the former member for Macedon and the current member for Macedon for working with the Labor shadow ministers to bring forward this plan that is now coming in under our planning minister. Labor has recognised that these are areas that the planning scheme perhaps does not provide enough security for and has provided for statements of planning policy so that we can enshrine further information in our planning schemes to give greater confidence to people who know that they have special character in their neighbourhoods. Many people move away from Melbourne to an area with special character. We want to see that that special character can be protected in the future.

I am certainly very pleased to speak in support of this legislation. I think it will lead to some great opportunities for communities in my electorate into the future and other areas across the state to recognise specific character. We need to ensure that we do not just have standard residential accommodation built in all areas across electorates. Higher density accommodation can be appropriate in some areas of electorates or towns, but we need to ensure that medium density and lower density can be achieved in areas to preserve the particular character of those towns across our state. I am very pleased to see this bill.

**Mr CRISP (Mildura) (12:30)** — I rise to speak on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. It is a bill for an act to amend the Planning and Environment Act 1987 to provide for the protection and conservation of distinctive areas and landscapes, to make consequential amendments to other acts and for other purposes. This bill amends the act to provide for the declaration of distinctive areas and landscapes and for the preparation and implementation of a statement of planning policy in relation to each declared area to ensure coordinated decision-making by public entities. It also make other amendments.

At this point I do note that we have amendments before the house. These amendments were moved in the name of the shadow minister, and I support these amendments. They are to insert at new section 47AZM some definitions, particularly around localised planning statements and relevant municipal districts as well as a Victorian planning provisions amendment around what VC110 means to the Victorian planning provisions and their schemes.

I think some definitions are useful at this point, particularly as a little bit later we do see that this bill has the capacity to go far beyond what is currently proposed in the legislation. The purpose of a statement of planning policy for a declared area is to create a framework for the future use and development of land in the declared area, including settlement boundaries, to ensure the protection and conservation of the distinctive attributes of the declared area. Such declarations support the local and/or statewide significance of certain areas, regions and landscapes environmentally, economically, culturally and on Indigenous matters.

There are a couple of concerns with this. In particular, the second-reading speech makes clear that the bill is applied to the Macedon Ranges but with other areas potentially to follow. That is where my concerns will be raised. The Bellarine and Mornington peninsulas have both previously had not dissimilar protections in the form of localised planning statements. Macedon Ranges has local planning policy 8, dating back to the 1970s. Labor's neighbourhood residential zone and general residential zone-busting and increased density-facilitating planning scheme amendment VC110 applies in both of these localities.

The extension of this to other potential areas to follow leads me to talk about the possibility that the impact of this could be a long way from where it was intended — that is, in Mildura. There is always a concern when you start amending statewide planning policies and creating unique areas that this can be a long process. Because it needs to be understood, there are frustrations when you need to go through the consultation process. These things bring a cost to the local economy, and they can also bring a loss of confidence.

In the case of Mildura Rural City Council, it has been my observation — and many have raised this matter with me — that council reviews take a long time if they are involved in the process. That has a way of stopping development, and if you have less development, that again costs your local economy, causing frustration among all those who are involved. An example in the Mildura region is that they are currently reviewing their developer contribution plans.

This has put a stop to some more what we call rural residential developments at Nichols Point. There is a concern in our community that it appears that this review is going to take years. When it comes to a place like Nichols Point, which will have lower residential densities or higher lot sizes, given the chance that council will institute another review, it will see that development further delayed and further frustrated. There is very much a concern about how local governments will do that and, in my particular case, how Mildura will use this as everybody in the council plays it super safe with everything, saying, 'No, we can't go ahead with any of that until we are absolutely, definitely sure'. To be absolutely and definitely sure in a changing world is a considerable challenge.

Many in the development community want to take advantage of Mildura's re-found confidence. When Mildura has its confidence, there is significant demand in the housing sector as well as the other sectors. Developers will be hamstrung by yet another process that council may well choose to undertake as they see it as being important for protecting their position. But we live in a cyclic economy, and as things change you can well find that while there is a great deal of confidence this year, in future years that may not be there. It is absolutely important for our regional economies, including the economy of Mildura, to get as far as they can when they are on a roll, and Mildura is certainly on a roll at the moment. They are the concerns.

I know that protection is important, but it should not bind up the system for long periods of time. Something that Mildura Rural City Council has been accused of is getting themselves all bound up and not being able to move things through in order to satisfy commercial needs and the needs of a community that is currently growing.

This is interesting legislation. I think most of us would agree that you do want to protect those landscapes but, I think, not at the point of causing nothing to happen. If that builds up, then something will happen that you do not want to happen as people will go to a relief valve. This endless review process around planning is frustrating for everyone. It needs to be much quicker. I have a concern that this legislation, with its declaration of distinctive areas and landscapes, will be used as yet another excuse by our municipalities to further slow down the process of meeting the community's needs in the development area.

**Ms HALFPENNY** (Thomastown) (12:37) — I also rise to speak on the Planning and Environment Amendment (Distinctive Areas and Landscapes)

Bill 2017. I would like to commend the member for Macedon for her advocacy, because of course this issue arose from the Labor government listening to the community of Macedon. They wanted to ensure that the unique township of Macedon retains its character and is not destroyed through the unorganised and ad hoc development that would have happened if we still had a Liberal government. We are so lucky, all of us, that we no longer have a Liberal government and a Minister for Planning for that matter in the form of the current Leader of the Opposition. As a result of the advocacy and election campaigning, a commitment was made by Labor to protect areas of unique value such as Macedon.

This legislation is about preserving places with unique characteristics in an overall way. What the legislation does is it allows for the declaration of a distinctive area and landscape and then the preparation and implementation of a statement of planning policy for the declared area to ensure coordinated decision-making by public entities. While we have an overall planning scheme for the state, this measure allows for other things to happen in areas that are considered to be of particular beauty or unique character. Of course we always have to be so careful with planning and ensuring that we preserve areas of heritage and other cultural value. As we have seen in the past, we have probably lost a lot of very beautiful places and buildings because of poor planning. If you look at the city at the moment, we are still reeling from the aftermath of the minister at the time, the Leader of the Opposition, and the most terrible decisions that were made in the city in terms of all the overshadowing and the huge ugly monstrosities that were being built all over the city in just an unfettered way. So we need to make sure that we are preserving things that people believe are important.

If you look into the past, developers and property people wanted to demolish the Queen Victoria Market. They wanted to get rid of the Regent Theatre, the Rocks in Sydney and the Queen Victoria Hospital. But all these things were preserved in the main through Labor governments. In all those cases it was because of the trade union movement, the green bans at the time, and then followed through with legislation in most cases by Labor governments. Of course we had all the naysayers at that time — the world was going to end, there were going to be profiteers, nothing would be able to go forward and we would not be able to develop. But of course none of that happened. Now they are celebrated landmarks that are so good for tourism, so good for the look of our city, so important within the city area. They are now valued areas which people visit often and take great pride in.

This is a further step to preserving areas that have unique and distinctive properties. While people complain about it now, fear this and try to scare people off, nothing like that is going to happen. It is going to be great for Victoria and Victorians that we have legislation like this that controls development. Of course we know that the population in Victoria is growing. There is a lot of pressure to provide proper accommodation for people. There is a strain on transport networks and road systems because of the growing population, and therefore we have to ensure that we do plan things in a proper way and in a way that is going to be good for us all rather than create problems in future.

One of the issues is the pressure on some of these peri-urban areas — not that far from the city but maybe around the metropolitan ring or around regional towns and cities — where developers are looking to develop. Again, if it is an unfettered way, it is really going to take away a lot of the appeal of some of these regional towns and places such as the Macedon Ranges, where people go specifically for a reason. There can still be development and catering for the population, but it has got to be done in a proper and planned way that does not interfere with and ruin the landscape or unique characteristics of a particular town, township or village.

Throughout all of the legislation that the Labor government is bringing in and passing, a strong focus and centrepiece is the acknowledgement and recognition of traditional owners. Yesterday we were talking about legislation to strengthen and preserve our coastal areas and marine parks. We spoke about traditional owners needing to have more of a say in the management of public land and how they ought to be part of the decision-making process, so they have been recognised and included on advisory committees and so on. It is the same thing here. This bill also recognises the connection and stewardship of the traditional owners in relation to land in declared areas. I think you can see there is a theme of making sure that we show through legislation the importance of traditional owners to Victoria, to Australia, and we should never let anybody forget how important they are. They are the longest continuous living culture — 60 000 years or so living in Australia.

What are the mechanisms the bill seeks to introduce? The bill will enable two principal activities to occur. The first, in division 2, is the ability for the government to declare a distinctive area and landscape, which I have spoken about. But the second point is outlined in division 3, where there is a requirement for the Minister for Planning to prepare a statement of planning policy for areas declared under division 2, and these

statements enable the government to coordinate decision-making for land use and development across a declared area and to introduce long-term settlement boundaries to guide the sustainable growth of townships. So again: one, the declaration, and two, what are we going to do to make sure that those declared areas are protected?

As we know, the opposition have circulated a couple of amendments. As I understand it, in regard to one of those amendments, if they actually read the relevant legislation and understood what is going on, if they had any idea of what is happening around planning and actually took a serious interest in planning, they would see that the bill and other legislation actually accommodate that issue and that, really, that amendment is not needed.

On the other amendment, again, it is a matter of picking and choosing, wanting to sort of add a name here or replace one there, rather than having a fair and equitable system where a place is judged based on the criteria in the legislation, rather than just nominating where they think something should be preserved. Under the old system of the Liberal state government that was about picking the areas where there might be Liberal members of Parliament. When it came to looking at places like Thomastown and Lalor, it was open slather. Nothing was important there, people were not of any unique character and they did not deserve to live in nice places. So everything under that planning scheme was designated as high density, and so there could be 10-storey, 20-storey towers 30 kilometres out of town no matter what was going on, what the township was like or what the beauty or landscape was in an area.

We do not want those sorts of systems that are unfair and are based on just looking after mates and people that vote for them and really denigrating people who are not their supporters and thinking they are less important than others.

**Mr GIDLEY** (Mount Waverley) (12:47) — I rise to make a contribution on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. I note that there are amendments that have previously been circulated by the opposition. At the heart of those amendments is the fact that the opposition has seen, and I have seen in my district of Mount Waverley and the suburbs of Glen Waverley and Mount Waverley, the carnage and the damage that amendment VC110 has done under this government. That is at the heart of the opposition's amendments, because we have seen the damage of VC110 put in place by this government and the destruction of local communities as a result of a desire to overdevelop areas. The

opposition's amendments seek to minimise further damage that this government can do to planning within the state of Victoria and any further damage that it can do to communities, and I am certainly supportive of those.

Let us go and have a look at what VC110 did and is doing to local communities across the state. In my area the residents of Glen Waverley and Mount Waverley went through an exhaustive process to make a contribution to changes to the Monash planning scheme. That included a thorough consultation and feedback on neighbourhood residential zones and general residential zones.

Of course neighbourhood residential zones, which were implemented by the previous Liberal-Nationals government and provided the highest level of protection and recognition of neighbourhood character, which were so important in ensuring that local communities had the protection that they needed, were a key part of that. That was significant work done by the now Leader of the Opposition, the then planning minister, to ensure that Labor's previous plan, which allowed for overdevelopment and further destruction of local communities, was put to a stop and was put to rest to some extent. So those new neighbourhood residential zones and the new general residential zones that came in 2014 under then planning minister, now Leader of the Opposition, gave my community the opportunity to ensure that development was more appropriate.

Unfortunately under this government, with the introduction of VC110, we saw the greater level of protections of neighbourhood character thrown out the door. This has occurred not just in my area but we see it in the Forest Hill district, we see it in the Ringwood district, we have seen it in the Oakleigh district, we have it in the Bentleigh district, and we have seen it around regional and rural Victoria as well. So the damage and the carnage caused by this government has occurred across the state.

Let us look at what that damage included. We know that in neighbourhood residential zones that included increasing the mandatory height limit from 8 to 9 metres and importantly removing the existing limit of two dwellings to a lot. What that means without a doubt is that in local neighbourhoods residents who want to seek to protect their neighbourhood character, their streetscapes and their garden city character, such as in Monash, have lost the ability to do so because this government and this Minister for Planning have said, 'Sorry, the limit that was on properties in neighbourhood residential zones that had a limit of two dwellings a lot is gone. We'll just remove that,

and for residents in those streets who previously had that protection for their neighbourhood, that's just tough'. In addition to that, as I mentioned, this government increased the height limit from 8 to 9 metres under that schedule.

In terms of the general residential zones in my area and other areas across the state we have also seen the damage that has been inflicted by this government. We have seen the maximum height limit for developments in general residential zones increased from 9 to 11 metres. That change has a substantial impact on the character of an area. It has a substantial impact on what development is allowed in that area.

When you put those two things together — the changes to the neighbourhood residential zones that have been smashed through by this government without community consultation, without regard for proper process or giving people an opportunity to have their say, combined with the changes in the general residential zones — it means that there is no doubt that residents in my district and in districts across the state are having their ability to have a say on planning removed and most importantly having to put up with enormous amounts of overdevelopment that would otherwise not be the case.

That is so disappointing because in my area we value neighbourhood character. In my area of Glen Waverley and Mount Waverley we want to protect that. Unfortunately those tools that were available to protect that have been ripped away by the current government and the current planning minister. But in addition to that it is disappointing because so much time and effort were put into getting that balance right. The now Leader of the Opposition, then Minister for Planning, as I said, was the minister who brought in neighbourhood residential zones to provide for height levels for the protection of neighbourhood character in an area. It was an exhaustive process, and I take my hat off to him and again put on the record the important work that was done there. That provided my community and other communities across the state the opportunity to have that neighbourhood protection. But of course under this government it is gone.

When you add those measures together, you understand the uncertainty they have produced. I have residents in my area often say to me, 'We went through a process where we had setbacks between properties both at the rear and at the sides of properties'. We had that protection, whether it was around Damper Creek or Scotchmans Creek or other areas where neighbourhood residential zones allowed for a type of development that was appropriate to an area, not only from a visual

perspective but also taking into account the drainage infrastructure. I know the member for Burwood has talked at length about his desire and his passion to protect his community and how disappointed the people of Burwood are that this government has ripped away the protection of neighbourhood residential zones when it put amendment VC110 in place, which is so much a part of this government's approach to planning.

So whether it is in the district of Burwood, Mount Waverley, Forest Hill or other areas, this government's agenda on planning is clear: to remove the say of local residents and to put in place the highest capacity for overdevelopment in residential streets, whether or not those streets are fit for that purpose, and to destroy in an almost obsessive way the good work that was done by the previous Liberal government to put those tools in place to provide that protection.

As I said, the proof is in the pudding — the fact that we have got these amendments before the house to try to mitigate the damage that VC110 has put in place and the fact that this government, after rushing in and saying, 'Well, we're going to remove those tools to protect neighbourhood character by putting in place VC110; we're going to do that', is now taking a step back and going, 'Well, hang on. We need to do more'. Well, yes, you do, but you should have got it right at the start. You should not have removed those tools which were so important in protecting neighbourhood character. You should not have trashed local communities by allowing the sort of overdevelopment that has come under this planning minister, under this government and under this Premier. You should not have ridden roughshod over local communities there.

For all of the talk from those opposite on this bill the results are very, very clear: under this government, because of their changes to our planning laws, whether it is VC110 or whether it is a raft of other measures, we have seen more inappropriate development, we have seen more overdevelopment, we have seen more communities have worse outcomes on planning and we have seen more communities have their position, their viewpoint, just taken away from them on planning, because apparently the minister on Spring Street and the Premier on Spring Street know better than local communities. To me, that is just not good enough. Those of us in the opposition will continue to fight into the future for our local communities to ensure that the inappropriate development, which is a direct result of the planning laws put in place by this government, is mitigated and overturned when we get the opportunity to do so in government.

We have made it clear that neighbourhood residential zones, for example, play a crucial role in protecting neighbourhood character. We will ensure that the intention and the protection of neighbourhood residential zones, which were previously provided, before this government made those changes and ripped those tools away from local communities, are reinstated. We will ensure that our residents in Mount Waverley, in Glen Waverley, in Burwood, in Forest Hill, in Bentleigh, in Oakleigh and in other areas are given the sorts of protections they need, because we understand that protecting neighbourhood character and getting that balance right is far more important than playing the sort of politics that this government has played by ripping those tools away. As I said, I support the amendments before the house.

**Ms COUZENS** (Geelong) (12:57) — I am pleased to rise to speak on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. The distinctive areas and landscapes bill is a landmark in the management of the peri-urban areas around metropolitan Melbourne and Victoria's regional cities. This bill provides for the protection of state-significant valued assets located in the peri-urban region of Victoria and major regional cities. This will ensure greater certainty around the long-term sustainability of areas that contain distinctive values.

As the minister rightly pointed out, the bill is a landmark because it will protect the iconic and historic Macedon Ranges region. It will protect the natural beauty of the ranges and preserve cultural, environmental and rural values.

The bill enables the declaration of distinctive areas and landscapes and the development of a tailored statement of planning policy for that area. The bill protects the environmental values and character of the growing Macedon Ranges region. This is essential for a number of reasons. First, the region's proximity to Melbourne and its popularity with tourists and new residents means that we must put in place stronger protections for the natural environment, state-significant water catchments, agricultural land and heritage townscapes. Second, the level of growth anticipated in the region presents a unique set of challenges that warrants stronger state-led planning policy. Third, the bill provides protections for townships that contribute so much to Victoria's regional economy through tourism and associated industries.

In particular the bill will secure the sustainability of each township in the Macedon Ranges in the long-term, taking into careful account the projected needs for employment and population growth.

The bill paves the way for other important distinctive areas and landscapes across Victoria to have access to the highest level of planning protection. As an enabling tool, the bill means we can protect other state-significant assets and areas of outstanding natural beauty in other areas of Victoria that are also under threat from development.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Business interrupted under sessional orders.**

## MATTERS OF PUBLIC IMPORTANCE

### School capital works

**The SPEAKER** — I have accepted a statement from the member for Monbulk proposing the following matter of public importance for discussion:

That this house notes the importance of capital investment in Victorian schools, and further notes:

- (1) the Andrews Labor government opened 11 new schools in 2018;
- (2) the \$2.5 billion invested by Labor to improve classrooms, upgrade facilities and build new schools;
- (3) the former government cut hundreds of millions of dollars from school capital upgrades and failed to invest in any new school that could open in 2016; and
- (4) the member for Kew described investing in infrastructure as a 'distraction'.

**Mr MERLINO** (Minister for Education) (14:03) — This matter of public importance (MPI) is about contrasting the priorities and the values of Labor governments with those of the Liberal and National parties. We are judged, and judged rightly, on what we do when we have the privilege and responsibility of government — judged not on what we say, judged not on what we promise, but on what we do: the choices we make on budget days; the priorities that we set. In no area is this difference as stark as in education. It is a fact, unchallenged and incontrovertible, that Labor invests in education, values education and builds schools. Liberals and their National Party mates cut school budgets, close schools down and ignore the needs of students, parents and teachers. This is a government that invests in schools like no other.

It was with great pressure that I joined the Premier and the member for Albert Park at the start of term one this year to open South Melbourne Primary School. It is Victoria's first vertical government school and an extraordinary building. There are already 105 preps enrolled at the school for this year alone. Next year

South Melbourne Park Primary School will also be opening, right next to the Melbourne Sports and Aquatic Centre, which will help relieve pressure on existing nearby schools.

I know that the member for Albert Park has advocated for many years for these schools, and with good reason. For example, nearby Port Melbourne Primary School was built for 300 students but now has almost 820. We knew that we had to open South Melbourne primary this year and we have to open South Melbourne Park primary next year, or these kids will simply have nowhere to go. But it is not just new schools; Port Melbourne primary has received \$5.4 million for a competition-sized gym and a performance space for their students.

Victoria's school population is booming. More than 90 000 additional students are expected to walk through a Victorian school gate over the next five years. That means over 1 million students by 2020. Our school capital program is now a massive \$2.5 billion, and it needs to be. That is the biggest investment in school infrastructure in Victoria's history; that is how big our program is. Right across Victoria, in the inner city, in our growth suburbs and in regional cities we need to find that capacity, both within our existing schools and by providing brand-new schools. That is why we have 56 new schools in the construction pipeline and over 1200 school upgrades planned. We opened 10 new schools last year, we have opened 11 new schools this year, and we will be opening nine new schools next year.

As the MPI says, unfortunately no new school in the state of Victoria opened its doors in 2016. Why was this the case, you might ask? Was there no need for new schools in 2016? Was Victoria's population shrinking? Of course not. It takes two years to deliver a new school, so planning would have needed to commence in 2014 for a school to be ready to open ahead of the 2016 school year, and funding would have needed to be provided in the 2014 budget. It is fair to say that there was not much happening at a government level in 2014; the lights were on but there was nobody home.

In 2011 school capital was cut in half by those opposite. By 2010 Victoria's population was booming, both with the baby boom and interstate and international migration. Between 2010 and 2014 the government school population grew by more than 46 000 students. These are official Department of Education and Training figures. It would have been reflected in departmental advice to the Minister for Education at that time, and it would have meant one thing: the need to build more schools and deliver greater capacity in

our system. Those opposite cannot say that they did not know. In fact in 2013 the former Treasurer, the member for Malvern, boasted about Victoria's growth, and I quote from an article of 2013:

Mr O'Brien said more people arrived in Victoria in the year to March than could find a seat at the MCG.

The former Treasurer is quoted as saying that:

Victoria's population has grown by over 100 000 persons over the year to March, almost 2000 people every week ...

Yet in the 2012–13 budget they only funded part of one school — Hazel Glen College. That is it. In the 2013–14 budget only a handful of schools were funded. They knew the demand pressures, the population boom and the enrolment pressures, but the fact is that they simply did not care. In fact they did the opposite of investing in education; they ripped \$1 billion from the Victorian education system between 2011 and 2014.

The education maintenance allowance was gutted and scrapped. We are told now that those opposite want to focus on the six Cs. I will tell you what those six Cs stand for, and it is very easy — cuts, cuts, cuts, cuts, cuts and cuts. That is all they deliver. There was a very real cost to these cruel cuts: schools went from receiving an average of around \$550 million per year under the 11 years of the Bracks and Brumby governments to receiving just over \$300 million a year on average from the Baillieu and Napthine governments. In fact their first three budgets gave a paltry \$200 million per year. That meant that schools, teachers and students went without the facilities they deserved. It is not just us on this side of politics that say that. Everyone knows this to be the truth — principals, teachers and parents. In fact there was an article in the *Herald Sun* by Matt Johnston on 16 February, aptly titled 'Question of our priorities'. It says:

New schools weren't being built last term.

It is as simple as that. New schools were not being built in the last term.

In my own electorate of Monbulk not one dollar went to any school capital. That is the infrastructure backlog. In my electorate and in every electorate across this chamber — Labor, Greens, Independents, Nationals and Liberals — there was an infrastructure backlog. In my electorate we are investing in Upwey High School, in Monbulk College and in Mooroolbark East Primary School.

In opposition the hypocrisy of those opposite is exposed. The member for Gembrook and the 25th shadow minister, the member for Kew, visited

Emerald Secondary College. They suddenly discovered an interest in seeing capital investment at that terrific school. Let us compare and contrast at Emerald Secondary College. The Andrews government made an election promise to Emerald Secondary College — a \$1.5 million promise. We delivered it in our budget, and that project is complete. In addition to that I met with the principal, I visited the school and I had a meeting with the school council president about their urgent maintenance needs, and we have delivered an additional \$500 000 — so \$2 million. What do you think the Liberal-Nationals delivered to Emerald Secondary College in capital investment when they had four years?

**An honourable member** — Zero.

**Mr MERLINO** — Zero, absolutely correct. Not one dollar went to Emerald Secondary College.

Those opposite suddenly discover schools in their electorates that need funding, but they discover it only when Labor is in government. That is because in their heart of hearts they know that the only way their school will receive funding is under a Labor government. Even they know it.

Warrnambool Special Development School received not one dollar from the Liberal-Nationals government in four years — not one dollar for capital upgrades. In fact across the entire Warrnambool City Council local government area there was not one dollar for capital upgrades at any government school. As we have heard, that is the former Premier's own electorate, for goodness sake, where not one dollar was spent in their entire term — a shocking case of neglect. They are lions in opposition and mice in government. And what is Labor's record in Warrnambool? We promised to relocate and rebuild Warrnambool Special Development School, and we are doing exactly that.

The Liberal Party has form when it comes to cutting the education budget and attacking schools; it is in their DNA. Who could forget the closure of Richmond Secondary College under the former Kennett government — one of hundreds of schools closed by the Liberal and National parties. Many of us remember the community protests. Passionate community members —

**An honourable member** interjected.

**Mr MERLINO** — The point is that it happens under every Liberal government, you fool. Passionate community members argued the commonsense position that a high school enrichment was needed. And guess what? They were absolutely correct. Since the closure,

boys in the area have been forced to travel to Auburn High School in Hawthorn —

**Mr Watt** — On a point of order, Speaker, if the minister wants to talk about the closure of schools, he should talk about the 83 schools that were closed under you people.

**The SPEAKER** — The member will resume his seat. The member for Burwood is under a warning. That was not a point of order, and that behaviour will not be tolerated. The minister to continue.

**Mr MERLINO** — Richmond needed its high school back. A wrong needed to be righted. It is something that the member for Richmond has fought long and hard for, and we have delivered for the Richmond community. We have given them the high school they so desperately needed.

As I said, it is not just in the city and it is not just in our growing suburbs; it is in regional Victoria. I know the Premier and a member for Eastern Victoria Region in the other place were delighted to open the first high school in the Golden Plains shire, Bannockburn P-12. There was not one government secondary school in Golden Plains shire. Parents had to send their kids either to Ballarat or Geelong. We made a promise at the election to deliver secondary school provision for communities around Bannockburn, and that is exactly what we have delivered.

We have built and opened a new high school in Beaumaris. We have revitalised a rundown site, we have created brand-new modern learning and teaching facilities and an outdoor environment that can be enjoyed for generations to come. We have delivered an outcome that gives the community around Beaumaris and surrounding areas a real outcome for the kids, and the school will have first-class sporting facilities, built in partnership with the Melbourne Cricket Club. They will be shared by the college, the club and the wider community.

In the last moments I have left let me read out the schools that we have opened this year: Richmond High School in Richmond, Bridgewood Primary School in Gembrook, Edgars Creek Secondary College in Thomastown, South Melbourne Primary School in Albert Park, Torquay Coast Primary School in South Barwon, Beaumaris Secondary College in Sandringham, Tarneit Rise Primary School in Tarneit, Hamlyn Views School in Lara, Bannockburn P-12 College in Polwarth, Armstrong Creek School in South Barwon, Springside West Secondary College in Sydenham. And next year, opening in 2019: Aitken

Hill primary school in Yuroke, Burnside primary school in Kororoit, Pakenham Hills primary school in Bass, Sanctuary Lakes South P-9 school in Altona, Truganina East P-9 school in Tarneit, Yarrambat Park primary school in Yan Yean, Preston high school in Preston, South Melbourne Park primary school in Albert Park and Prahran high school in Prahran. That is what the Labor government has delivered — the biggest school capital program this state has ever seen — and it puts to shame the neglect of those opposite when they were on the government benches.

**Mr T. SMITH** (Kew) (14:19) — Well, what a pathetic display from a minister who was in government during the Bracks and Brumby period and indeed is now the Deputy Premier and the Minister for Education. He was referring to decisions made during the Kennett era, 25 years ago. He ought to be planning to improve student outcomes, not relying on past assertions from premiers who have long since departed. What was telling in the minister's speech is that not once did he mention student outcomes — that is, improved student performance. The government has failed to improve student outcomes in the three years it has been in power. By the government's own figures student outcomes have gone backwards in seven out of nine target areas. In year 5 maths the government is nowhere near its 2020 target of 39.9 per cent of students reaching the highest level of achievement. It is stuck on 30.6 per cent. In year 9 reading, students declined from 20.7 per cent to 20.5 per cent, with a 2025 target of 28.7 per cent. It is no wonder that parents' trust in the government school system has taken a hit, with only 51.7 per cent reporting high levels of confidence in the sector, down from 55 per cent in 2016.

The Labor Party in Victoria has been in government for 14 of the last 18 years, and yet the Minister for Education constantly makes excuses for student performances going backwards. Earlier this month the minister wrote:

... if you scratch the surface of the numbers there are very encouraging signs that our plan is starting to bear fruit.

With the amount of money that the commonwealth and indeed the state government, over the last two decades, has poured into education you are not seeing any bang for the buck. Sadly it is hard to find any fruit in improved student outcomes over the last 15 to 20 years.

According to the Programme for International Student Assessment (PISA), the Organisation for Economic Co-operation and Development's international ranking system for education results, Victoria scored 516 for reading in the year 2000 and 507 in 2015; we scored 513 for scientific literacy in 2006 and the same in

2015; for maths we scored 511 in 2003 but dropped to 499 by 2015. Do not take this from me, take it from a report commissioned by the Victorian government — the current Andrews Labor government — and chaired by the Honourable Steve Bracks, which showed that test results for Victorian students have failed to improve and in some instances have gone backwards. The report states:

Students in Victoria perform well compared with the rest of Australia and international benchmarks. Yet, for nearly a decade, education outcomes in Victoria overall have not improved.

It goes on:

Recent increases in investment have not produced better learning outcomes across the student population.

Indeed the stagnation of literacy and numeracy standards is affecting our economy and our global competitiveness. Our neighbours in South-East Asia are leaving us behind with Singapore topping the charts of PISA in 2015. Worryingly the OECD policy insight for the survey of adult skills shows there are 3 million working age Australian adults with either low numeracy or literacy skills, or both. Recently Andreas Schleicher, head of the OECD's PISA international ranking system, visited Australia. Mr Schleicher had a simple message:

Australia used to have one of the world's leading school systems, but in the past decade learning outcomes have dropped to levels closer to the average of school systems in the industrialised world.

One of the reasons for the decline in student outcomes is, as Mr Schleicher himself observed, that Australia's curriculum 'is a mile wide and an inch deep. It is very crowded, with a lot of content'.

A key recommendation of the 2014 national curriculum review was to reduce the crowded curriculum so that teachers could focus on teaching essential knowledge, understanding and skills to a greater degree of detail. Teachers in Victoria are under increasing pressure to cram more non-core curriculum into class time. It is not hard to see why they desperately want the curriculum streamlined so they can focus on the core subjects that constitute a rigorous and enriching education. This curriculum, the curriculum which combines national and state elements, is over 6000 pages long, and if you ask any teacher they will tell you it is so crowded that our kids are not mastering the basics like literacy and numeracy skills. Cross-curriculum themes add to the clutter. It is deeply concerning that a recent survey by the Lowy Institute for international policy found —

**Ms Green** — On a point of order, Speaker, the member for Kew has now been on his feet for more than 5 minutes and is reading us a dissertation. He has not yet mentioned anything to do with the four points of this matter of public importance, which are about school capital. He has not focused on school capital for one-third of his debate time. I would ask you to bring him back to the matter of public importance before the Chair.

**Mr T. SMITH** — On the point of order, Speaker, on the matter of public of importance I figure that I am well within order speaking about education in its broadest terms.

*Honourable members interjecting.*

**The SPEAKER** — Order! Without assistance. The matter of public importance is predominantly about school capital. The member for Kew is mentioned in point (4) of the matter of public importance, and if he is rebutting the claim that has been put forward in debate around his comments on school infrastructure, then he is entitled to talk about education more broadly.

**Mr T. SMITH** — Thank you, Speaker. This is the point of difference between the Labor Party and the coalition: the coalition actually believes in improving student outcomes, because we all agree that school infrastructure is important. We all agree that we have to build the buildings for students to learn in. They need to be comfortable, appropriate teaching spaces, where people, and children in particular, have the ability to learn, and to learn in an environment which is conducive to modern standards, particularly with regard to IT and the like. But Labor is completely obsessed with bricks and mortar. Obviously you need to be taught in a building and in a good classroom, but I note that at the moment with all the new school buildings that are going around in Victoria that the government is not providing air conditioners for a number of these new school buildings.

I was with my friend the member for South Barwon at Moriac Primary School recently. There were some new classrooms, and the school was complaining to me that they are not air-conditioned; indeed the school council has to pay for air-conditioning. I asked at the Public Accounts and Estimates Committee hearings last week why that was the case, and the department advised that only schools south of the Great Divide get new air conditioners in new school buildings. Now, heavens above! Far be it for me to suggest that south of the Divide it does not get hot every now and again, particularly at this time of year, but I would have thought in a climate such as Victoria's south of the

Great Divide, that putting an air conditioner in a new school building would probably enable students to learn a lot better in the months of December, February, March and the like. That is a matter for the department — they have got their policies — but we will be continuing to point out how stupid it is not to provide air conditioners in new school buildings.

This is the whole point about why this debate is so narrowly skewed by the government. In September 2015 they brought in nine new targets under this so-called Education State slogan, and they have gone backwards in seven out of nine of them. We obviously would like to see brand spanking new school buildings across Victoria — we would like to see them in our own electorates — but to be frank, if there are any structural issues in the education system in Victoria, Labor bears the majority of the responsibility for it. They have been in government for 14 out of the last 18 years. I have raised issues with regard to the overcluttering of the curriculum. I have raised on a number of occasions the Safe Schools program and how that again adds to clutter and is not really an anti-bullying program at all; it is an ideologically inspired postmodernist attempt to get Marxist ideology into classrooms.

Can I say those opposite ought to pay attention to the Leader of the Opposition in New South Wales, who has said that Safe Schools is 'gone for good' and will never be brought back by the Labor Party if they win the 2019 election in New South Wales.

This is where I find the part-time Minister for Education a little hard to understand. Mr Merlino was particularly keen to get the education portfolio in opposition. He was particularly keen to hold onto it when Labor won the 2014 election. Yet in 2016 he was given the substantial portfolio of emergency services as well, and it would be fair to say that that has been a disaster for his career. It is a disaster for his popularity in his own seat. But the worst aspect of this is how it has distracted him from his number one job of improving student outcomes in Victoria. That is what the education minister ought to be most concerned about, and I am sorry to inform the house that Mr Merlino has been so distracted by —

**The SPEAKER** — Correct titles, please, member for Kew.

**Mr T. SMITH** — The Deputy Premier has been so distracted with Peter Marshall and the United Firefighters Union that he has not had an opportunity to focus on the most important aspects of the education portfolio: enabling kids to be the best they can and to

actually improve — to improve student outcomes, to improve student performance compared with other states around Australia where, for example, our year 9 NAPLAN results are particularly concerning. We are not, as we would like to be across Australia, the best in every area of NAPLAN. In fact in year 9 we are third and fourth in quite a number of areas of study. I think that Melbourne has always been seen to be the intellectual heart of the nation, and for Victoria to be behind on any NAPLAN area of study is to me personally very distressing. I pledge that the reforms that a Guy Liberal-National government will bring in November 2018, if we are lucky enough to win the next election, will go some way to improving the stagnation in standards in education that has occurred in this state for the best part of two decades.

For example, we will bring in a phonics screening check for all grade 1 students. I asked the Secretary of the Department of Education and Training last week why the Victorian government is opposed to this. In South Australia the Labor government and the opposition — it is bipartisan in South Australia — have a phonics screening check in grade 1, but the secretary spent 15 minutes, as per usual, trying to explain to me that we do not need it in Victoria: ‘Oh, we’ve got all these other things that are terrific’. But literacy standards are going backwards. The federal government has embarked upon a process to try and get a phonics check nationally, and from what I can gather the federal opposition is very amenable to that view. Yet state Labor governments, particularly here in Victoria, will not reach across the aisle in the spirit of bipartisanship to improve literacy for grade 1 students. Why is the phonics screening check so important? Because it enables a teacher to spend 5 to 7 minutes with an individual student and to phonetically gauge their ability to spell out words. We need to ensure that there is consistency across Victoria in the way that the ability to spell out words is checked in grade 1.

Equally, we are going to review the curriculum — the thousands of pages of curriculum, the ridiculous cross-curricular priorities that exist in Victoria — where, for example, sustainability has to be taught in prep and grade 1 history. We need to get back to basics and build a strong foundation for a lifetime love of learning, and that comes first and foremost from an ability to read. If you cannot read, you cannot do anything else. There are 24 per cent of Victorian grade 4 students who are beneath the basic standard in reading. Now, that for a First World country should be frankly terrifying for all of us in this house — that in Victoria 24 per cent of grade 4 students cannot read to the required standard. That is disgraceful. That means they are functionally illiterate.

Where are we? What year is it? The fact is the ‘steady as she goes; she’ll be right’ mob opposite seem to come in here and say, ‘No, we’re all heading in the right direction because we are building all these new school buildings’. School buildings are important, and I have said that time and time again, but you have to drill down to what is going to change outcomes, and, for example, improving literacy in grade 1 is just one of them. We will review the curriculum. We will get Dr Jennifer Buckingham to review the laborious and lengthy Victorian curriculum to ensure that it is best targeted to improving student outcomes. If you want a difference at the next election in education it is this: the Labor Party will talk about bricks and mortar all day, every day. We will actually talk about improving student outcomes, about the quality of teaching and about the quality of the instruction that is going on in primary schools so we enable every kid to be the best they can be in the great spirit of equality of opportunity, which is a fundamental Liberal principle.

**Ms KILKENNY** (Carrum) (14:34) — It is my great honour to be able to get up here today and speak on this matter of public importance. For me education is one of the greatest matters of public importance, and I could not be prouder as a member of the Andrews Labor government to be here speaking on education and the importance of capital investment in our schools.

I note that our matter of public importance is on capital investment today and that is what I will be focusing on, but also, as a concept, capital infrastructure funding does lead to better educational outcomes. These things are not done in silos. Every single community in Victoria deserves great local schools because every single Victorian child should be given the opportunity to reach their potential, and investing in schools is the key to this. Investing in schools is about fairness. This is fairness for families in my electorate — in Carrum Downs, in Seaford, in Patterson Lakes, in Carrum and in Bonbeach. These families work hard, and they want to know that the school they choose to send their kid to is a great school.

We already have dedicated and hardworking principals, teachers, teacher aides, support staff and librarians. We need first-rate schools and facilities to match. We need them because it is fair, it is the right thing to do and it is the smart thing to do. I am disappointed that those opposite do not share that view with us. Those on this side of the house know that. We believe it and we are doing it. As we heard, the Minister for Education said earlier that we are making the single biggest investment into capital infrastructure in our schools — \$2.5 billion to build 56 new schools, to upgrade and modernise

1200 existing schools and to buy land to make sure that future educational demands are met.

Labor's first three budgets averaged \$843 million in school infrastructure funding. Let us compare that to those opposite. Under the Liberals, school infrastructure funding was slashed to \$200 million a year. Whilst that still sounds like a lot, it is actually less than a quarter of Labor's budget. Their failure to invest in new schools meant that not one new school was built in 2016. As we have heard from the minister, those opposite had absolutely no plans for the 90 000 new school students who are going to enter school over the next five years. Those opposite have never truly believed in education, certainly not public education or education for all, and we endured four years —

**Mr R. Smith** — On a point of order, Speaker, as a product of state schools and given the fact that my children go to state schools, I am taking personal offence that the member for Carrum says that I do not care about public schools or the education system.

**The SPEAKER** — The member has been asked to withdraw comments.

**Ms KILKENNY** — I withdraw. Those opposite slashed funding under the previous Liberal-National coalition government. They slashed it by half. That is the point that I am making, member for Warrandyte.

Who could forget the Liberals cutting the education maintenance allowance? These were payments that directly supported more than 200 000 students across Victoria. And of course their colleagues in Canberra, not to be outdone by their mates down here in Victoria, took an axe to the schoolkids bonus. That meant that parents were struggling then to be able to afford school uniforms and books at the start of the year. Last year a local mum went on Facebook and she put up a post which asked: 'Is it okay to buy schoolbooks for my kids for Christmas?'. Imagine that. What does the member for Kew think about that — that it is just a distraction?

Those opposite see education as a place to cut — to cut funds, to cut school infrastructure funding. We saw it. We witnessed it. When they had their chance, what did those opposite do? They slashed capital works funding. They did not muck about; they slashed it by half.

**Mr Watt** — On a point of order, Speaker, I know that the member for Carrum was not around for the Bracks-Brumby governments, but I think she forgets that there were 83 fewer schools in Victoria at the end of the Bracks-Brumby governments than at the start of the Bracks-Brumby governments. There were 1631

before they got into government. When they left there were only 1548.

**The SPEAKER** — Order! The member for Burwood will resume his seat. The member for Burwood was warned earlier in this debate about making points of order that are not points of order. The member is on a warning that he will be removed from the chamber if he persists in making frivolous points of order.

**Ms KILKENNY** — Next month I will proudly join with my school community at Seaford Park Primary School as they move into their new school buildings. This is \$3 million worth of new school buildings which have been built to replace the portables that they have been in since the original school burnt down. This was an election commitment by the Andrews Labor government and one that I am immensely proud of. We have rebuilt this school, a school which the former member and the coalition government had all but written off. They had written off this school. Well, we have not written it off. We invested in this school and the school community, and the result is exceptional.

I was out there recently to take a look at the school before the kids move in, and it is one of the best designs I have ever seen. But what is most wonderful and really great about this is: how good are those kids going to feel when they walk into these brand-new school buildings? It is a new school. It has been built just for them. They are going to feel valued, they are going to feel loved and they are going to feel pretty special, and what does that do for their morale, for their self-confidence, for their self-worth, for their educational outcomes? That is the link. It is the link between great schools and educational outcomes. So to the member for Kew I say: 'These kids are not mediocre. These kids will never be a distraction. These kids are why I am a member of Parliament, because I will always fight for our kids' education'.

I will also say this: schools should never, ever be used as political fodder, particularly by those opposite and those who had the chance to do the right thing by the local community. Bonbeach Primary School in my electorate is a tremendous local school with a very active, a very engaged and a very loving school community. It has 325 students, and remarkably more than 50 per cent are from out of the local area. Many families are now choosing Bonbeach primary because it has a great teaching staff and it has a great school community. Under the former Liberal government Bonbeach primary received woefully inadequate school infrastructure funding. School enrolments were going up, and teaching space was at a premium. This needed

to be addressed. Infrastructure funding should have been directed to maintaining and upgrading the buildings at that school but it was not, and because it was not we are feeling the consequences right now.

I have to say that I feel the anguish of those parents. I feel their frustration. I completely acknowledge and respect their desire to make sure their kids are in great learning spaces, in great school buildings — and so they should be, because that is the right thing to do and it is the fair thing to do. I am going to do something about it. I will not ignore them, not like those opposite. Those opposite had the chance to fix this wonderful school, but they did not. They had four years. That is when the investment should have been made — proper investment, not piecemeal investment to refurbish a hall that was woefully inadequate so that when I became the member for Carrum I had to go in and get additional funding to finish the project that they had started.

Bonbeach primary was ignored by those opposite, just like most other schools in my electorate. Those opposite turned their backs on these families because for them school infrastructure funding is a distraction. Let me say to those opposite: for those families at Bonbeach primary and the families at all of my schools, having good school buildings, having great school buildings that they can be proud of, is not a distraction. It is a matter of utmost public importance. So let us not have the opposition riding in now, waving their political flag about, demanding that something be done about Bonbeach primary, because they neglected that school. They had their chance. They cannot be trusted on school funding.

When it comes to school infrastructure funding, we know that Labor governments are the only governments that are going to invest in our schools and invest in the future of our kids, and we are seeing this now. We are in the middle of an absolute construction boom, and how good is it? The Andrews Labor government is delivering world-class facilities for all Victorian learners, and I am very proud to be a part of this government.

**Ms RYAN** (Euroa) (14:44) — I absolutely relish the opportunity to contribute to this matter of public importance (MPI) debate today. The member for Carrum, interestingly enough, said that schools should not be used for political fodder. Well, that is exactly what this MPI is about. It is stunning that in one breath she talked about the coalition funding one of her schools and then in the other breath claimed that we had not provided any funding for schools, particularly when you consider that for 14 of the last 18 years those on the opposite side have been in government. So when

we talk about decrepit and crumbling schools around the state, perhaps some self-reflection would be warranted, because they have been in power for 14 out of 18 years.

The Deputy Premier came in here and said, ‘Judge us not on what we say but on what we do’. We do judge them on that, and regional Victoria judges them on that — and they judge harshly, because the results of the last three years have not been good for regional Victoria at all. I would like to do a little look-around of the state and some of the projects in my electorate and in my colleagues’ electorates which are still, after three years, desperately seeking funding and which were ignored by Labor, not just in this term of Parliament but in previous terms as well.

If I start in my own electorate, we have Seymour College, which was established in 2010 through a merger between a number of different local schools. With that merger came the need to completely rebuild the school. We funded part of stage 1, but then we committed \$15 million at the 2014 election to complete the regeneration of that school by doing stages 2 and 3. After wasting three years, Ms Symes, a member for Northern Victoria Region in the Council, finally delivered some funding in February this year, but it is less than half of what that school needs to be completed and less than half of what the coalition committed at the 2014 election. I might also add that when in opposition the now Premier was up there, lobbying and bellyaching and saying we were not investing in that school, despite the fact that we contributed funding to it and we committed \$15 million to the school.

Benalla P–12 College has a very, very similar story. It is a school that is riddled with asbestos and mould and has 1950s classrooms. Let us keep in mind how long those opposite have sat on the government benches, how much of an opportunity they have been afforded to actually do something about those schools, but they have done nothing. Again we committed \$15 million to completing that school. We provided \$5 million in funding to begin the work. They have given \$3 million, and that is it. They have been completely silent about the future of that school. In fact they have tied up for years the money that we allocated in the 2013–14 budget, not letting the school spend it but forcing them to go back and redesign the master plan because they were not willing to give them the funding that we had committed and allocated. That school still needs another \$11.5 million to be completed, but Labor are nowhere to be seen.

Go around the state and you will find very similar issues in Kyabram in the electorate of Murray Plains,

where the Leader of The Nationals has been lobbying to get the government to do something about white ants and outdated classrooms. Again we made an election commitment of \$10 million for the construction works to do the regeneration at Kyabram P-12 College. Where are those opposite? They are nowhere to be found. Similarly, staying with Murray Plains, Echuca Specialist School has been pleading and pleading for their merger to be completed. Two schools have actually been combined in a merger, but the government has not funded the relocation of Echuca Specialist School. So we have now got a scenario where two schools have come together and a new culture has been created, but the Echuca Specialist School has been left out in the cold, unable to get the funding they need. In May last year, following the budget, the principal of that school came out and said he was 'totally devastated' that they missed out on funding.

My colleague the member for Ovens Valley has been pushing and pushing for funding for stage 3 of the Yarrowonga College P-12 redevelopment. Also Wangaratta High School is looking for \$5 million — it has received nothing from the Labor Party. We have got Baimbridge College in Hamilton. I have visited that school, and it is an excellent school. It is co-located with the Hamilton District Skills Centre. Again the National Party and the Liberal Party made a 2014 commitment to that school. It is run-down. It is spread over two sites. It is the only public secondary college that actually services the Hamilton district, and Labor has shown no interest in it whatsoever.

The Warracknabeal education precinct was another commitment from us. Labor have actually done a little bit there — they have funded half of the special development school and half of the secondary college projects, but the whole project, my colleague the member for Lowan advises me, is turning into a complete and utter farce. They have got a situation there where neither school can actually relocate to the primary school site because there is not enough learning space. Whilst the principals and the school communities continue to do the best they can, the inept project management of those opposite and insufficient funding means that they cannot actually relocate. Those opposite are basically half-funding a project and leaving the rest to the community to try and figure out.

Dimboola Memorial Secondary College was another commitment from us, but Labor has not done anything to address the critical building issues there. They have got buildings falling apart, including their hall and their library. Their buildings are filled with asbestos. We all remember the commitment from the Deputy Premier

before the last election that he was going to remove asbestos from all of our school buildings. Where has that gone? They have gone a bit silent on that one; there is not much progress happening on that.

We have got Bairnsdale Secondary College in Gippsland East. Let us talk about Gippsland East. Who remembers the budget where Gippsland East actually got nothing? They got the index in the budget paper because there was nothing there to put on the map. That is how much those opposite care about Gippsland East. The member for Gippsland East has been pushing for the Bairnsdale Secondary College. Labor promised it in 2010. We built it. We committed to stage 2; Labor did not. Actually three years ago the member for Gippsland East invited the minister down to visit Bairnsdale Secondary College. The minister said on air that he would do that when his diary permitted, but three years on it seems that his diary still has not permitted him to visit Bairnsdale Secondary College. This is the Minister for Education in the so-called Education State.

That was a quick look-around at some of the projects in some of our communities. Also I should not neglect Gippsland South, where Korumburra Secondary College was funded in 2014. We committed a further \$9 million, but there has been zero from the Labor Party.

In all of this you also have to have a look at the Australian Early Development Census, which shows that 15 of the 20 local government areas (LGAs) with the lowest results for early childhood performance are in rural and regional areas — 15 out of 20. In that environment the index is a real indicator of performance in schools and of the ability for students to go on and prosper. When you look at that index, it is staggering that 15 out of 20 of the LGAs — on physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, communication and general knowledge — the most disadvantaged LGAs, are in rural and regional Victoria. Despite that, this government has no rural education strategy. They have no dedicated strategy to address the fact that educational outcomes in rural and regional Victoria are lagging so far behind the rest of this state. It is an absolute indictment of those opposite that they do not care about regional Victoria. They do not care even to acknowledge those results and put a dedicated focus on that. Those 15 LGAs — and I have a list of them — have been going backwards, not forwards, with the exception of Benalla, where a fantastic philanthropic organisation is doing a lot of work on the ground.

In conclusion, I want to mention that the most telling thing about this matter of public importance is what is not included in it. What is not included in it is tertiary

education, training and TAFE, because those opposite have failed so poorly on that front that they are too embarrassed to talk about it, and that is an indictment of them.

**Mr WYNNE** (Minister for Planning) (14:54) — I am delighted to join in this matter of public importance on a matter that is of incredible significance for this side of the Parliament. It is only Labor governments that build and invest in the future of our young people. I want to echo some history in my own electorate around education cuts and closures. We all remember the closure of Fitzroy High School by the Kennett government, the closure of Richmond tech and the running down of school infrastructure in my electorate. It was a disastrous outcome for my community, but of course —

**Mr R. Smith** interjected.

**Mr WYNNE** — You should never pre-empt me.

**The SPEAKER** — Order! The minister shall not respond to interjections.

**Mr WYNNE** — Fitzroy High School was the only high school closed by the Kennett government ever to reopen. That school is now completely rebuilt and is going absolutely gangbusters. It is a fantastic school, and it has been due to the unstinting efforts of the community in Fitzroy and North Fitzroy that that school reopened. It was a great day to be at that school with Mary Delahunty, who was the Minister for Education at the time, where we had a fantastic celebration of the school's opening. She gave me the nomenclature of being the Education Warrior. I remember that day with great pride, as does my community.

If you look at the record of the Bracks-Brumby Labor governments, there was a rolling average of \$550 million per year for school infrastructure. This has now been dwarfed by Labor's first three budgets, averaging \$843 million in school infrastructure funding. As the Deputy Premier so eloquently laid out in his contribution, 10 schools opened in 2017, 11 schools in 2018 and we will open a further 9 schools in 2019.

I had the pleasure of being at the opening of the first stage of the new Richmond High School. As the Deputy Premier indicated, it has again been a very, very hard-fought battle to get that school reopened. When Richmond tech closed, another school was built on the site — Melbourne Girls College — which by any measure is a magnificent contribution to public education, based as it is down on the Yarra River. That school does a superb job of educating young women in

our community — a superb job, and I congratulate them for that — but boys living in Richmond, Burnley or Cremorne had no neighbourhood high school to go to. That was simply unfair. They were scattered to the four winds to find a high school outcome for themselves.

Imagine what it was like to go to this school after such a struggle to get Richmond High School up and away. We opened stage 1 of the school on the first day of the 2018 academic year. Some 75 bright young boys and girls came into year 7 at the school. It was something to be immensely proud of. That was stage 1. Stage 2 of the school is under construction at the moment, which is the academic side of the school in Griffiths Street in Richmond. It is coming out of the ground. It is a magnificent architectural structure, and of course it will be completed before the end of this year. But we did more than that. This is a \$43 million investment in Richmond High School, and I am so pleased that we have managed to secure as our principal Colin Simpson, who is doing a fantastic job leading the new Richmond High School.

On the same day I went with the Premier, virtually unannounced, to Abbotsford Primary School. We gave them 10 minutes notice that we were coming around to that school, a beautiful school in Abbotsford which is growing in enrolments. That school clearly needed some further infrastructure investment. I was delighted to be with the Premier when he announced funding of \$8.28 million to Abbotsford Primary School. I have to say that it was a very emotional moment for many of the teachers at the school. There was a teacher at the school who had taught there for 30 years. He literally burst into tears. They were so happy that this government had stood by them and had made this magnificent investment in a wonderful primary school.

The importance of schools like Abbotsford Primary and indeed Richmond West Primary School is that they actually run bilingual programs. This is unique. They run bilingual programs in Chinese as their second language. It is a most extraordinary thing because the children come out at year 6 completely fluent in reading and writing and being able to communicate in Chinese. Not having a pathway through to a secondary school has meant that they drop off their language capacity quite quickly. Now, with Richmond High School, they are going to have an avenue through which to be able to pursue their second language, being Chinese, right through to year 12. What an incredibly powerful thing it is that these young children will be able to go from prep right through to year 12 and will then be equipped to really

be part of our region in a most meaningful way. I think this is a fantastic investment by our government.

Commitments over the three budgets of the Andrews Labor government amount to more than \$60 million that has been committed in my electorate. I have indicated the \$8.28 million for Abbotsford Primary School, but here is another one, which is just fantastic — Collingwood College. Collingwood College is a really great high school. Dale Perichon, the principal, has done a magnificent job with that school along with his school council. They asked for investment in a basketball facility, \$8.3 million for a new indoor sports centre. And you go, 'Well, that is a fantastic commitment by the government and a really good thing'.

But what is important about that is that this is a community that, through the work of the Collingwood All Stars Basketball Club, is actually engaging African youth in a very meaningful way both in education and in the discipline around basketball itself, so that rather than them being diverted off to activities that we do not want young people to be involved in, they are actually actively engaged with 1200 families right across my electorate to absolutely engage in their educational outcomes but also in sporting outcomes as well. That is the sort of investment that we have put in as a Labor government, and it is something that is incredibly important to those communities going forward.

We also host Lynall Hall Community School, which is an alternative school for young people who have had difficulties managing within the broader education framework. They do marvellous work, particularly with young people who have been often disassociated from their families and are having real difficulties, struggling with their education. I commend the \$2 million investment that our government has made in some of our most vulnerable students. Indeed I have next to me the Minister for Housing, Disability and Ageing, who is very well aware of many of these students who have gone through homeless services and the like. It is only a Labor government that invests in public education, and I am delighted to be a contributor to this important MPI today.

**Ms McLEISH** (Eildon) (15:04) — I rise to join this matter of public importance put forward by the Deputy Premier, the Minister for Education and the member for Monbulk. I think when we look at education, capital investment is certainly one thing. We do need to invest in buildings, we need to invest in facilities, and we need to make sure that we maintain what we build. We know that Labor governments are certainly poor at that. Not only that, but we need to focus on what is being taught,

how it is being taught and of course supporting the teachers in schools, making sure that they have the resources at their disposal to do what they can do in ever-changing and challenging classroom situations.

I represent and advocate for some 50 or so schools in my electorate in the government sector. Only about six are secondary and the rest are primary schools. I have a bunch of Catholic schools as well. But when we are focusing here on capital investment in public schools, I think it has really been underdone in country Victoria. We know that very clearly, certainly from the member for Euroa's comments.

I spent four years of my life as a teacher — as a science teacher. I taught maths and sport as well. I certainly understand the challenges that exist for teachers and students. With my background, I am a firm believer in the importance of STEM — science, technology, engineering and maths. I really do not support that being called STEAM, where they are advocating for the arts to be part of it. The whole point of putting STEM on the table in the first place was because there was a lack of investment and a lack of opportunity for kids being pushed through, girls in particular, into the science and engineering areas. I think that has been quite sad.

When I was at university a friend of mine was doing engineering, and she was the only person. That has changed a little bit, but I think we need to be out there as passionate advocates for children to be actively taking part in science, technology, engineering and mathematics. I see that as being of great importance. When you start to put arts in there you start to dilute that particular stream. I am quite disappointed that, when we have got that on the table for a reason, there are people out there now advocating and promoting something a little bit different. I find that extremely disappointing because I know how much fun science and maths is.

As I have said, investing in buildings is one thing, but you need to invest in the facilities and you need to maintain those facilities. When the coalition came to government in 2010 we inherited an enormous load of crumbling schools. There was a \$420 million maintenance backlog that was neglected, and 200 schools were requiring urgent maintenance following a decade of Labor neglect. In 2013 the then minister had to get moving fairly quickly to address this backlog, because we had schools crumbling. In fact I think even former Attorney-General Rob Hulls tried to bring in a stall or something one time, and that was as a result of the neglect of maintenance by the Bracks-Brumby Labor governments.

This has also certainly been documented by the Victorian Auditor-General's Office. They did a report on the implementation of school infrastructure programs, and it was tabled in Parliament in February 2013. They thought the department did not have a comprehensive understanding of the condition of all school buildings until 2012 when we did that audit, because we did a whole-of-portfolio assessment on the condition of school buildings. As a result we saw what was not done. So it is one thing to build new schools. We did an enormous amount of investment to pick up those schools that were falling to bits, the crumbling schools, to get them back on the ground.

Then there was also the capital program. In my electorate we certainly had good capital investment in Seymour College, and I see the government is actually now continuing and finishing that project. We invested in Yea and Alexandra Secondary College. When I announced the investment in Kinglake Primary School the principal cried because she felt that they had been neglected for such a long time. I was so touched by that. Despite the Andrews Labor government now claiming to build an Education State, they certainly have not delivered one penny for capital works in Yarra Valley schools over the last two budgets. The region in the Upper Yarra is facing significant challenges, with a lack of job opportunities for young people.

Our kids need a top education to give them a strong start, but our schools are having difficulty delivering this because they have got some very outdated facilities. Unfortunately I am hearing that despite the strength of many of our school communities, some of the buildings are a little bit worse for wear. I am disappointed that the state government is failing to be responsive to the needs of these schools. A great education, as we know, gives our kids opportunities and the chance to choose their own future.

Our schools do a terrific job teaching our kids often in very challenging conditions, but they should not be in second-rate buildings. To continue providing students with a great education in our region the Victorian Labor government, the Andrews Labor government, needs to step up and provide funds that are urgently required to modernise our schools. Not only do modern school buildings provide a better learning environment but they also provide a safer environment.

In the Hume region — where it appears that very little money is being invested except in Shepparton, certainly in the coming budgets — Mansfield Secondary College has had some investment. I know the former member for Benalla, Bill Sykes, and I had lobbied for and committed to this prior to the 2014 election. I am tremendously

proud of that school community and principal Tim Hall because they are taking the lead here by pursuing this funding. Unfortunately the Andrews Labor government has failed to deliver important funding needed to continue the redevelopment at that school. It is funding a job half done.

I have been and will continue to be an unceasing advocate for the educational needs of our local students. They did have that big win, but this is only halfway to completion. It is so important that stage 2 of this project does not get left behind. It makes complete sense to dovetail it straight into the completion of stage 1 so that the disruption to these students and staff is indeed minimised.

Mansfield is an unusual town. It is a growth pocket. While the region might be shrinking a bit, Mansfield is indeed growing and there are many young families there. The council is looking at long-term planning to accommodate that growth. Obviously increasing growth will require a corresponding increase in services and facilities. We have seen that at the primary school. They needed some fairly urgent attention to get extra portables in there to cope with the increasing numbers this year.

Stage 2 of the project at Mansfield Secondary College includes, among other things, building a gymnasium, which is needed. There is a basketball stadium in town, but it is not close to the school. The school's assemblies are held at the Mansfield Performing Arts Centre, which adjoins the school, but they cannot have a whole-of-school assembly. They have to have it in two halves because there is not one building that can accommodate the whole school. The school council and the entire Mansfield community should be commended for their work in trying to get this funding. I am proud to have been able to advocate for this project since the coalition's original commitment in 2014, and I will continue to do so. The government's refusal to fund the full cost is leaving the community in limbo. I will certainly continue to advocate for that extra \$5 million to come forward.

I also want to comment on what is taught in schools and how it is taught. Certainly I support the announcement made by the shadow minister, the member for Kew, with regard to the introduction of phonics and phonics testing in year 1. We know reading and writing are particularly important. I know many adults who feel they left school early without fully establishing these skills and that it really put them behind the eight ball in their job prospects — and some of these people are now in their 50s. What is really quite staggering is that education spending in Victoria

since 2001, when it was \$6.1 billion, rocketed to \$15.392 billion in 2017, but despite this we are not seeing an increase in the literacy of our students. In fact it has stagnated. The NAPLAN results for students in years 5 and 9 have gone backwards. It is really quite alarming that this can happen.

If we have a solid phonics program aimed at students in their first year of primary school, we can get on with that and we can have people working with those students. Often schools have volunteers coming in. The teachers will know where they need to direct their classroom support and their own attention to really get these kids identified early on and to work with them so that they are not left behind. I understand there are a lot of children whose parents do not read to them. Some of them do not do so because they do not understand English to that extent or they may not be literate in their own language, let alone in English. So there are kids coming from other countries that we need to pick up and look out for as well.

**Ms COUZENS** (Geelong) (15:14) — I am very pleased and proud to be able to speak on this matter of public importance submitted by the member for Monbulk, the Minister for Education. This is a great opportunity to highlight the Andrews Labor government's commitment to education. I am very proud of what we have done for Victoria, the Education State. I would like to put up a bit of a comparison in terms of infrastructure funding. The previous government committed \$90 million; the Andrews Labor government has committed \$170 million on average per budget. I think that says it all. I know that certainly in my community of Geelong people can very much see how important the Education State has been over these last three years of the Andrews Labor government.

We have been committed to making Victoria the Education State, ensuring that every child has access to a great local school. We want to make sure that our schools have the best facilities, that our classrooms have the best teachers and that every child is given every chance to succeed. The Education State consultation that was undertaken in 2015, in our first year of government, was really significant. My Geelong community was really keen to play a role in the consultation and to let the government know what they wanted to see as part of the Education State but most importantly what they wanted to see for their children in Geelong and in our state schools.

We ran a series of forums in Geelong. One in particular was inviting the students from our secondary schools, parents of students from the schools, principals,

teachers and members of the general community to come along and meet with the Minister for Education and put their ideas forward on what they saw as being important for student education. Of real significance was the fact that every one of those students from each of our secondary schools in Geelong pointed out how fantastic their teachers were and how wonderful their principal was but how poor the infrastructure and the facilities were within their schools. They were happy with their teachers and principals and the way their schools operated. What they were not happy with was the learning environment, and they made that very clear. It was interesting that every one of those students that presented to me and the minister pointed that out.

We also know that a good education can obviously lead to a much more prosperous life in our community. We know a lack of education is one of the key factors in poverty. For me it is really important that we ensure that our children have every possible available school learning process to ensure that they do not end up in that poverty trap. We have seen from past history that young people who are not able to access a good education cannot get into real jobs and good employment and that poverty is often what they are left with. We know there are generations of families that have never been able to work, and a lot of that is associated with the lack of a good education. So we see that as really important. I know my community in Geelong sees it as very important. It is also the right thing to do, and it is the fair and just thing to do for our future generations. It is important that they have access to the best possible education available. This is about investing in our children's future.

The total infrastructure investment in Victoria's school system under the Andrews government is now more than \$2.5 billion. The Andrews Labor government is getting on with the business of building and upgrading schools right across Victoria. Labor is rolling out 56 new schools across the state. We opened 10 schools in 2017 and 11 schools in 2018, and it was a great pleasure to join the Premier a couple of weeks ago on a tour of the new Bannockburn and Armstrong Creek schools. They were just amazing. The parents were absolutely thrilled and the students were thrilled, as were the teachers and principals. They are really state-of-the-art schools. They are just extraordinary.

Our school building boom is delivering more than 1200 school upgrades across the state. Our school infrastructure program is supporting almost 5000 construction jobs for Victorians, again adding to the Education State. We are getting many more people employed in the construction industry and that can only be a positive thing. Only Labor is building the

Education State, and that is what it does best. The previous Bracks-Brumby Labor governments averaged more than \$550 million per year for school infrastructure. Labor's first three budgets averaged \$843 million in school infrastructure funding —

**Mr Watt** — On a point of order, Deputy Speaker, the member for Geelong was referencing the Bracks-Brumby governments. She forgot to say anything about the 83 schools —

**The DEPUTY SPEAKER** — There is no point of order —

**Mr Watt** interjected.

**The DEPUTY SPEAKER** — The member for Burwood will resume his seat. There is no point of order. The member for Burwood was warned at the commencement of the matter of public importance. You know that is not a point of order. I would encourage you to think twice before you get to your feet on a point of order.

**Ms COUZENS** — We did not sit back and do nothing, like those opposite; we got on with it. The Education State is delivering, as is this government. School infrastructure funding fell under the former Liberal government to a mere \$200 million a year. Due to the woeful neglect of the Liberals, Labor was left with a huge backlog of work to do. I know that in my electorate almost every school was listed as being in serious decline. Principals, teachers and parents were desperate. They were saying to us, 'You need to do something, and you need to do something now'. The Minister for Education was certainly aware of the situation in Geelong, which is why we have had such a significant increase in education funding. I know that my electorate is very grateful to the minister for recognising the situation in Geelong and actually doing something about it and getting on with delivering the best possible education to my electorate.

There has been unprecedented population growth and sustained overcrowding in government schools, which was met by significant underinvestment by those opposite. The Leader of the Opposition's plan for the 90 000 new students entering our system over the next five years is to slash school infrastructure funding and to plan for no new schools. Let us be clear: Labor upgrades existing schools and builds new ones. The Liberals drastically cut school infrastructure funding.

Those opposite might have done an audit but they did nothing in my electorate, as I have just said. Across my electorate we have seen major upgrades to our secondary schools, including \$5.2 million to upgrade

Belmont High School, \$7.8 million to upgrade Matthew Flinders Girls Secondary College, \$12 million for Geelong High School, \$1.3 million for Newcomb Secondary College, and also recent funding attached to the yacht club for the new sailing school, which is fantastic for disadvantaged students.

There is so much work happening at our primary schools as well. There is \$4 million for works at Ashby Primary School, along with inclusive schools funding to establish a sensory garden; over \$100 000 to Belmont Primary School; \$2.4 million to Chilwell Primary School; \$2.26 million to Fyans Park Primary School; \$1.3 million to Geelong East Primary School; \$969 000 to Manifold Heights Primary School; \$296 000 for Newcomb Park Primary School; \$2.2 million for Oberon Primary School, plus a new playground; \$271 000 for the much-needed works at Oberon South Primary School; \$1.6 million for Tate Street Primary School; and \$6.7 million for Whittington Primary School — and the parents there were in tears when that announcement was made because that is one of the most disadvantaged schools in my electorate.

In addition we are delivering a state-of-the-art new tech school in the heart of Geelong to be located at the Gordon Institute of TAFE. The tech school will ensure that students and industry work together so that when those students go out into the workforce they have the right skills.

There has also been significant maintenance funding, the doctors in schools program, the Safe Schools program, asbestos removal by 2020 and autism funding. I am very proud of our record. We are getting on with delivering the Education State for Victoria and for Geelong. I am really proud of what this government has done. That list of schools is fantastic for Geelong, and we will keep going with it.

**Mr KATOS** (South Barwon) (15:24) — I am pleased to rise to make a contribution on the matter of public importance submitted by the Minister for Education. At the outset I would like to say that I am the product of public education, having attended Belmont Primary School and Belmont High School —

**Mr Foley** — Don't run the system down like that.

**Mr KATOS** — which is where my children actually attend now.

**Mr Foley** — That is a very good thing. I withdraw.

**Mr KATOS** — That is all right; there you go. All my sons are at Belmont Primary School or Belmont High School at the moment. When they talked about capital

works, those opposite said that we delivered no new schools and that nothing happened. A lot of the schools that the Minister for Education mentioned in his contribution were actually funded in the 2014 state budget and the land was obviously acquired prior to that.

If you look at the list of schools on page 21 of the 2014–15 budget paper 4, ‘State Capital Program’, you see Bannockburn Primary School, Casey Central East Primary School, Cranbourne South West Primary School, Epping North Primary School, North Geelong Special Development School, Heather Grove Primary School, Mernda South Primary School, Mill Park Lakes East Primary School, Pakenham South West Primary School, Point Cook South P–9 school and Torquay North Primary School. Two more were added — the Armstrong Creek primary school and the Armstrong Creek special development school. These schools were funded under the public-private partnership program of the previous Liberal government so there was a lot of activity, as you can see there, with those schools.

A lot of them are in growth areas. Indeed three of them are in my electorate — the Armstrong Creek primary school, the Armstrong Creek special school and also Torquay Coast Primary School, which I had the pleasure of touring the week before last. Last week I visited the Armstrong Creek schools. They are very good schools and they were initiated and funded by the previous Liberal government. Not only was the land for the two Armstrong Creek schools bought by a Liberal government but land was also acquired for a new secondary college. The present government is looking to move Oberon High School to that site, which I certainly have no objection to, but that land was purchased by the Liberal government. From memory, that land was acquired in the 2013 budget.

If you then go to Torquay, Surf Coast Secondary College was also constructed by the previous Liberal government and opened in the 2014 school year. That contrasted the policies of the Liberal and Labor parties at the 2010 election. The Labor Party at the time wanted to build a P–12 school and put nearly 2000 kids on one site in Grossmans Road. We had a clear policy differential. We felt that we needed a standalone secondary college in Torquay, and that is what was delivered. Now Torquay P–6 College has about 1100 or 1200 students, so it is a huge primary school but it is a very well-resourced school. Surf Coast Secondary College is already approaching capacity, nearly 900 students, so there has been a great vote of confidence in that school in Torquay. There was a stark difference between the Liberal and Labor parties, particularly at the 2010 election, but that school was delivered.

Also in my electorate is Montpellier Primary School, which up until the 2014 redistribution sat in the Geelong electorate. Under the previous member for Geelong that school waited for 11 years for funding. It was not forthcoming for Montpellier. I always had an interest in the school because although at the time I was elected it physically sat in the Geelong electorate, half of its students were coming from the South Barwon electorate; it was effectively on the border of the South Barwon and Geelong electorates. I managed to secure \$4.8 million in the 2014 budget for that school. At the same time I secured funding for two schools that are now no longer in my electorate, including \$2.2 million for Rosslyn Primary School, and about \$3.5 million for Barwon Heads Primary School. So there was certainly activity in the South Barwon electorate.

Also at that time Geelong High School received \$8.5 million in that first budget, with a further \$12 million promised as an election commitment, which the government has now delivered; they made a similar commitment. To say there was no activity at all, particularly in the Geelong region, and no capital works going on is incorrect when I look at some of the schools that I have visited and that I have taken the member for Kew, the shadow minister, to.

When you look at Bellbrae Primary School, a small rural school that was originally developed for 50 or 100 kids, it is now, from the latest reports, exceeding 500 kids. During the adjournment debate of 16 September 2015 — so it is almost three years ago — I asked the minister to come and visit that school and look at its needs for the future. The minister is still yet to visit that school two and a half years later. That shows the interest that the education minister has for Bellbrae Primary School: little or none.

In 2014 we certainly made election commitments to Bellaire Primary School in Larcombe Street, Highton. That school has over 600 students and is very much in the light construction style of the 1950s and 60s, the baby boomer era; Belmont High School and Oberon High School are of similar construction. That school urgently needs work, particularly on its south wing. We did make a commitment of almost \$4 million at the 2014 election for Bellaire, but there has been nothing from this present government in regard to that funding.

I spoke about Oberon High School earlier in my contribution. As I have stated in the local media I feel that that school site should be retained for educational purposes and not sold off. Geelong has a higher than state average for autism, so I think it would make a perfect site for an autism-specific school for the Geelong region. A lot of the infrastructure is already there but it

would need some upgrades of course; it is 1950s light construction. A lot of the existing infrastructure could certainly be repurposed for educational purposes, particularly for children who are on the autism spectrum. In saying that, I think there are children with autism who can work quite well in mainstream schools and can fit in, but there are those that cannot because autism affects every child differently. So it is good to have that autism-specific school for when a child cannot integrate into a normal school, because that can be the case with some children unfortunately.

The one election commitment that the Labor Party did make in South Barwon with regard to education was the Armstrong Creek West primary school, located in the Villawood estate. We still have nothing: no action, no land purchased and no construction yet. Actually, upper house member Ms Tierney, in the other place actually stated in the *Armstrong Creek Times* on 5 May 2016:

Member for Western Victoria Gayle Tierney said the school —

this is the Armstrong Creek West school —

... was expected to open in about 18 months and would be a welcome addition to the development.

'Every third house has tradies outside it and is under construction, so it's the perfect location for a school.'

The land has not been acquired and we still do not even have a school in the budget to be constructed. So there is a clear broken promise from this government with regard to Armstrong Creek West primary school. Eighteen months later the school should have been opened for this school year, under the time frame that a member for Western Victoria Region, Ms Tierney, said — that is the commitment she made to the Armstrong Creek West community in the Villawood estate. We still have no action on that, so I will hold my breath for this year's budget to see if it is in there. Even if it was funded in this year's budget you will not see a school built there for at least a couple of years by the time designs, tenders et cetera are all done. So we are going to have a school that is very late.

As I said earlier I have given numerous examples of capital works that were done, particularly in the Geelong region, by the previous Liberal-National government, and I will always be a strong supporter of public education.

**Mr STAIKOS (Bentleigh) (15:34)** — It is with great pleasure that I rise to speak on this matter of public importance, because there is really nothing more important, and the government believes this firmly, than investing in the future generations of this

state by investing in our schools. This is a government that really invests in infrastructure; it is an infrastructure government.

What sort of infrastructure is more important than our schools? There are few pieces of infrastructure more important than our schools. Over three budgets this government has invested \$2.5 billion in school upgrades across the state. That is 1200 school projects, including a number of them in my electorate. These projects have supported upwards of 5000 jobs, which is also a very important consideration.

We heard from the member for Kew earlier about student outcomes. He was wrong to paint a bleak picture on student outcomes in this state. In fact, I think he quoted very selectively on student outcomes. We all know the most important thing when it comes to providing a quality education is the quality of the teaching. We also know that the quality of teaching can be improved by the environment in which teaching takes place. It is always easier for our dedicated teachers to provide a high-quality education when they have the facilities to match that quality education. Under this government — a government that is committed to making Victoria the Education State — Victorian schools are finally getting the facilities they deserve.

Just in my electorate, in the first three budgets, we have seen \$48.3 million invested in schools in Bentleigh. This includes \$13.4 million at Bentleigh Secondary College for two new basketball courts and also a science, technology, engineering, arts and mathematics (STEAM) centre. I did hear the member for Eildon before state that she has a problem with STEAM centres. I wonder if that is a new policy of the Liberal party to oppose STEAM centres. That would certainly have been news to Bentleigh Secondary College, but I would be delighted to let them know tomorrow that that is a new Liberal Party policy.

At McKinnon Secondary College there is \$9 million for a Victorian Certificate of Education (VCE) centre. I was down there the other day. It will have three storeys and 24 classrooms. It has only ever been Labor governments that have invested in McKinnon Secondary College. Of course the last Liberal government to invest in a new building at the college was led by Henry Bolte. You have to go back all the way to 1961, when that government after much persuading agreed to match pound for pound parent contributions to build the school hall. Since then it has seen nothing from a Liberal government.

Then of course there is \$2.5 million at Southmoor Primary School, where we just finished a new prep

wing and a new art room. There is \$3 million at Tucker Road Bentleigh Primary School for a new gymnasium, which is currently under construction. There is \$3.8 million at Valkstone Primary School for stage 2 of its redevelopment. There is \$150 000 at East Bentleigh Primary School from the School Pride and Sports Fund for a renovation to the main building; \$280 000 at McKinnon Primary School for a new synthetic sportsground, and we start construction on that soon; \$100 000 at Moorabbin Primary School for a brand-new playground; \$30 000 at Ormond Primary School for a new playground; \$15 000 for a new junior toilet block at Southern Autistic School; and a further \$320 000 at Southmoor Primary School for some works to their main building.

In addition to that our non-government schools capital fund has provided \$500 000 to Our Lady of the Sacred Heart College at Bentleigh towards their performing arts centre project, which I understand is nearly complete. Also, of course, we have had funding in the last budget for some much-needed planning for future secondary provision in our local area, and I will come back to that in a moment.

What I have just listed is worth \$48.3 million over the Andrews Labor government's first three budgets. By this stage of the last parliamentary term under the former Liberal government, it was a round figure of zero dollars for schools in my electorate. By the time of its fourth budget the former government realised that there was an election coming along, so it threw a bit of money at Coatesville Primary School and started Valkstone Primary School, but that was it. By this stage of the parliamentary term there had been zero dollars for Bentleigh electorate schools.

When we talk about future secondary school provision in Bentleigh, these are the facts: by 2021 our local area will have another 1000 to 1200 secondary school students. At the same time, of course, we lost Murrumbeena High School in the 1990s. It was closed by the Kennett government. What we are talking about now is a stone's throw away from the former Murrumbeena High School site, where we will build a brand-new secondary college. Twenty years ago we had Murrumbeena High School, but of course now that we have another 90 000 students coming online, those short-sighted decisions of the 1990s are showing their impact. They were absolutely short-sighted decisions, with the closure of 330 schools in Victoria.

When it comes to new schools, when we think about Wyndham out in the west, a primary school class of children is born there every month. I will repeat that: a primary school class of children is born there every

month, yet the last government did not fund a single new school. That is in stark contrast to this government, where we are rolling out 56 new schools across the state. Ten schools opened in 2017; 11 will open this year; and we will open a further nine schools in 2019, because we know that we are the fastest growing capital city in Australia, and our school infrastructure has to keep up with the growth.

If we look at just how much governments over the last 10 years or so have funded new school upgrades and indeed new schools, the Brumby and Bracks Labor governments on average funded \$550 million a year. In the last Liberal government, that went down to around \$200 million a year. Under this government, it is \$843 million a year, because we recognise that we have to make sure that the quality of teaching in our schools is matched by proper facilities, and that is exactly what we are working towards.

If you ever want to get an insight into what those opposite think of public schools, look at what Senator James Paterson said when he first became a senator. He lamented that he had attended what he called a 'left-wing public school'. He said that private schools are better at encouraging a good work ethic. I took great personal offence at that because Senator James Paterson is an alumnus of McKinnon Secondary College. Could you find a better school than McKinnon? I do not think you could. It is proudly a public school, and every Labor government has invested in it. It has not seen any love from Liberal governments.

In fact, my opponent in the Bentleigh electorate, the Liberal candidate, the property development zealot himself, has taken to trolling me on Facebook. How sad is that? When I pointed out in a Facebook post that the last Liberal government to have invested in McKinnon Secondary College was led by Henry Bolte, he said, 'No, it's not. The Kennett government provided a year 12 study centre back in the 1990s'. He actually pointed me to the McKinnon Secondary College 60th anniversary history book, which takes pride of place on my bookshelf in my office. I opened it up and had a look, because I wanted to see what he was talking about. Here is what he was talking about, and I quote:

... two portables were combined and a balcony added to produce an adequate year 12 centre ...

That was the Liberal Party's contribution to McKinnon Secondary College. At the end of last year we demolished its portables, and we are building in their place a three-storey, 24-classroom VCE centre that our community is very, very proud of. I look forward come July to being there with the Premier and the Minister

for Education to open that building, because the people of Victoria deserve this Labor government. The people of Victoria deserve a Minister for Education who understands public schools, not someone who is essentially a spoiled child who goes to our public schools and moralises at them, lectures them and tells them they are mediocre.

**Mr GIDLEY** (Mount Waverley) (15:44) — I rise to make a contribution to this matter of public importance, and I do so in particular with a clear and unequivocal focus on student outcomes, because that is what the government of Victoria should be about — providing outcomes for students to maximise the opportunities for them. That is what particularly concerns me when I look at the record of the Victorian branch of the Labor Party, that has run the education department and run our schools through that department for 14 of the last 18 years — an indisputable fact.

What in many ways has that legacy delivered for student outcomes? We know that reading and numeracy unfortunately continue to stagnate in Victorian schools according to the 2017 NAPLAN report, which was released at the end of last year, with no significant improvement in results. But it is not just in reading and numeracy. If you look at numeracy, Victorian students in years 5 and 9 have gone backwards since 2015. In reading, year 9 students continued a downward trend, achieving a mean score below 2008 levels, while the year 7 reading score was essentially the same as it was in 2014.

If we look at the Programme for International Student Assessment (PISA) results, which is a well-regarded indicator of student outcomes, they have barely changed. Reading scored 516 in 2000, but only 507 in 2015. Scientific literacy scored 513 in 2006 and the same in 2015. Mathematics scored 511 in 2003 but had dropped to 499 by 2015.

But it is not just the PISA results that concern me in relation to the welfare of student opportunity; the NAPLAN results also concern me. On the NAPLAN results for reading at year 9, the 2017 results were worse than in 2008. The year 7 results were the same as in 2014. In numeracy, years 5 and 9 have gone backwards since 2015.

So whether or not it is the PISA results, whether it is the Trends in International Mathematics and Science Study assessments or the NAPLAN results, they demonstrate that when it comes to student outcomes, a key benchmark which all in this place should be seeking to ensure is that students have the greatest opportunity — by ensuring they maximise those key fundamental areas

which research continually shows puts them on the strongest foundation to get a job and to be able to achieve some of the things they want to in life. In reading, writing and arithmetic — some of those key foundations — we have, as a state, gone backwards.

When I think over the last 18 years, for 14 of those years the Victorian branch of the Labor Party has run the education department. It is clear that we have a major problem in education standards in our state under Victorian Labor governments. But the good news is that that will change if after the election we are fortunate enough to form government. Our actions will have immediate effect to turn around the disastrous student outcomes being overseen by the Victorian branch of the Labor Party. We will introduce a phonics check for all year 1 students: a screening check which will involve a one-on-one session of 5 to 7 minutes with a teacher. Of course that implementation of the year 1 phonics check will lead to the identification of student outcomes in numeracy and in literacy that are not necessarily where they should be and, importantly, will be able to provide students with the opportunities which they should receive as a result of that phonics check. So in effect it will reduce the number of students who might be falling through the cracks.

In relation to the curriculum again, a well-established and accepted view is that the national and Victorian curriculums are overcrowded. Indeed I think ours is around 6000 pages long. I note that the OECD has recently observed that our curriculum is a mile wide and an inch deep — very crowded, with a lot of content. What that means is that you often do not get the depth that students should. You might get the breadth but not the depth, and that is a concern. I was very pleased to note that our second action point would be to ensure that there is a comprehensive review of the curriculum from Victorian foundation to year 10. That will be undertaken by Dr Jennifer Buckingham, who is a well-known expert in that field, and a panel of experts. In addition to that we will replace the destructive and dangerous Safe Schools program with a genuine anti-bullying program.

In addition to lifting student outcomes and in addition to focusing on literacy and numeracy and those benchmarks in which we have been sliding as a state under the Victorian Labor government, we are also going to make sure that our students have their needs met with capital works. I have looked in my own area at what capital works were able to be achieved when the previous Liberal-Nationals government were in power from 2010 to 2014. Over that time, as a state member, I opened: the renovated Mount Waverley North Primary School, a \$4.5 million project when

combined with some funding from the commonwealth and the local schools; the Essex Heights Primary School rebuild of \$7.2 million; the Pinewood Primary School rebuild of \$4.75 million; and the Mount Waverley Secondary College junior campus rebuild with the then minister, the member for Nepean, an investment of \$10.5 million. That is a cracking record in one term of government — to be able to deliver that for the people of Glen Waverley and Mount Waverley.

We had also signed off on and were in the process of delivering substantial further capital works, which to my great disappointment after the last election were cancelled by the Victorian Labor government in their first budget. So let us have a look at what projects on education capital works the Victorian Labor Party have cancelled in my district. They have stripped \$6 million out of the rebuild project at Glen Waverley Primary School, and they have replaced it with a couple of million dollars in school hall rebuilds. I welcome the \$2 million school hall rebuild at Glen Waverley Primary School, but they should be doing the \$6 million school rebuild for the teaching areas. We have lost just under \$19 million to rebuild Mount Waverley Secondary College, the middle and senior campuses, in two stages — again, a project identified by the previous Labor government over 14 of those 18 years as a worthy project. But when they came to government and did their first budget they ripped that from my community. Just under \$19 million was stripped from the rebuild of Brentwood Secondary College, in two stages.

So we have lost the rebuild of Brentwood, we have lost the rebuild of Mount Waverley Secondary College — middle and senior — we have lost the rebuild of Glen Waverley Primary School and we have also lost the funding for the master plan of the rebuild for Glen Waverley South Primary School. So it is very clear when the Victorian Labor government talk about capital works they are not talking about the residents of Glen Waverley and Mount Waverley, because their record is atrocious. Their record is to gut and cut and cancel capital works education projects for Glen Waverley and Mount Waverley residents.

So when the Minister for Education talks about capital works, it is not in our district. But as I have for the last three years, I will continue to fight on behalf of my residents to get these savage cuts on capital works, that have been introduced by the Victorian Labor government, overturned for the good people of Glen Waverley and Mount Waverley. I will certainly continue my campaign to have that funding restored, because it should never have been taken away. I was very pleased as well today to hear the shadow Minister

for Education also reconfirming and outlining the importance of school air conditioning in those education projects, and I know that residents in my district, in Glen Waverley and Mount Waverley, will certainly welcome that very timely initiative.

So whether it is our determination to ensure that student outcomes are improved through greater focus on the results or the curriculum or the teaching methods, as well as the capital works — it is really a whole-of-education approach. This is unlike the current government, which excludes districts like Mount Waverley district, and I note also excludes districts like Forest Hill, which has had \$4.5 million cut from Vermont Primary School and Orchard Grove Primary School, which has lost \$1.8 million. There are other districts that are similarly affected. If you exclude Forest Hill district, Burwood district, Mount Waverley district and a number of others where these savage cuts on capital works have impacted, the government seems just solely focused on some education building projects. On this side of the house we understand the importance of the bricks and mortar. We have delivered and will continue to deliver if we are given the opportunity, but we will also ensure that standards, teaching methods, the curriculum — the breadth of it and the depth of it — all contribute to improved student outcomes.

**Ms GREEN** (Yan Yean) (15:54) — It is with great pleasure that I join the debate on this matter of public importance proposed by the Minister for Education about the importance of capital investment in Victorian schools. We have had quite a perverse response and contribution from those across the chamber. The opposition was led by its newly minted junior woodchuck for education, the member for Kew. He basically did not say anything about capital works because he said it is not important and he wanted to focus on student outcomes. Previously in this Parliament he has said —

**Mr Morris** — On a point of order, Deputy Speaker, there have been a number of occasions recently where members have been urged to address other members by their correct title, and that is certainly not the address that the member used with regard to the member for Kew.

**The DEPUTY SPEAKER** — On the point of order, I agree. I encourage members to refer to other members by their correct titles.

**Ms GREEN** — Thank you, Deputy Speaker, for your ruling. The member for Kew described school infrastructure as a distraction, frankly — the stuff about capital works and budgets and the like. Member for

Kew, student outcomes do not improve when you cut funding to education. Whether it is capital or whether it is recurrent, they do not improve. That is what has happened when the coalition has been in government, whether it has been in the Kennett era or the Baillieu-Napthine era. We saw the Vertigan review. It was a secret review of government expenditure, and it delivered savage cuts to education across capital and across recurrent. Those opposite have said that if they take the government benches at the end of this year they will have another audit committee, and we know that they will cut budgets.

The Leader of the Opposition represented the northern metropolitan area of Melbourne in the other place before he scuttled off to the leafy east. He was the planning minister who oversaw the absolute explosion in the growth of the population in Victoria, particularly in the growing suburbs. Either he had no power at the cabinet table to achieve any expenditure or any support for growing communities, particularly growing schools, or he did not care. The Leader of the Opposition is a product of a government school. For those who do not know, the Leader of the Opposition attended Montmorency Secondary College. My stepdaughter actually attends there. What is it about those opposite? The member for Bentleigh referred before to Senator James Paterson, who attended Bentleigh Secondary College. It seems like they are so ashamed of their state school roots that they want to decry them and cut funding to them when they are in office. They are never concerned for the most disadvantaged students, for those that are living in poverty. They contributed to poverty by cutting the funds for disadvantaged students like the school education maintenance allowance, and for students studying VCAL who wanted to get into work, VCAL coordinators were cut.

In the four years that those opposite were in government, there was almost nothing that occurred in education in my electorate that was not fought for tooth and nail by that community. Mernda and Doreen doubled in population under the Leader of the Opposition's watch from 2011 until 2014. We had funded land for a Mernda P-12 school in the 2009 budget. The land was funded and paid for. In the 2010 budget we had money allocated to purchase land in Cookes Road, Doreen, for a standalone secondary college. Immediately after those opposite got into government they cancelled that project. Miraculously, the next May they found some money in the budget and it seemed to be the same amount. They said, 'We'll have land for a primary school in Cookes Road', when the community was crying out for a secondary college. Eventually they thought, 'Maybe we might throw some building money at it'. The only time they actually

thought, 'Whoops, we had better actually do something about a secondary college' — in a postcode that was rapidly becoming the size of Shepparton — was when the private school Acacia College collapsed. Then they pinched some money from stage 2 of a school in the member for Yuroke's electorate and said, 'We'll turn that primary school in Cookes Road, Doreen' — an undersized site — 'into a P-12 school'.

We now have a school: Hazel Glen College. I love this school. The students are great and the teachers are wonderful, but there are nearly 3000 students there. All morning I have been dealing with parents saying, 'How on earth do we pick up and drop off our students at this school?'. Well, the roots of that problem were in the population expansion led by the then Minister for Planning in my electorate with no investment in infrastructure to support it.

We heard the member for Eildon talking about how important school capital is, but at no stage did she mention Beveridge Primary School. Beveridge Primary School was in the then member for Seymour's electorate. It is now in my electorate, and I am fighting hard for them to get a new school. In the 2010 budget the Brumby government funded an \$850 000 rural school upgrade — because that is what that school was then. It was a rural school. Another thing: immediately those opposite got in, they cut that upgrade. Shortly after that the Leader of the Opposition, then the planning minister, shifted the urban growth boundary so that Beveridge primary became inside the urban growth boundary — 'Whoopsie, we'll take your rurality bonus 'cos you're no longer a rural school', neglecting the fact that they had no sewerage or reticulated water, they had to provide their own water for firefighting and the school population was tripling.

Did we hear one peep from the now member for Eildon, then member for Seymour, who stood up earlier and claimed she cares so much about education? There was not one peep about Beveridge Primary School. She might have had a beverage for how good she is and how good they were in their four years. Well, the community of Beveridge do not think so. In last year's budget we funded land for a new school in Beveridge west, and I am fighting hard, tooth and nail, for that community, which is growing rapidly inside the urban growth boundary, because they need a new school. In the last sitting week I raised it during the adjournment debate. I will not be silenced, unlike those opposite.

The member for South Barwon had some memo claiming that the coalition had made some investment in school infrastructure. He did not get the memo that they had actually made a mistake. They panicked in

their final year and thought, ‘We had better start doing something, particularly in Yan Yean’, because it had become notionally a Liberal seat — ‘Whoops, we didn’t do anything for three years; we had better start doing something now’. They said they were going to build a school at Mill Park Lakes East. There are not enough children at the school at Mill Park Lakes. Rather than building a P–12 on the Mernda site that had been purchased in 2009, they were planning to build a school at Mill Park Lakes East. The then Minister for Education claimed that he had consulted the community. Well, he never did.

Those opposite, if you want bipartisanship — and member for Kew, do not talk about bipartisanship for phonics — talk about bipartisanship for school capital and make a commitment that you will match Labor and never cut education funding in this state. The future of our kids is too important. Labor will get it done. Victoria is the Education State.

**The ACTING SPEAKER (Mr McGuire)** — The time for the matter of public importance has expired.

**PLANNING AND ENVIRONMENT  
AMENDMENT (DISTINCTIVE AREAS AND  
LANDSCAPES) BILL 2017**

*Second reading*

**Debate resumed.**

**Ms SHEED** (Shepparton) (16:04) — I rise to make a contribution on the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017. This is a bill that will establish a policy setting for the management of peri-urban areas around metropolitan Melbourne and Victoria’s regional cities. It aims to protect valued assets of state significance located in these areas and provide greater certainty about the long-term sustainability of areas that contain distinctive areas — areas that may have features of state or national significance.

I note this bill includes the protection of the Macedon Ranges, specifically in relation to its environmental, agricultural and heritage values, and in the context of anticipated continued peri-urban growth, but the bill enables protection of an environmental nature of particular landscapes, of natural resources, cultural heritage and areas of infrastructure also of state significance. This arises when it is apparent that there is pressure, as a result of urban growth, being placed on those areas.

The electorate of Shepparton district is located in the Goulburn Valley and is part of the larger Murray and Goulburn Valley region, a highly productive agricultural area of great significance — in my opinion, of state significance. So while we are here today talking about areas within close proximity to urban areas, peri-urban encroachment and the like, I think it is really important to note that right across the state there are areas very worthy of a level of acknowledgement of being of state significance and steps being taken to recognise that. The Goulburn-Murray region is a highly productive agricultural area, primarily the dairy industry has dominated. Back in 2002 our region produced 3.2 billion litres of milk, while 1.8 billion litres was produced last year, so we have seen some very significant change in our region. That is as a result firstly of the millennium drought because that period in the first decade of this century led to massive social change and loss of dairy farm enterprises and income.

We face a situation as a result of loss of water where the 450 gigalitres of water that is contemplated as possibly going to South Australia out of productive agriculture could result in a situation where our dairy industries are producing something like 1.2 billion litres of milk. That is a massive reduction from what we were doing back in 2002 at a time when we thought growth would not stop, when we thought that our irrigation areas, our agricultural areas were just blossoming.

We were hit by a drought, we were hit by buybacks of water from a federal Labor government. We then had the Murray-Darling Basin plan imposed upon us, and we now find ourselves in a situation of considerable angst in relation to our future. It raises a question about what we should do about areas that are of great value, and this region that I live in is an area of great value for many reasons, not least that we have had up to \$2 billion being invested in the modernisation of our irrigation system.

This leads me now to talk about a proposal across our area that equates to the issues we are discussing today — that is, the location of solar farms. We welcome government policy on renewable energy and certainly in our area we welcome the opportunity for the massive investment that will come from solar farms, but currently in Victoria there are no guidelines in place in relation to where solar farms can be located. We have four applications currently across the Greater Shepparton area to establish very large solar farms — massive investment for our region, jobs, really a whole range of positive things — but there is a serious concern that these solar farms not necessarily be located on highly productive agricultural land that has recently

been modernised, has recently had new lined channels that are delivering water to the door of these farms and has had highly valuable meters placed on channels along these farms. To move to a situation where you change land that has been so invested in for the purposes of promoting agriculture to then turn it into solar farms certainly seems like a bit of an anomaly.

This is an issue that I am very pleased to say the government is taking some notice of now and has called in those applications. I understand that a planning panel will be put in place to consider not only those applications but to consider the need for and to produce guidelines about what is suitable land for these solar farms to be placed on. Certainly dry area land, less productive land is the ideal location for those sorts of enterprises, and there remains plenty of that within our region. It is the footprint of that massive investment in irrigation that needs to be considered when decisions like these are being made. I would urge the government to ensure that its department of agriculture contributes to these panel hearings by producing the sort of expert evidence we need to see from government, which has the resources to do it, to ensure that the latest science, the best thinking around the location of these sorts of enterprises and where they are located is taken into account.

There is talk about heat wells being established, and that could affect orchard land. There is talk of distances from roads, distances from residences, distances from town boundaries — all of these things are really important issues for which guidelines need to be put in place. Not only would I urge the department of agriculture to take an interest in this, but similarly it is very important that all our local government agencies, Goulburn Murray Water, our catchment management authorities, and of course the community and irrigators and other farmers who have an interest in many ways in this project do the work, be heard before this panel and assist in those sorts of guidelines being put in place. I understand those panel hearings will endeavour to come to Shepparton so that people have the chance to make their own submissions and be represented.

I think legislation like this also in a rural context raises issues like the right to farm. We have had instances of farming enterprises being challenged when they were there first operating a farming business, but residential encroachment has occurred on the borders of towns and there has been considerable dispute and angst around how those issues are dealt with. While this legislation in particular is dealing with the Macedon Ranges and maybe one day the Bellarine Peninsula and one day the Mornington Peninsula, I want people to start thinking

about the value of other areas and the value of our agricultural land that has been invested in to such an extent. Not only is it the land, but it is the water, and water of itself has incredible value and values attached to it. So the way that land and water operate together to make an area a particular area of state significance is I think something that we need to think a lot about. While I am only talking about my own region here, it obviously extends to many other areas across the state.

Having said all that, I think this is a bill that is clearly designed to take into account and try to protect the sorts of values that we see on the edges of our cities and towns. I believe that it is contributing to the sort of planning, development and legislation that we need to consider and put in place as our populations grow. So on that basis I support the bill.

**Debate adjourned on motion of Ms HUTCHINS (Sydenham).**

**Debate adjourned until later this day.**

## **CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017**

*Second reading*

**Debate resumed from 13 December 2017; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).**

**Ms VICTORIA** (Bayswater) (16:14) — I rise to speak on the Children Legislation Amendment (Information Sharing) Bill 2017. This bill comes into Parliament in response to a number of inquiries. There were several major inquiries, including 20 into child deaths, which found that inadequate sharing of information meant that agencies were unaware of the risks that each one of them was seeing quite separately — so no information sharing had taken place. Of course it was very hard then to have a picture painted of what was happening to some of these children. In most instances there was family violence, and as I said, there was no mechanism by which information could be shared.

When the Liberal-Nationals coalition came to government in 2010 we inherited what I would say was probably the worst child protection crisis that I had certainly ever seen in this state. That was left by the Bracks and Brumby governments. I remember, as I am sure many in the house would, the front pages over and over again telling of children in out-of-home care who had not been attended to by the system. The number that were having to go into protection was going

through the roof. I do remember some children dying. There were children in the system who were being abused and in some cases being raped. Some were being placed in the care of sex offenders. These are obviously things that are totally unacceptable. Many were falling way behind at school. Child protection workers were leaving in droves. Obviously there was a lot of stress on them. It is one of those thankless jobs that needs to be done, and I want to place on record my thanks to everybody who works within the child protection area. It must be harrowing what they see day in, day out.

I remember going to visit one of our great foster care organisations, Anchor, in Knox, some years ago now and being in tears. They actually had the box of tissues ready for me as they told me some of the stories, obviously de-identified, of the cases that were coming across their desk at the time. What those men and women had to try and solve and nip in the bud at the stage they had got them, which was quite often down the track, so that these children were not irreparably damaged for life, was harrowing to say the least. I do thank every single one of them who puts their heart away from their sleeve and tries to solve problems that are sometimes not obviously solvable. Those who work within child protection are right up there for me. A large percentage of foster carers were quitting the system — about 60 per cent after eight years. They were frustrated by what they were dealing with, and the safeguards that were there were highly inadequate.

One of the first actions we took when we came to government in 2010 was to deliver on our promise to undertake an inquiry, and of course that was the Protecting Victoria's Vulnerable Children Inquiry. There were also significant boosts to funding, particularly in the early days. That Parliament sat for the first time in December 2010, and the government actually announced the inquiry on 31 January 2011, so the very first time that it was available to us was when it was announced. That was pretty fast action, but it needed to be done.

With the inquiry announced at the end of January, at the time of its launch the then Premier, Ted Baillieu, said, 'Thousands of vulnerable, at-risk children were neglected by the previous Labor government, and its legacy is a child protection system in crisis'. The inquiry was led by the Honourable Philip Cummins, Emeritus Professor Dorothy Scott, OAM, and Bill Scales, AO, with a report being tabled in 2012. Immediately, actions from the inquiry's recommendations started to be put in place.

In mid-2012 the Parliament's Family and Community Development Committee started its now very famous Betrayal of Trust inquiry into the handling of child abuse by religious and other organisations. I want to again acknowledge my colleagues from both sides of the chamber who sat through the most gruelling testimony sessions. I know that every single one of them has been changed for life by what they heard, and I thank them so much for their dedication to that. I especially place on record my thanks to Georgie Crozier, in another place; the work that she did during that inquiry was phenomenal. That report was tabled in November 2013.

These two groundbreaking coalition inquiries laid the foundation for some of the most significant improvements to the system, including the ones made by the bill that we are looking at today. Those inquiries, the Victorian Auditor-General's Office reports, the Commission for Children and Young People reports, the Coroners Court child death inquiries and the Royal Commission into Family Violence have all shared the view that information sharing needs to be improved. Those inquiries have been really important in getting to the stage we are at today. As I said, there were a lot of individual cases that were looked at during those inquiries and I am guessing by the department in the lead-up to this legislation. From 43 individual child death inquiries it was found that in 20 cases it might have helped if there had been better sharing of information. That is an outstanding number. That is basically what is addressed by the bill we are considering today.

The bill primarily does two things. Clause 8 inserts new part 6A into the Child Wellbeing and Safety Act 2005 to establish a child wellbeing and safety information-sharing scheme that will enable specific entities to share information, and that needs to be in a timely and effective manner. That is to promote the safety and wellbeing of children. I am going to come back to some of that in a moment.

Clause 10 inserts new part 7A into the Child Wellbeing and Safety Act 2005, the principal act, to establish a register of children born or residing in Victoria to improve the wellbeing and safety of children — again I am going to come back to that definition — and support their participation in government-funded programs and services. Obviously there are, as with any bill that comes before the house, some consequential amendments that will be dealt with, but they are the two main things that we have been looking at.

We have really had to go through this with a fine-tooth comb, particularly after reading this on the introduction print explanatory memorandum:

Note: replacement explanatory memorandum lodged with corrections to clause notes 23, 25 and 26 on page 44, clause note 27 on page 45. In each of these clause notes, an incorrect cross-reference to clause 21 has been changed to clause 2.

Whoops! If you are going to bring in something as potentially groundbreaking as this legislation, you have got to get that sort of thing right.

Aspects of this bill mirror a lot of what is happening in the New South Wales act. With what is going on obviously here in this state to do with crime and then when we compare that to the crime rates in New South Wales, perhaps there are other acts that this government can have a look at and say, 'We're not doing things so well. Perhaps we need to look north of the border for inspiration'. I invite the Andrews Labor government to do that.

The bill allows various organisations to share information through an IT system that should allow people to see issues emerging. Who those people, or information-sharing entities, will be has not yet been released. These apparently will be revealed through regulation. They will be frontline practitioners, and they may include entities such as maternal and child health centres, kindergartens and schools, Child First family violence specialist services, child protection, Victoria Police and the courts. It will be really interesting to see whether mental health practitioners and/or doctors will be included to help identify parents who might be at greater risk. That is one thing I would like clarification on. Will childcare centres also be worth including? Throw it out there after some of the consultation. There are concerns about the minister being able to chop and change who these people might be through regulation, and we want some certainty on that.

In the past a maternal and child health centre might have identified a parent exhibiting risky behaviour or a kindergarten might have found some bruising, but the two organisations have had no way of seeing each other's information. The idea here is that they are able to see those sorts of details. We will come back in a moment to the exposure of those details and how detailed that will be. There is a three-part test to determine what can be shared, and an information request must be met if it passes the test. Firstly, the entity will be able to voluntarily disclose or request confidential information about any person for the purposes of promoting the wellbeing or safety of a child or group of children.

I want to go back — and I alluded to this earlier — to the definition of wellbeing. I actually looked it up because everybody's idea of wellbeing can be slightly different. It is one of those things that is highly, if you like, personalised. If you have a look at the Google Dictionary definition, it says 'the state of being comfortable, healthy or happy'. But if you look at Dictionary.com, it says 'a good or satisfactory condition of existence; a state characterised by health, happiness and prosperity'. I would question Dictionary.com and Google as obviously not having exactly the same definition, but which one are we going to look at when we are talking about the wellbeing of a child? Is prosperity something we need to look at? What is the actual definition of wellbeing?

I know that Georgie Crozier as shadow minister in this area in another place has asked those questions of the department and, from my understanding, has not been able to secure a full definition of what 'wellbeing' is going to encompass. We are seeking some clarification on that. I think that is incredibly important, because obviously that will be one of those benchmarks by which we look at the parts of information sharing and how far that information sharing can go. Which part is it? If the child is not prosperous, as in one of these definitions, does that then set off red flags? I would assume not, but we cannot assume. We are the lawmakers, and we must make the law as watertight as possible.

Secondly, the entity providing the information must reasonably believe that disclosing the information may assist the receiving entity to undertake one of the following activities for a child or group of children: make a decision, assessment or plan; initiate or conduct an investigation; provide a service; or manage any risk.

Thirdly, the information must not be excluded information — 'excluded' being the important information there. However, if sharing information is likely to result in physical, emotional or psychological harm to a child or put them at risk of harm, the threshold of promoting the wellbeing and safety of the child would not be met and the information could not be lawfully shared under the scheme. Again, because we are talking about that threshold of wellbeing we need to know what the definition is, because all of these things become a little bit flimsy if we do not know what that threshold is.

Of course that takes into account the rights of the child, but at what stage? Obviously I do not want to stand in the way of it being discovered that a child is being abused or not treated in the best possible way, but have the rights of the parent been thought of in areas where it

is not a child abuse situation? We do have to think about the privacy laws in this state, and what we are doing is absolutely setting them on their head. It is going to be a major cultural shift, and I think we need to look at this very, very carefully. Yes, for the sake of the child, but what information will be shared that will be open to be seen by, for example, a principal of a school — something that all of a sudden reveals information that has been spoken about by the child and that is in a file somewhere else? Things that are not relevant to the case but nonetheless are about a parent or a guardian will now be open and exposed. I think there are some real problems around this.

The word 'promoting' is, I think, a critical part of this. The bill seeks to promote the child's wellbeing. Promoting the child's safety and wellbeing obviously takes precedence over privacy, but we have got to know where that line is going to be drawn. The minister admitted that in the second-reading speech when she said:

The agencies that work with our children and families every day have become reticent and deterred when it comes to sharing information about a child.

Reticent and deterred? Mmm. The speech continues:

This arises for a combination of reasons:

people are confused about when and what they can share under the law ...

As I have just said, I do not know that this bill 100 per cent clarifies that, and these are the minister's own words. The speech continues:

they may fear punitive consequences if they get it wrong; and

privacy appears to have taken on a higher cultural value than the wellbeing and safety of individual children.

Of course nobody wants that to happen, but where is the balance? As soon as any information is requested, Victorians will need to know — if they are going to get their heads around this — what that cultural shift is going to be and whether or not they can go along with it.

The information is then going to be shared through Child Link, which is an IT platform. As soon as I hear Labor and IT platforms I go, 'Uh-oh! We have potential problems here'. I am going back into a little bit of history here, but it is really, really important to know what has gone on in the past with IT and databases and IT platforms. Based on lots of previous reviews and inquiries, Child Link will contain basic identifying information about a child, including the child's name, birthdate and sex. I am okay with that. It will contain

key familial relationships, including carer and sibling information. That is okay. It will contain enrolment and participation in key universal childhood services and programs, including maternal and child health services, supported playgroups, funded kindergarten programs and schools. I might deal with that now.

If we look at that and we say that every child who is born in Victoria is going to be enrolled on this database, the Australian Family Association has written I think to all members of Parliament, and I have picked up on this. They are very, very worried, and I can understand their fear here. They say that one of the things the bill proposes is to:

establish a scheme for specified entities to share information to promote the wellbeing and safety of children; and

establish a register of children born or resident in Victoria to improve the wellbeing and safety outcomes for those children and to monitor and support their participation in government-funded programs and services.

The writer of the email, who is the Victorian president, Terri Kelleher, says:

This raises many questions about the consequences (perhaps unintended) of the bill's proposals, such as:

...

Why is the privacy of all parents and families and children to be invaded with all prescribed information about every child to be collated and recorded for government agencies and services to assess?

She goes on to say:

Will the bill mean families of children who are not at risk to be monitored as to what government services (kindergartens, government schools, vaccinations) they use or access?

The bill also provides that the Child Link will also contain information in relation to children who are registered for homeschooling.

She goes on to say:

Child Link will be accessible by a range of professionals who deliver government-funded services to children and families and will assist in early intervention and the provision of services to children primarily by, among other things, enabling those professionals to monitor and support children who are not participating in services for which they may be eligible. Will it mean children who are homeschooled will be monitored because they are not enrolled in a registered school?

That is a logical question. She goes on to say:

The AFA also has concerns about privacy of the types of information to be shared and what agencies and services will have access to it.

I hope in the course of the debate that that sort of information will be revealed, not only just to the state opposition but also to the people of Victoria, who have the right to know.

I want to go back to what I was saying about some of the things that Child Link will contain. As I said, it will also contain contact details for services which the child has been in or is engaged with. Child Link will register each child in Victoria at birth or when the child comes into contact with a universal or targeted child service in Victoria. Child Link will not collect or contain any case notes, professional opinions or health records, but these of course might be easy to obtain by information-sharing entities. Who can access Child Link is to be determined by regulation. It will be more limited in access. For instance, only trained and senior staff would have access in schools. Well, do the senior staff have to be trained, and who is considered senior? Who is considered trained? What level of training will they have? And if it is like all other training, if it is something that you are not using on a constant basis, will they remember what to do with it?

If we have a look at the statistics, about a quarter of children born in 2011 in Victoria are likely to come to the attention of child protection sometime before reaching the age of 18. I found that statistic very hard to believe, but it is there, it is a stat and it is something we should not be in any way pleased with. We obviously need to make sure that those sorts of stats are wiped clean and go down as quickly as possible. It was believed that the cost of child abuse and neglect in Victoria in 2009–10, at the peak of the crisis under Labor, was about \$1 billion. That was primarily used for child protection, out-of-home care and intensive family support services.

This bill has been quite a while coming, but it is here after just under three and a half years of the government dragging its feet in this area. I would have liked to have seen this come in quite a lot earlier. Places like New Zealand, the UK, Scotland and New South Wales all have similar systems already up and running. The biggest concern for me is, as I flagged before, the IT system. I cringe when I think about the record of Labor governments and their handling of IT systems here in Victoria. You cannot really go past — and you cannot forget — things like ultranet; Link, which was the law enforcement assistance program (LEAP) replacement, which was for the police department; or the client relationship information system (CRIS). This was part of the crisis in child protection during the last Labor government, before the last Liberal-National government.

A scathing report by the Nous Group in 2006 found that the new client relationship information system took almost double the time to register a notification of child abuse as the old IT system it replaced. So if you looked at the client and service information system (CASIS), which took about 38 minutes to enter the data, versus the new one, CRIS, which took 73 minutes, it is no wonder people were burning out and no wonder people working in the area were leaving the system. The 2006 Nous report found that there was a significant increase in workload for intake workers between CASIS to CRIS for reasons including things like the significantly increased amount of time required for child protection workers to enter the basic data, getting a much slower response time out of CRIS, the increased administrative workload and the increased difficulty in performing even the most basic of tasks using CRIS. In 2009 it was revealed that the cost of CRIS had blown out from \$29 million to \$95 million. You do not have to be a grade A student in maths to know that that is a big difference. It is more than three times the amount. And of course there were further costs expected.

Other IT failures by the previous Labor government were RandL, the VicRoads Licensing System; Myki — I do not even have to go there — and of course HealthSMART. There were extraordinary cost blowouts, time blowouts, mismanagement and misuse. According to the Ombudsman — so do not take my word for it — there was abject waste and simple epic failure.

We have to ask whether or not Labor governments ever actually get ICT right. Because we are dealing in such a fragile environment with the one we are talking about here today, I am tentative. I would like to say it may be a great idea. In fact we want sharing to happen, but I am frightened of the stuff-ups that can happen. I will be watching this like a hawk because we are dealing with people's lives — young, vulnerable people's lives — and we cannot afford to have this one go wrong. This is of course incredibly serious. The system needs to work. It needs to be secure, and cybersecurity is one of those ever increasing issues that we as lawmakers deal with and of course the experts are rightfully concerned about.

The question is: will this actually achieve things? I think it will. I think information sharing, which has certainly been a recommendation across all of those reports I spoke about earlier, is critical. The minister's second-reading speech said things to the effect that, 'This will save lives'. We have to say we hope so, but will those that have access actually use the system? Will it be like that CRIS system, where people were reticent to use it because it was so cumbersome? Will they see the warning signs?

It is not a miracle solution. There is so much else. This is an IT system, and we have got to remember that; the data is only good as feedback to us in the way it is used — by the way the data is input but also in the way that the data is then used by those in the system. Who is going to be tracking the inputs? Is there some sort of an algorithm that flags the highest risk cases to someone, and if so, to whom? And what are their rights and obligations to go forward with that?

If it is just left to doctors and teachers, will they be proactively looking ahead? They are so busy as it is. Will they be sitting trawling through cases to see if there are red flags? I doubt it. So I want to know who is going to be looking at this. Like most IT systems or like most data-based systems it would be fair enough to make the entries, but the entries are no good if you are not pulling that data back out in a meaningful way.

The scope, the guiding principles and the necessary mechanisms as to how this bill will be implemented are not outlined in this bill to my satisfaction. As I say, in principle some of the aspects of this are great; some are not. This is going to be left to regulation, which worries me to some extent.

Privacy of course is the major concern. In the couple of minutes that I have left I am going to deal with that. This is a new regime. The rules must be made clear. There are concerns in the industry that parental rights might be infringed, which I alluded to earlier. Although the bill stipulates that it may take into account the views of relevant family members, the bill does not otherwise state this as a guiding principle, hence the information still can be shared even without consent, and I think that is what troubles most of us.

There needs to be a clearer definition of ‘wellbeing’ for my liking. That does not happen, and certainly amongst my colleagues we have major reservations about that. There need to be levels of indicators as to what a child’s wellbeing is going to be. The establishment of Child Link is certainly important, I think, but we need to take all of those other things into account.

We have consulted widely on this. Experts who have brought out concerns, some of which I have raised and some of which I have not had a chance to raise yet, include the Foster Care Association of Victoria, Merri Health, the Victorian Council of Social Service, the community services division of the City of Greater Dandenong — they have all had concerns about the bill’s implementation process, the access mechanisms, time frames, privacy and security measures and the lack of flexibility of how data can be analysed — the Law Institute of Victoria, together with Domestic Violence

Victoria, Victoria Legal Aid, No to Violence, the Men’s Referral Service, the Women’s Legal Service Victoria and the Domestic Violence Resource Centre Victoria.

Safe Steps have written a joint submission to the Department of Health and Human Services outlining their concerns regarding the legislation around privacy, breadth of sharing of information and of course the lack of consent. So it is not just the opposition who are saying this is not quite right. Fundamentally the idea of having a sharing system is good, but there are so many holes in this one. We cannot afford to get it wrong. There are vulnerable children and families out there, and if we get this IT wrong, if the Labor government gets this one wrong, the ramifications are so, so serious.

**Ms KNIGHT** (Wendouree) (16:44) — I am pleased to be able to contribute to the debate on the Children Legislation Amendment (Information Sharing) Bill 2017. This bill, like many of the bills we have considered in this Parliament, makes important changes that are designed to keep children safe. A number of bills have, just like the one before us today, made important changes as a result of the work of the Royal Commission into Institutional Responses to Child Sexual Abuse and the Royal Commission into Family Violence, and of course we have to look at the *Betrayal of Trust* report as well as a real influence in developing this legislation and other legislation as well.

The bill before us today has a number of purposes: to establish an information sharing scheme to enable specified entities to share confidential information in a timely and effective manner in order to promote the wellbeing and safety of children; to establish a register of children born or resident in Victoria to improve child wellbeing and safety outcomes for those children, and to monitor and support their participation in government-funded programs and services; to simplify the sharing of information that already occurs under the Children, Youth and Families Act 2005; and to expand the circumstances in which an authorised officer may direct an information holder to provide information or documents concerning the protection or development of a child. I just want to start with a quote:

Even where information sharing is legally permitted or required, there may be reluctance to share. Concerns about privacy, confidentiality and defamation, and confusion about the application of complex and inconsistent laws, can create anxiety and inhibit information sharing. Institutional culture, poor leadership and weak or unclear governance arrangements may also inhibit information sharing and, as a result, undermine the safety of children.

That quote is from the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse, and it clearly outlines the need for

information to be better shared in order to protect the children in our state.

The Royal Commission into Institutional Responses to Child Sexual Abuse inquired into one of a range of harms that are all too often done to children, but many of the findings and principles running through the royal commission's report are relevant to the bill that is before us today. Similarly the report of the Royal Commission into Family Violence makes a very important contribution to our understanding of the costs that come when information is not appropriately shared between relevant organisations. So I will be reflecting on the work of both of those royal commissions in my contribution today.

In the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse the commissioners wrote:

Information sharing between institutions with responsibilities for children's safety and wellbeing, and between those institutions and relevant professionals, is necessary to identify, prevent and respond to incidents and risks of child sexual abuse.

Indeed record keeping and information sharing was so important to the lessons from the royal commission that an entire volume of the final report is dedicated to this very subject. Information sharing, as I said earlier, was also addressed by the Royal Commission into Family Violence. Indeed the phrase 'information sharing' is used literally hundreds of times in the final report:

Sharing information about risk within and between organisations is crucial to keeping victims safe. It is necessary for assessing risks to a victim's safety, preventing or reducing the risk of further harm and keeping perpetrators 'in view' and accountable.

The need for improving the sharing of information in the interests of children is not in dispute. The minister addressed the importance of authorised organisations sharing information. The difference to the lives of young people through better coordination and early intervention is compelling. But one sentence in the minister's speech most starkly underscores the importance of improving the sharing of information:

The Commission for Children and Young People's annual report for 2014–15 identified that out of 43 child death inquiries, 20 found inadequate sharing of information was a key contributor to tragic outcomes for these children and families.

When organisations act as silos of information and organisational cultures act against the sharing of information, children are put at risk. This has caused children to be harmed and been a key contributor to children's lives being lost. As I said earlier, the need for

better sharing of information to ensure the welfare of children in our state is absolutely not in dispute.

I am not going to go clause by clause through the bill. I am only going to discuss 19 words in this bill — the first principle provided to guide the sharing of information by information-sharing entities and restricted information-sharing entities. This first guidance principle, contained in clause 8 of the bill, which inserts section 41U(2)(a) into the Child Wellbeing and Safety Act 2005, is to:

give precedence to the wellbeing and safety of a child or group of children over the right to privacy ...

We need to foster a culture in our society, as well as in government and non-government institutions, where the safety and wellbeing of children is the priority. I see this as the most important part of this bill — prioritising the wellbeing and safety of children.

This is explicitly picked up in the minister's second-reading speech, which states:

This bill hinges on the first and overarching principle that a child's right to wellbeing and safety must take precedence over an individual's right to privacy.

That principle is provided in the bill as the first of a number of principles to guide the collection, use and disclosure of confidential information. This is critically important. It is important because appropriate information sharing to protect children requires both a legal framework within which information sharing can occur and a culture of putting the wellbeing and safety of children first.

I want to pick up on a point made by the member for Bayswater around the definition of 'wellbeing'. The definition of 'wellbeing' will be included in the ministerial guidelines, and that is the most appropriate place for it to be. There is a general understanding in the area of support services of the definition of 'wellbeing', but we know that our culture changes, and in many ways it must. We know that our expectations change and we know that definitions change, and to have the definition of 'wellbeing' within the guidelines means that it can change as the community and as society's expectations do.

We have seen the power of culture through the inquiry into the handling of child abuse by religious and other organisations, the Royal Commission into Family Violence and the Royal Commission into Institutional Responses to Child Sexual Abuse. Through each of these important inquiries we have seen that organisational cultures prioritising an institution or another person over the wellbeing of a child causes

terrible and often irreparable harm, and cultural norms in society where authority figures were above questioning, and where the goings-on within a family were strictly private, put the interests of victim survivors below the interests of others.

One thing we have collectively learnt from recent inquiries and royal commissions, if we did not know it already, is that we need to explicitly put the wellbeing of children first. For example, the Royal Commission into Family Violence heard that there is a general culture of risk aversion rather than proactive and coordinated information sharing throughout the family violence system. This is the kind of culture that needs to change. We need cultures in our society generally, as well as in organisations, that prioritise the interests of children, and the mechanisms detailed in this bill for improving the sharing of information will only be fully effective when cultures that put kids first are embedded in each of the information-sharing entities and restricted information-sharing entities. Those 19 words, 'give precedence to the wellbeing and safety of a child or group of children over the right to privacy', are central to changing the institutional cultures that both the Royal Commission into Institutional Responses to Child Sexual Abuse and the Royal Commission into Family Violence identified as impediments to effective information sharing.

I just want to conclude by thanking the minister for making sure that the wellbeing and safety of children is the first guiding principle for the operation of the new information-sharing regime. As I think I have explained, that is critically important. It is a change from where we have been that has allowed children to be abused, that has allowed children to be harmed irreparably, that has allowed that trauma to not only affect a particular family but also affect our communities more broadly. Being the member for Wendouree in Ballarat, I know that only too well. Again, I thank the minister for the work that has gone into this bill. I commend the bill to the house.

**Mr CLARK** (Box Hill) (16:54) — This is one of those bills on which there is broad agreement about the objectives. The issues that are under consideration go to how well the bill achieves those objectives. The member for Bayswater went through some of the history of the issues relating to child abuse and family violence over recent times, and they were also touched on by the member for Wendouree.

We have had valuable progress through the Cummins inquiry and also the Betrayal of Trust inquiry, which you, Acting Speaker McGuire, were involved with. We have recognised that a lot of the problems that have

existed in the past in terms of barriers to information sharing, silos within different parts of the bureaucracy, a mentality of 'It's private, we can't tell you', privacy laws being used as the new freedom from information laws to refuse to disclose information because it is safer and easier, people not getting criticised if they say no — all that culture needed to change.

There were terrible problems in the justice system where there was a lack of sharing of information. Different parts of government did not have information available to them which other parts of government had and which could have been used to protect children and save lives. As the member for Bayswater indicated, the previous government was involved in many aspects of seeking to change that. Certainly from my point of view as the Attorney-General in that government, there was a lot of work done to enhance the information-sharing regime and culture. There was the new Privacy and Data Protection Act 2014, the appointment of a privacy and data protection commissioner, who was focused on encouraging and facilitating the sharing of information and not simply a culture of saying, 'No, it's private', and a trial for data sharing software in the criminal justice area in relation to family violence, which regrettably was discontinued upon the change of government. There was a lot done under the previous government. Since then, we have continued to move in the direction of ensuring proper information sharing between agencies. So, as I say, the objectives of the bill in that regard are held in common.

The question we have to address is: does the bill get it right? Is there an overreach in the extent to which it is being proposed that normal protections on privacy and confidentiality will be overridden? It is not just about protecting children from risk or abuse that comes within the scope of the bill. The normal protections and limitations can be overridden where for any reason the professionals involved believe they need to know in order to make decisions about children or provide services to children. That raises many different issues, a lot of which were canvassed by the member for Bayswater. Those questions include: who, in practice, will be able to gain access to the data and for what purpose? What risks might be created by that access? That goes to the extent of authorised access under the bill and it also goes to unauthorised access. What risks are there of files being left accessible, for example, in school filing cabinets as part of student records? What are the risks of data being accessed by child abusers who manage to infiltrate themselves into different organisations? There is currently an issue about the extradition of a former school principal to face such charges.

What are the risks of school principals and other teachers accessing sensitive personal information about a child's psychological or family problems in order to find potentially vulnerable children who would be susceptible to exploitation? Are there risks that it could in fact prejudice a child's wellbeing for information about them to be widely known? Children may tell deeply personal matters to a GP, a psychologist or another counsellor. They would find it extremely distressing to know that those matters may become known to their principal, teachers or other professionals. That indeed may deter children from seeking professional advice or being candid in the professional advice they seek. We need to ask ourselves about all of those risks and satisfy ourselves that we have answers for those risks. Many aspects of the bill are involved in these sorts of questions.

The most worrying aspect of all is the provisions that make it mandatory for one entity to hand over confidential information to another entity that asks for the information — the provisions in proposed section 41W(3). For example, if medical practitioners and schools are both made information-sharing entities under the regulations, and if a school requests that a child's medical practitioner hand over the child's medical records, the bill will require the practitioner to comply if the practitioner reasonably believes the disclosure may assist the school to make a decision or provide a service relating to the child, or to other children, unless the information is excluded information. That is a very difficult test for the practitioner to apply in practice, because the test is not about whether the practitioner believes that the information will assist the school; it is about whether it may assist the school. It is going to be almost impossible for a practitioner to believe that information requested by a school may not assist the school.

On the other hand as part of the definition of information that is covered by the bill, the definition of excluded information contains a provision that allows information not to be handed over where it would be contrary to the public interest, and that is a very wide test. You might have some practitioners or other possessors of information who may consider it contrary to the public interest to disclose any of the confidential information they have and thereby frustrate the operation of the regime under the bill, while other information-sharing entities may not feel in a position to make any judgement about what is or is not in the public interest.

If the regime under the bill is going to work properly, it is going to be crucial that these sorts of issues are resolved both in principle and in practice; otherwise we

are going to run the risk of misuse, whether it be due to criminal conduct, overzealousness, misguided priorities on the part of some information requesters or simply due to negligence or a lack of care.

As I touched on earlier, and as the member for Bayswater referred to: is it appropriate for the test for this information to be shared to be that of the child's wellbeing, and if so, how do we define it? And if it is appropriate to say that information should be shared in these circumstances for a child's wellbeing, then why would it not also apply to information sharing for an adult's wellbeing without their consent or knowledge? Would we be happy for our GP or psychologist to pass on what we have told them without our knowledge or consent to Victoria Police, the Office of Housing or another government service provider? If we answer that question 'no', then that suggests we need to proceed with caution in allowing the sharing of a child's information. Of course adults and children are not identical in that respect. There may well be situations where it would be justified to share a child's information where it would not be justified to share an adult's information. However, it does show the need for care and caution to make sure we get it right in the interests of the child for the reasons I touched on earlier.

For an adult we may well say that their consent should be sought, so why then are we not thinking about requiring the consent of the parents of the child concerned when there is not an issue of child abuse by the parents involved? In other contexts we say that parents and guardians should be regarded as the primary carer for children, as indeed is appropriate. Unless there is a risk of the parent or guardian being a child abuser, we should not be cutting them out of a child's wellbeing and having professionals work around them. Unfortunately the bill and the principles under the bill treat parents as being peripheral parties. While the bill does allow some circumstances where information can be provided to parents or guardians, it is only in relation to managing a risk to safety. Other information relating to a child's wellbeing is not able to be provided to the parents under the bill.

There are also a lot of questions about this bill. What does the privacy commissioner think about this bill, and what did she tell the minister? What did the health complaints commissioner have to say about this bill? Is it appropriate that the regulations can specify that anybody is an information-sharing entity? What are the practical cybersecurity protections and other protections against unlawful access? Why is the regulation-making process being bypassed with mandatory guidelines? We want to work with the government to resolve all of these

concerns. We seek consideration in detail, and we seek further discussions between the houses on these issues.

**Ms WILLIAMS** (Dandenong) (17:04) — It is my pleasure to rise in support of the Children Legislation Amendment (Information Sharing) Bill 2017. Like many others in this place, I have stood here many times in support of legislation that seeks to improve protections for vulnerable children, and I am very proud to be part of a government that is doing so much in this space. I think all of us in this place can appreciate the need for early identification and intervention where children are at risk. I would be very surprised if there was any disagreement to that as a concept.

We have sadly seen news items about cases where children have been harmed or, at the worst point on the spectrum, have died in circumstances that could have been prevented if government services had known more about that child, if there had been a more collaborative approach taken or if information had been better communicated across services, giving a better picture of that child's circumstances.

In my reading for the bill before the house today I came across one example that related to a five-year-old boy who died after cutting his foot on a rusty tin in his derelict family home. The coronial inquest in this case showed that the family's ability to essentially keep that child invisible to the government, and therefore invisible to the services that may have been able to assist the child, contributed to or enabled the chronic neglect that ultimately led to that child's death. This is an enormous tragedy for the obvious reason of the child's death but also because of the fact that it was just so preventable. These are situations we undoubtedly want to avoid, but more than that we want to prevent any child from living in such environments of neglect at all. Children should not be able to be kept invisible in this way.

The purpose of the bill before us is to promote better child wellbeing and safety outcomes by enabling government agencies and service providers to share information, to improve early risk identification and intervention, to promote children's participation in services and also to promote cross-sector collaboration in the planning and delivery of these services for these children and their families.

There have been a number of reviews over the past eight years that have recommended reform to Victoria's information-sharing arrangements to improve wellbeing and safety outcomes for children. These include reviews by the Victorian Auditor-General; the Coroners Court of Victoria; the commissioner for children and young people; the Protecting Victoria's

Vulnerable Children Inquiry, better known as the Cummins inquiry; and the Royal Commission into Family Violence. As we heard the member for Wendouree saying earlier the Royal Commission into Family Violence report contained quite a strong theme about the importance of information sharing to produce better outcomes in that space.

A key theme in many of the reviews has been that harm to children, or the risk of harm, could have been avoided or reduced if relevant agencies and service providers had been empowered to take a more proactive approach to information exchange and a more collaborative approach to service provision. These reviews have highlighted a culture of risk aversion, as we have heard, that has without doubt compromised the safety of children. We want to change that culture and create one that truly puts the wellbeing and safety of children first, which is exactly where it belongs. The reforms in the bill before us today are a part of a suite of reforms that support this government's roadmap for reform, as well as the family violence reform agenda.

To the details of the bill more specifically: the bill amends the Child Wellbeing and Safety Act 2005 to establish a scheme for specified entities to share information to promote the wellbeing and safety of children. It also establishes the Child Link register, which is a register of children born or resident in Victoria, to improve the wellbeing and safety outcomes of those children, but also to monitor and support their participation in government-funded programs and services. The bill also amends certain other acts to reduce or remove barriers to information sharing, and it complements other child safety reforms that have recently been inserted into the Child Wellbeing and Safety Act, as well as complementing the family violence information-sharing scheme under the Family Violence Amendment (Information Sharing) Act 2017.

In relation specifically to the Child Link register, Child Link is essentially an IT platform or database that enables systemic information sharing. The purpose of Child Link is to provide authorised professionals working with children with an aggregate or a complete picture of the circumstances of children in their care, which enables services to identify and respond to any risk factors early on. It also allows them to facilitate cross-sector collaboration that enables an integrated service response around a child or children at risk.

More specifically, Child Link will contain information in relation to children's access, participation or registration in maternal and child health services, supported playgroups, funded kinder programs, government and non-government schools, school nurse

programs and student support services provided in government schools and homeschooling. I believe the inclusion of homeschooling may tick off on a concern that was outlined by the member for Bayswater. It will also contain information in relation to a child subject to a child protection order, but it will only contain limited details about such an order, including the date on which the order was made, whether it is currently still in force, whether the order has resulted in the child being placed in out-of-home care, or whether parental responsibility is being conferred onto another person — that is, another person other than the child's birth parent.

In short, the bill covers the type of information relevant to promoting the wellbeing and safety of a child, the type of information that is incredibly important when forming a picture about the overall circumstances that that child is in, and obviously the type of information that enables professionals to make an assessment of the risk profile for that child. As I said, the register will be accessible by a limited range of professionals who deliver government-funded services to children and their families.

The Department of Education and Training and also the Department of Health and Human Services will be able to use de-identified data from Child Link to inform policy and planning and the delivery of government services. Those who can access this information will only be able to use it for limited purposes. The bill gives a discretion to the departmental secretary to remove access to a child's entry if access would pose an unacceptable risk of harm to a person or if the access is otherwise inappropriate.

The bill also provides, as you would fully expect it to, for offences prohibiting unauthorised use or disclosure of information on the register. The bill contemplates that all Child Link users will have access to and use of the system by 31 December 2021, and it essentially maps out a staged approach in the lead-up to this operational date.

In relation to information sharing the bill explicitly enshrines a wellbeing and safety first principle, which states that information-sharing entities should give precedence to the wellbeing and safety of a child or group of children over the right to privacy. I know other speakers have spoken to that at greater length. It enables information-sharing entities to share on both a voluntary proactive basis as well as on an obligatory basis upon request, provided that all the requirements for information sharing are met. I think that ability to proactively share is a very important one in terms of minimising the risk for children and also early intervention. Information-sharing provisions also

provide protection for individuals who share information under the regime in good faith and with reasonable care — that is, the people who have shared information in these circumstances will not be subject to individual liability and their conduct will not constitute unprofessional conduct or a breach of professional ethics or contravention by the individual of another act.

There is a great amount of detail in this bill, and I am sure we will hear much of that from other speakers. There have been significant amounts of work done in recent years to investigate cases of abuse and harm to Victorian children and to investigate systemic issues that impact on families in our communities, whether it be institutionalised abuse of the kind investigated and reported through the *Betrayal of Trust* report or issues canvassed in the family violence royal commission's report.

We have seen significant legislative change on the back of these reviews and investigations. In each of those legislative instruments members in this place, from across all parties, have reflected on the need to protect children and create safer family environments across our communities. I expect that this piece of legislation before the house will again give us cause to reflect on that need. It gives us cause to celebrate another step forward in the protection of vulnerable children and an improved support system for them and their families. For that reason, I commend the bill to the house.

**Ms THORPE** (Northcote) (17:14) — I rise to make a contribution to the Children Legislation Amendment (Information Sharing) Bill 2017. I say at the outset that the Greens will not be opposing this bill. As has been noted, this bill complements elements of the Family Violence Amendment (Information Sharing) Act 2017. The Greens certainly appreciate the amount of work and consultation that has been put into these legislative reforms. There is widespread recognition that they represent important components of the government's commitment to implementing recommendations by both the Victorian Royal Commission into Family Violence and the federal Royal Commission into Institutional Responses to Child Sexual Abuse. The Greens strongly support the implementation of these recommendations in full, notwithstanding the extensive consultation that supported development of both bills.

It is fair to say that there has been debate on specific measures and definitions within both bills. During debate on the Family Violence Protection Amendment (Information Sharing) Bill my colleague in the other place outlined these concerns in detail. In brief, the Greens have concerns regarding the following: we

believe that subject to specified safeguards and capacities the requirement to seek consent from individuals prior to sharing personal information should be included in the legislation. Leading organisations working in the family violence sector have also argued for a model requiring consent, but both this bill and the Family Violence Protection (Information Sharing) Act have adopted a no-consent model for children.

We are also concerned about the broad purposes for which information can be shared under this bill, particularly the lack of clarity around the term 'wellbeing'. We understand that there are differing views on whether wellbeing should be defined in the bill or in guidelines, and my colleagues in the other place will address this issue in more detail.

In relation to the Child Link system we are of the view that much more needs to be done in collaboration with stakeholders in developing Child Link. We understand that a substantial lead time for further consultation and development has been built into the timeline of this legislation, and we support a measured and structured approach to the development of that system.

Finally, we would echo the concerns of many experts and practitioners working across the family violence, child protection and education sectors that many of the real barriers to information sharing are cultural and organisational. Undoubtedly we can and should improve mechanisms for sharing information that can support the health, safety and security of all Victorians, but legislative change will only go so far in improving practice on the ground and therefore improving outcomes for Victorians. My colleague in the other place will be addressing these issues in more detail. In the meantime I commend this bill to the house.

**Mr PEARSON** (Essendon) (17:18) — I am delighted to make a contribution on the Children Legislation Amendment (Information Sharing) Bill 2017. I think this is a really important piece of legislation. I think it was Victor Hugo who said that no standing army could withstand an idea whose time has come. I think that when you see the convergence of technology and the ubiquity of technology, when you look at the work that has been undertaken in relation to the Royal Commission into Family Violence and the *Betrayal of Trust* report and when you recognise that data will be to the 21st century what oil was to the 19th century, you are seeing a convergence of events which requires a very serious legislative response to address some of the systemic failings that we have seen and that were played out at the royal commission.

I listened to some of the contributions from those opposite and some of the concerns and anxieties that they hold, and my response to some of those concerns would be to argue that we can wait and work for the perfect model, we can work tirelessly to ensure that there are appropriate checks and balances — world-class checks and balances — we can try and consult, we can engage, we can wait for the rise and development of the most perfect information-sharing device, but how long will that take? How much pain will be inflicted while we dither, while we wait and consult?

I think that the matters that were discussed and canvassed at length and at large at the Royal Commission into Family Violence demonstrate that we have to act now. We do not have a choice. I do not for a moment disregard some of the comments made by those opposite or discredit their comments. Nor do I put to them suggestions of malicious intent or wish to attack them for raising the concerns that they have raised, because I appreciate the fact that some members opposite do have genuine concerns about this. But in response to those concerns raised, I believe that we have got the capacity to make sure that there are appropriate checks and balances in place to deal with those issues. Where there are instances of a breach I think that we can devise an appropriate punitive response to address them.

I think that in balancing out the competing priorities of children who are vulnerable and children who are at risk, as opposed to an information breach and what may flow from that, I think I would rather make sure we have got an appropriate legislative response now to set up an information sharing regime and then deal with any possible or potential transgression, rather than turn around and say, 'Well, we know that these children are at risk. We know these children may well be the victims of violence, abuse or neglect, but we will park that to one side while we work on a better information-sharing model'. I do not think that is an appropriate response. I do not think that we have been sent here to represent in this place our communities in this space and say, 'We will let someone else deal with it down the track when we develop a better model or what we think to be a better model'.

We now know that the first 1000 days of a child's life play a critical role in the way that child will be as an adult. One of my great sayings from my childhood is a Jesuit saying, 'Give me a child until he is seven and I will give you the man'. I am not Catholic; I was not raised by Jesuits, but I always found that to be a really compelling concept — the notion that those early formative years can play such a huge role. I think of the way in which public policy has been guided and

developed, with the research that we have done in more recent times, and I look to Professor Sharon Goldfeld from the Murdoch Children's Research Institute as one of the great exponents of very early childhood development — the first 1000 days — to point to and identify the fact that we need to make sure we create a safe environment.

I will not bore the house by repeating an earlier contribution I made about adverse childhood experiences, but there is research that has been done. If you have been exposed to 10 adverse childhood experiences — or not even 10; it could be four — then the likelihood that you will be incarcerated as an adult is exponentially higher than if you were not. It is exponentially higher that you will be an alcoholic or, if you are a male, an intravenous drug user. I think, from memory, the figure is that if you have had four adverse childhood experiences and if you are a male, you are 47 times more likely to be an intravenous drug user. I find that to be just an incredible statistic. But when you look at the research and when you inquire into these matters quite carefully and closely, then you do see this, and you do appreciate that this is a reality.

I think one of the challenges we are also facing, if we look at the early years, the engagement that a child has with the state is actually quite siloed, in the sense that you will have an engagement pre-birth, in a perinatal sense, with an obstetrician or a GP or a nurse. There is the engagement you have with the maternal and child health nurse, there will be an engagement perhaps with a childcare worker and there will be a separate engagement with a kindergarten teacher. There will be a separate engagement then with a primary school teacher in the foundation year. If we recognise the fact that the first 1000 days are critical to a child's upbringing, we are actually not having a case-managed approach to those children. We are actually having a series of healthcare practitioners engaging with the child at discrete moments in time. That is just a reality.

I think that because the child goes through such a wide range of personal development in those first few years, it is not fair or reasonable to expect to have an employee of the state of Victoria who has the ability to provide the services — what that child needs — in a systemic way across those years. I think we are bound by the fact that we are going to have a siloed approach to the way in which an infant engages with those service providers.

If that is the case, then the question must become: how do we ensure that the information that the maternal and child health nurse sees can be crosschecked with what the GP sees or that what a trauma nurse at the Royal

Children's Hospital might see can be crosschecked with what a kindergarten teacher might see or what a childcare worker sees? If we accept that there is going to be that siloed approach in terms of engagement with a child — and I cannot see how we can break that; I just think that is a reality — then we must make sure that information is shared across those silos so that where there are deficiencies and flaws we can identify them quickly and respond accordingly.

I think that with the rise of technology we have got the ability to start appreciating what big data can bring to the table. When we start to appreciate the fact that through the use of data, statistics and algorithms we are going to be able to have some fairly strong and powerful analytical tools, we are going to be able to look at particular models and particular behaviours and particular households and make some predictions and then provide resourcing to those people most at risk in order to address these issues. I think that is where we are going. We need to act now. We cannot afford to wait. We cannot afford to delay. That is why I think this bill is so important. I commend the bill to the house.

**Ms KEALY** (Lowan) (17:27) — I rise to speak on the Children Legislation Amendment (Information Sharing) Bill 2017. This bill has a general purpose of assisting to share information with the intent of providing a framework which will hopefully reduce the risk of harm to children. I understand the intent of this; it is about making sure that we overcome some of the issues that have occurred in the past. These were issues that were identified through the Family and Community Development Committee's inquiry, which was undertaken under the previous government, and its report, *Betrayal of Trust*, particularly in relation to how we can ensure that we have a more robust information-sharing system when it is necessary in relation to child services and development. The Royal Commission into Institutional Responses to Child Sexual Abuse also made two recommendations in relation to information exchange schemes. They were recommendations 8.6 and 8.7. It has also been covered in numerous reviews and inquiries that have been undertaken, which have all had the intention of bringing the abuse of children to an end.

All too often we see news stories or read in the newspapers of horrific times when children or younger people are mistreated by adults who use them for their own sexual advantage or where children are physically abused, suffering from horrific injuries, which can cause disability or even death in some instances. Obviously we need to take all steps possible to reduce or eliminate the incidence of those offences in the community. The difficulty with opening up pathways to sharing

information is that you need to get the pathway right to ensure that that information cannot be misused, and that is a concern that has been raised with me regarding the safeguards around the sharing of information as have been outlined within this legislation. I will go into those details further in my contribution.

Firstly, I would like to give an overview of the purpose of the bill, which is to establish a scheme for specified entities to share information to promote the safety and wellbeing of children and to establish Child Link, a register of children born or residing in Victoria, to improve the wellbeing and safety outcomes of children and to monitor their participation in government-funded programs and services. The bill also makes a number of other changes in regard to the Children, Youth and Families Act 2005, the Health Records Act 2001, the Privacy and Data Protection Act 2014, the Health Services Act 1988 and the Freedom of Information Act 1982 to allow for the provisions of the sharing of information and to expand the circumstances in which an authorised officer may direct an information holder to provide information.

Outside of the chamber, the main clause of interest in relation to this bill is clause 8, which inserts new part 6A to establish a child wellbeing and safety information-sharing scheme that will enable specified entities to share information in a timely and effective manner to promote the safety and wellbeing of children. An example that has been put to me where there has been concern is that this may not always be something that is managed appropriately in relation to information about the child, such as their mental health status. If there is a history of family violence — a child may have been removed from such a situation — it will remain on that child's record until the end of time. Is the child therefore at risk of being discriminated against or treated differently because of this history, which is included on the record, which may be shared reasonably openly amongst people who are providing their direct care and support? It may include information such as their sexual preferences or practices, political interests or even how they identify their gender.

There is a lot of very personal information which could be sought through this legislation. It could be information shared from a teacher to a treating psychologist. It could be information provided from a health professional, such as a clinician involved in paediatrics or their local GP, to a kindergarten. It could be between police. In general terms, when we think about how this should operate it should not be misused in any way, shape or form. However, the whole reason we have to have this legislation is

because we cannot always predict how people will operate. The bill does not have any checks and balances in terms of approvals about whether the sharing of this information is appropriate and whether this information should be provided to an individual who has a link to the child, and they need to be in place. I do not believe that those safeguards or checks and balances in terms of an approval process have been included within this legislation.

I would like at this point in time to thank the many organisations that are involved within this sector. Looking after our children, ensuring their wellbeing and safety, is critical, and it is something that we all rely upon quite heavily. As the mother of a five-year-old boy who has been through child care and kindergarten and has now entered his first year of primary school, I know I put a lot of reliance on educators and other people within the community. I will note that my darling little boy was student of the week in his first week of school, so he is doing exceptionally well.

I would like to thank all of the teachers, educators, police, GPs, medical teams and mental health teams out there, and the Department of Health and Human Services and the child and adolescent mental health services. They do a fabulous job of nurturing and looking after our kids, but most importantly they are always there when a child is in crisis. They are the ones who see horrific injuries and hear awful stories, but they do not flinch. They are always there for Victoria's children when they need it most. I cannot imagine the horrors that some of the people in these roles see, and in living through that seeing your own children and not transferring it to your own environment would be incredibly demanding and mentally difficult. Thank you for your efforts — it does make sure that we have a safer community.

In relation to Child Link, there is a concern that has been raised around keeping a register of children born or residing in Victoria that this may actually be a way of a government controlling information about a child and that it may be misused in the future. We would not want government organisations or people employed within the system to ever abuse the access to that information; however, as has been previously stated, we cannot guarantee that everyone will play by the rules and respect that information.

We have also seen hacking of many databases — whether in Australia or around the world — of very sensitive information, and I would hate to think that information related to children, vulnerable children in particular, could put those children at risk because we did not get the security right, all because we wanted to

keep this register. Yes, we do need to make sure that we have better sharing of information to protect children, but we need to make sure that there are appropriate approvals in place so that people do not wrongly access and distribute this material, and we also need to ensure that if we are keeping a register of children, it is maintained in a responsible way, because government does not always get it right, and releasing very sensitive information about children, putting their reputations at risk and in some instances putting their lives at risk, would be very much an unintended consequence of this legislation. So I do support the positive elements and the intent of it, but I do have concerns around those privacy matters and sharing of information.

I will also note that I do not believe the privacy commissioner was consulted in relation to this bill prior to it being introduced. I think that was an oversight. I would ask the government to take on board some of the comments of my colleagues today to ensure that those safeguards are ramped up and that we do everything we possibly can to protect our vulnerable children.

**Mr McGUIRE** (Broadmeadows) (17:37) — I wrote the following to explain the findings of the *Betrayal of Trust* report. It was run in the *Herald Sun* and the *Age* on Thursday, 14 November 2013.

*Betrayal of Trust* reveals the cover up that killed. The investigation was into crime, not faith ... Men claiming to represent God committed foul crimes against children, once hanging offences, while religious denominations practised wilful blindness, protecting the paedophiles through cultures of concealment.

The Anglican and Catholic churches and the Salvation Army frequently took steps to conceal wrongdoing, according to their concessions and a substantial body of credible evidence.

Victorian governments failed their duty in orphanages and homes. Children suffered the betrayal of neglect or abandonment as infants, then once taken into the community's care were grievously abused physically, emotionally and sexually.

...

Children bear the sense of guilt and shame like shadows that blight their lives. A horrendous consequence is that perpetrators often remain unrepentant while some victims do not survive.

Despite high-profile criminal prosecutions and incontrovertible evidence, victims report there are still people who don't accept the reality and consequences of abuse or the extent to which respected individuals hid their knowledge.

This article put into context the cultures of denial, concealment and manipulation that have gone on for generations. Whether or not criminal child abuse was concealed because of noble cause corruption — a misplaced sense of loyalty to a higher duty — religious

organisations rationalised the most egregious conduct. The critical point is they were putting the reputation of the institution or organisation ahead of justice for the individual.

Including confidential hearings, a substantial portion of evidence contained complaints of abuse in homes or orphanages involving the Salvation Army. Jewish and Islamic representative bodies testified that their communities also suffered but had difficulty even mentioning it may have occurred. This goes to the cultural issues that we are still trying to address.

*Betrayal of Trust* exposed how the evil that men do lives after them. It provided a blueprint for the national Royal Commission into Institutional Responses to Child Sexual Abuse and insight for the community that children were innocent. Their courage in testifying as adults is inspiring and their fortitude is humbling — that was how I summed it up at the time.

These are incredibly difficult issues we have had to confront as a Parliament here, with the national royal commission again going through and working out the best way forward. There is no fail-safe way to deal with this. I have to put that on the record, and I have said that previously, but we have to keep improving the system. In response to statements from the opposition, I am advised that originally the Victorian Council of Social Service was concerned about the lack of a consent requirement and no definition of wellbeing, but with further consultation they have changed their position and now support them.

To address the member for Box Hill, he raised the question: why is the consent of a child or adult not required to share their information? The critical points here are that children are vulnerable because of their age and are often invisible victims in vulnerable situations. They therefore require special protection, and that echoes exactly the findings of the *Betrayal of Trust* inquiry, which have been echoed in the royal commission nationally and which echo around the world.

Obtaining the consent of children raises complex issues associated with maturity and capability. Professionals argue that this must be assessed on a case-by-case basis. Consistent with the approach of the family violence information-sharing scheme, the bill does not require consent if the information is relevant to promoting the wellbeing or safety of children. Underpinning the bill, however, are legislative principles, including the principle that information-sharing entities should seek and take into account the views of a child and the

child's relevant family members if it is appropriate, safe and reasonable to do so. That is the critical test.

The ministerial guidelines for the child information-sharing scheme are required to address how the legislative principles will apply in practice when information is disclosed, used or collected, including how professionals might take the views of a child and other relevant family members into account. The ministerial guidelines are proposed to also encourage services to inform children and their parents who are not perpetrators of family violence — because remember it happens in the home too — when information has been shared or is proposed to be shared, unless doing so would increase risk or would otherwise be inappropriate. This approach is consistent with the recommendations of the McClellan royal commission and the approach adopted by New South Wales in 2009. So the precedent has been set; the royal commission endorses this approach.

Further, plain-language resources for children and families will be developed to support broader understanding of the reforms within communities and will be available for use by services in their practice. This is an important cultural proposition about communities understanding this is a universal problem. It is not defined by faith, culture, race or class. It is not. We have to know and understand how this works, and we have to be able to address how we try to share the information, because that was a critical point — it was the cover-up that killed — so how do we address these critical issues? The resources will explain the child information-sharing scheme and Child Link, as well as the rights of children and families under the new legislation.

When it comes to IT systems and the Child Link system, do such systems exist in other places? Yes, there are a number of government data projects in Victoria that aggregate existing data to create a single consolidated access point. That is a critical proposition that we are dealing with as well. To go to the security issues, what are the security measures that are in place to prevent Child Link from unauthorised access, including hacking? Child Link will be designed with security and privacy as core principles of the system architecture. It will incorporate end-to-end encryption within the application and data transport system to protect the data at all times in line with the Australian Signals Directorate approved cryptographic protocols. The system solution will audit and track system access across all users and notify when uncommon patterns of usage are detected. Child Link will contain a number of legislative safeguards, including a robust user access authorisation process, the ability to block access to

records where there is a safety risk and offences for intentional or reckless unauthorised use or disclosure of information. The legislative safeguards will also be complemented and enabled by Child Link's operational policy and processes, and practice requirements that will be detailed in the Child Link guidelines.

I hope that I have addressed some of the issues, claims and misunderstandings or misconceptions that have been raised by the opposition. We have to keep moving forward with this process. This issue costs lives. Children can carry this like a shadow. Some do not survive it; others have their lives blighted by its impact. The biggest failure would be to do nothing. We must keep advancing in this proposition. We need scrutiny, we need accountability and we need compliance, and that is what the Andrews Labor government is attempting to do with this bill. With data sharing, yes, there will be risks — as I said, no system is fail-safe — but we must keep evolving because priority one is to protect the children.

**Ms RYALL** (Ringwood) (17:47) — I rise to make a contribution on the Children Legislation Amendment (Information Sharing) Bill 2017. The bill amends the Child Wellbeing and Safety Act 2005 and other related acts with the aim of improving child wellbeing and safety outcomes and reducing the barriers to information sharing and the operation of effective legislation. Associated acts are the Children, Youth and Families Act 2005, the Child Wellbeing and Safety Act 2005, the Health Records Act 2001, the Privacy and Data Protection Act 2014, the Health Services Act 1988 and the Freedom of Information Act 1982. The bill essentially allows government agencies and government-funded service providers that work with children and families to share information.

We have also heard from the previous speaker about the establishment of Child Link under the bill. It will be a central register of every child born in Victoria or residing in Victoria. The definition of a child has been expanded to include an unborn child for the purposes of this bill. The register will enable access to information about a child and the identification, monitoring and supporting of their participation with child and family services, according to the bill.

We have had many inquiries over previous years. Tragedies are not always a child losing their life; tragedies include the scars and effects of the occurrence of abhorrent abuse, among other abhorrent behaviours, that are perpetrated on young people. Many inquiries have been instigated, including the Royal Commission into Family Violence, and the inquiry that we had here through this Parliament, instigated by former Premier,

Ted Baillieu, in relation to the abuse of children as well. The *Betrayal of Trust* report came out of that inquiry, headed by Georgie Crozier in the other place, which made a very extensive series of recommendations. In 2012 the Cummins inquiry produced the Cummins report. We have seen several Victorian Auditor-General's Office reviews undertaken and certainly the Commission for Children and Young People and the Coroners Court have conducted child death inquiries as well.

A common thread in the reports has been inconsistencies in data collection, poor data quality and a lack of information sharing. As a result, recommendations about improvement have come forth. The intent of the bill, I believe, is something we all want — that is, improved protection and safety of children. That is a common thread out of the reports and, I believe, a common thread through all members in this Parliament — that is, better protection for children. To that end we need to improve data collection, we need to improve data quality and we need to make sure that the appropriate people have the appropriate information to best protect children. What we do need to make sure of with this bill is that the implementation serves the purpose or intent of the bill and that it does not create further risks. I heard the member for Broadmeadows say it is a process of improvement, and it is very difficult to have it absolutely perfect in the first instance, but what we do need to ensure is that all possible risk assessments are done and all possible controls are implemented to ensure that further risks are not created as a result of this bill.

The bill makes it an offence to inappropriately access, share or disclose information. With the increased sharing of information obviously comes that risk of exposure such as information leaks. We have talked about cybersecurity issues, and I do hear the member for Broadmeadows in relation to those, and about abuse and manipulation of the system.

Some concerns raised about the implementation process do include access mechanisms, time frames, privacy and security measures and the breadth of information sharing. What level of detail of information are we referring to, and who has access to what level of detail of information? Each and every one of us would have a good understanding of what our medical records contain, so when we refer to information sharing what level of detail of information are we referring to?

Issues of consent have been raised. It came to my mind that in some instances — I refer to the doctors in schools program — a child might be considered a mature minor. I wonder how a mature minor might feel

about their information being shared without their consent. We do want children protected and we need to make sure that we are always working to protect children, but we need to consider parents. We need to consider children, respecting their age and their level of maturity as well, whether they are 14, 15 or up to 18. What is the breadth of information we are sharing? At what point do we raise the issue of consent and the age of consent as well? Is there none? Is there some? How will we make sure that happens? How do we make sure that they are protected? Also, for those that are of an age where they have a very good understanding, such as a mature minor, how do we make sure that they are protected and that what they want to be protected is protected as well?

We found out today that the government is unable to give us a definition of wellbeing and that that will be in a subsequent document. We heard that in one of the contributions earlier. We heard that it would be in the guidelines. It is really difficult for parents and for those that are interested in this to understand what wellbeing means if we are unable to know what the government's definition of wellbeing is because it will be in subsequent documents. How broad is wellbeing? How does that affect the implementation of the system? How can we understand the parameters when we do not know what it is?

Some questions and concerns that have been raised include: who can access the information and for what specific purpose? What information can they access and to what level of detail? How will access be controlled and authorised so that those who are not authorised do not access it? How will those in authority who might be perpetrators of the abuse of children be prevented from access to information that puts children at risk? I think we have seen in the newspapers recently reports of a case of someone being accused and that person being in a very, very senior position of authority within the education system and of very, very significant risks to and possible offences against children. How will they be prevented from access when they are in those positions? How much information will be provided? Can a teacher access a child's medical information from their doctor and to what extent? What controls are in place? Parents want to know this, and there is a lack of information at this point in time.

On this side of the house we have a position of not opposing this legislation in the Assembly.

**Mr HOWARD** (Buninyong) (17:56) — I am pleased to add my comments in regard to the Children's Legislation Amendment (Information Sharing) Bill 2017, which is before the house. In doing so I will start

by making the comment that there is nothing more challenging in our role as MPs or as members of the community than hearing stories about children who have been harmed in some way as a result of family violence, family neglect or whatever it is. Those issues then come before us through the media or through our doors into our electorate offices. Family members express concerns about children that they are aware of, or parents come before us when protective services have intervened to take their children away from them.

We know that this is a very traumatic area where those who are involved in the issues of child protection have to make a call on issues on regular occasions knowing that they might have to look at taking children away from parents where they believe they will be unsafe if left with their parents. Sometimes child protection have to determine where the children go in the interim and how they will work through those situations. Clearly it is distressing for parents who are in those circumstances too.

We also know of occasions where protective services staff have been criticised for intervening, and there have been times when they have clearly been criticised for not intervening soon enough. It is important that as much information as they need is available to all of those people who are working with families and children when those children are at risk. This bill clearly recognises that any good government wants to do all it can to ensure that all children growing up in this state are in a safe environment and are able to grow up and live their lives in a healthy and supported way so as to be able to look forward to a positive future. It is important that family units are supported when they need support. When there are issues of stress occurring, action can be taken to address those issues.

I am certainly pleased that this government last April introduced the *Victorian Roadmap for Reform: Strong Families, Safe Children*. It takes a number of pretty important steps forward in recognising that we need to be proactive in responding to these important issues. We need to recognise that we do not want to let situations of children who are at risk get to crisis point. We have to be proactive in being able to recognise those signs of risk, those issues that come to bear, and we need to be able to act in the most timely way to address issues of potential concern.

I am certainly pleased that this government brought forward the *Roadmap for Reform* last year, in April, and has since then taken several actions beyond that in responding to the Royal Commission into Family Violence and in responding to other reports that have come to us via the coroner. We are working through a

way of trying to ensure that early warning does come. We also need to recognise that information needs to be shared. That is one of the key issues that has come out of past coroners reports and so many other situations where a number of agencies have been involved in some way or other in supporting the care of a child at a particular point and then it is only after the situation has come to crisis, or worse, that it has been picked up, but sadly those agencies that were working to try and address the issues associated with that child were not aware of some of the work or some of the information that was held within other agencies to be able to address those issues.

It is important that we work on the best way of ensuring that information is appropriately shared. The development of Child Link is a key part of that. In recognising what others have said across the house, obviously you need to be very careful about what information is shared, not sharing more information than is appropriate but ensuring that necessary information is shared and that it is shared only between those bodies which have a professional role to play and an important role to play in protecting that child.

In developing this legislation and then in going beyond this legislation and enacting it over the coming years, through 2019 and out to 2021 when Child Link will be rolled out, there is going to be ongoing consultation taking place with those key providers and stakeholders to ensure that we do get it right. I hear that a number of members of the opposition, rather than talking about the positives of this legislation, are dwelling on those concerns about what information should correctly be shared and what information should not. We will continue to work through it with stakeholders following on from this legislation to ensure that we get it right and keep working on gaining feedback to ensure that we continue to refine the system to get it at its best.

Of course within the legislation, as others will have pointed out, we recognise that if the wrong people get hold of information which they should not get then they can be taken to court and pursued for wrongful access to the information. We certainly do not want to see this go down that path, but we want to ensure that we have those appropriate checks and balances to emphasise that the right people need to get the right information at the earliest possible occasion so they can build up that picture and we can develop a good early warning system of signs for when a child may be at risk. That way, the best approach can be taken by the various agencies involved to, as a first step, try to support the family or the parent, whatever the circumstance of the care for the child is, and to try to support that child to stay in its appropriate care situation. I believe that this

legislation is working in a very, very sound way, recognising those delicate balances that are in place to get its definitions right, to get the program right and to ensure that this arrangement will work well.

I again want to focus on the legislative principles that are the underpinning principles of this legislation — that we do give precedence to children's wellbeing. The driving force of this legislation is to ensure that all children in this state can be raised in a safe environment. We also recognise that essential right to privacy that needs to be respected. We want to share information only to the extent that it is necessary to promote the wellbeing and safety of the child or children who are considered to be or may be at risk. We want to see agencies that are working to protect children — and there are a number of agencies that will be involved, whether they are hospitals, schools or the protective services unit within the department — and a range of people working collaboratively. So if some have information that others will then know about, the appropriate process can take place to get that early intervention and to get that support in place by the right agency. We want to seek to take into account the views of the child. We want to ensure that families feel protected in terms of the information that is provided. We want to be respectful to the carers, to the families involved and to the children.

There are a whole range of processes being put in place to ensure this is sound legislation. It certainly responds to the need that we all recognise is out there. We want intervention, if it is required, at the earliest possible occasion to see that the best results happen to ensure that children in our state continue to be safe.

**Mr CRISP** (Mildura) (18:07) — I rise to make a contribution on the Children Legislation Amendment (Information Sharing) Bill 2017. The purpose of the bill is to amend the Child Wellbeing and Safety Act 2005 to establish a scheme for specified entities to share information to promote the safety and wellbeing of children and to establish Child Link, a register of children born or residing in Victoria, to improve the wellbeing and safety outcomes of children, and to monitor their participation in government-funded programs and services.

The bill also makes a number of other consequential amendments to a number of related bills. Principally this is really about two clauses that are of interest. Clause 8 inserts a new part 6A to establish a child wellbeing and safety sharing scheme that will enable specified entities to share information in a timely and effective manner to promote the safety and wellbeing of children. It is very much the case that the wellbeing of children has long

been established as due in part to the way information is shared in our communities. When you look at the transition of a newborn baby out of health care to child and maternal health, it crosses the local government boundary well as the hospital boundary. So this is already a well-established path. And of course with some children that require special needs the child and maternal health nurses will follow them through their school years with school nurses and so on.

That is about the wellbeing of children. I think this is very much more about the safety of children and ensuring their participation in government-funded programs. We could well talk about vaccination at this stage as well to make sure that we do continue those high rates of vaccination in our community. Many of those childhood diseases that I was familiar with have almost disappeared from our society, but not quite, so we need to be ever vigilant in that area.

There are a number of areas of concern. Over the past decade there have been numerous inquiries into child protection related areas, including the Victorian Auditor-General's Office reports, the Cummins inquiry, *Betrayal of Trust*, the Royal Commission into Institutional Responses to Child Sexual Abuse and various inquiries from the commissioner for children and young people. In all of these reports, findings have included inconsistencies in data collection, poor quality of data and lack of information sharing.

The bill is designed to complement the Family Violence Protection Amendment (Information Sharing) Act 2017. The family violence information scheme is yet to be rolled out but is scheduled to be sometime in the coming months. But there was concern around privacy and parental rights, and I do take on board the member for Buninyong's comments and reassurances that this is a work in progress and that these issues as identified will in fact be resolved. However, there is always that risk about cybersecurity and the use of personal data. We have to continue to work to ensure that this data about our children is safer for the very reason that we are trying to construct a system that improves the safety of our children. If it falls into the wrong hands, it can actually make our children less safe. An ongoing concern with everybody now is that so much of our personal data is out there, and we always worry about it falling into the wrong hands and how it will be used.

There have also been some concerns about what sort of information may be kept and may be disclosed. I think that this bill will need to be very much a work in progress as we endeavour to work our way through those sensitivities. I think parents will require a great

deal of effort to be made to reassure them about the safety of this. It will require a lot of work by government to overcome the big brother concerns amongst people. ‘Yes, we know we need this data to supposedly keep our children safe and to improve their wellbeing, but on the other hand how secure is that data, who’s looking at it and who’s using it?’ will go through every parent’s mind, particularly when it crosses jurisdictional and departmental boundaries.

As it exits from one silo into another, there are always concerns around data. There has been an ongoing issue about silo protection for data and the transmission of data between those silos for some time. I remember doing a parliamentary inquiry on data sharing many years ago, and some of the issues that were raised then are still current today. Even though we have got more sophisticated, those trying to access the data have also become more sophisticated.

We also know, to balance that, that we are trying to protect our children here. Nothing is more important than making sure that our children are both safe and correctly cared for. It is a balance we have to strike. It is always a difficult balance to strike, and it is one that we are required to do with the way we frame legislation in this Parliament. This is important legislation in an important area of child safety and wellbeing. With those concerns raised, I think that we need to be well aware that this is a work in progress. I have got no doubt that this bill will be back as we learn more and more about how to manage this most sensitive of data in this most important area, which again is keeping our children safe and well. With that, The Nationals in coalition are not opposing this legislation, but again as I said I expect this legislation to return.

**Ms SULEYMAN** (St Albans) (18:14) — I am pleased to rise and speak on the Children Legislation Amendment (Information Sharing) Bill 2017, and I echo the sentiments made by others on this side of the house so far in this debate. The objective of this bill is to amend the Child Wellbeing and Safety Act 2005 and the Children’s Youth and Families Act 2005 and also to make other amendments in order to promote better child wellbeing and safety outcomes, which is critical for the Andrews Labor government. What this means is enabling a number of government agencies and service providers to share information and improve early risk identification and of course intervention, which is a priority, promoting children’s participation in these services and promoting cross-sector collaboration.

**The SPEAKER** — Order! The time has arrived for this house to meet with the Legislative Council in this chamber for the purpose of sitting and voting together

to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Colleen Hartland. The house will resume at the ringing of the bells.

**Debate interrupted.**

**Sitting suspended 6.15 p.m. until 6.23 p.m.**

## CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017

*Second reading*

**Debate resumed.**

**Ms SULEYMAN** (St Albans) (18:23) — As I was saying earlier on, this bill will enable and promote collaboration across the sectors in the planning and delivering of services for children and their families. As previous speakers have said today, there have been a number of reviews in the last eight years which have recommended reform in Victoria’s information-sharing arrangements. That is why the Andrews Labor government has consistently been fighting and advocating for improvement in the safety and wellbeing of all Victorians.

This bill is just one of many, many reforms and initiatives that support our government’s *Roadmap for Reform: Strong Families, Safe Children* to stop the increase of family violence in our communities. The bill will enable early intervention, prevention, family support and connection to universal services. It will promote shared responsibility across professional stakeholders and organisations, and it will also promote less reliance on services, including child protection services.

A key priority of the Andrews Labor government is that children are kept safe, and that is what this bill is about — keeping children safe from harm and ensuring that they have every opportunity to develop in a healthy and safe manner. From education to health we want our next generation and today’s generation to reach their full potential and to build happy, healthy and productive lives.

The way forward is that critical information will be shared as part of Child Link, an IT platform designed to enable this communication through various different agencies. The bill will require the establishment of the Child Link register in relation to each child who is born in Victoria who accesses, enrolls in, registers with or otherwise engages with a relevant service; registers to homeschool; or is subject to child protection orders. Child Link will share limited but important information

regarding a child's enrolment and participation in services. It will also help to inform our government's policy development and service design to continue improving these services for its users.

Child Link will be focused on all children from 0 to 18 years of age who are born in Victoria or who come into some form of contact with a Victorian agency and are linked into this connection. Child Link will also assist authorised children's service professionals to join the dots and form a picture of the circumstances of a child in their care based on the child's enrolment and participation in key universal and enhanced childhood services. This is absolutely incorporated in Child Link.

As previous speakers said, this is very clear and straightforward. This is about protecting and making sure that children are safe. It is very clear that the Andrews Labor government takes this bill very seriously and in particular takes the privacy of this information very seriously. Only people designated as Child Link users may access the register or use the disclosed confidential information recorded in the register. Every designated Child Link user must have written authorisation and the appropriate safety checks ticked off by a relevant authority, such as the secretary, the chief executive officer of the council or a school principal. Only senior and appropriately skilled and trained people — professionals — with particular responsibilities will be authorised by their service to be Child Link users. This bill is all about the wellbeing and safety of children in our community.

Most importantly the bill also outlines offences and penalties. The penalties are pretty strict for those people who misuse the information. The bill makes it very clear that the set of guidelines needs to be followed, or appropriate action will be taken against those individuals who do not take them seriously.

The Child Link program needs to be incorporated into our existing service framework. We know that no child should be left behind. Children deserve every possible investment — from policy to infrastructure to everyday areas of health, education and family services — so there must be the appropriate support mechanism to make sure that every child has the right to live a very happy and healthy life.

Just a note: in my electorate of St Albans we are at the moment building the new \$200 million Joan Kirner Women's and Children's Hospital. It is a children's hospital that will cater for the most vulnerable in our community, so I am extremely excited about the fact that this multilevel facility, a first for the west as a children's hospital, will also have 20 maternity delivery

rooms, 173 beds, 39 special nursery cots, four theatres and additional clinics. This is all about the health and wellbeing of the children in our community.

Part of improving support services is making sure that the wellbeing and safety of Victorian children is put first. That is why we have introduced this bill along with the many, many other improvements that we have made to make sure that every child in Victoria is protected.

I want to thank the minister. Again, this is legislation in response to many, many reports and reviews. Now this government, the Andrews Labor government, has taken the first step to making sure that every Victorian child in our community is protected, is safe, is happy and is healthy. It is about the wellbeing of every Victorian, no matter what their age. I commend the bill to the house.

**Mr WATT** (Burwood) (18:31) — I rise to speak on the Children Legislation Amendment (Information Sharing) Bill 2017. I do want to start with the purposes of the bill because the purposes of the bill are important. I have heard many people give contributions on this bill and say that the purpose of the bill is to protect children. That is not one of the purposes of this bill. The purpose of the bill is:

to establish an information sharing scheme to enable specified entities to share confidential information in a timely and effective manner in order to promote the wellbeing and safety of children —

not to protect children, not to deal with children that are at risk, but to promote the wellbeing and safety of children.

The bill also establishes a register of children born or resident in Victoria to improve child wellbeing and safety outcomes. So this bill is not about the protection of children, and this bill is not about family violence.

I have heard many people, particularly on the other side, talk about this bill being about family violence. It is not about family violence. There was a bill that we passed last year, which was called the Family Violence Protection Amendment (Information Sharing) Bill 2017. That bill was about family violence, and it was very different to this bill. That bill involved consent — consent to your information being shared, if you were an adult. If you were the primary person, consent was needed. I go to clause 144NA of that bill:

For the purposes of this Part, an information sharing entity must not collect, use or disclose confidential information about a primary person who is an adult unless—

(a) the primary person consents to the collection —

or —

b) the information sharing entity reasonably believes that the collection ...

So, consent. My problem with this bill is around consent, but it is also around a number of other aspects of the bill. I do not just want to go to the purposes of the bill, but I want to go through the bill in some detail if I can.

I have listened to most of the contributions and I have not really heard people go to the crux of what information is actually being shared. The bill makes it very clear that the type of information that we are talking about is confidential information. And if you go to the definition of confidential information, it means:

- (a) health information; or
- (b) personal information; or
- (c) sensitive information within the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**; or
- (d) unique identifiers; or
- (e) identifiers within the meaning of the **Health Records Act 2001** ...

I do want to go to schedule 1 of the Privacy and Data Protection Act 2014, because that is where the definition of sensitive information is listed, which includes:

sensitive information means information or an opinion about ...

- a) racial or ethnic origin; or
- (b) political opinions ...
- (c) membership of a political association ...
- (d) religious beliefs or affiliations ...
- (e) philosophical beliefs ...
- (f) membership of a professional or trade association ...
- (g) membership of a trade union ...
- (h) sexual preferences or practices; or
- (i) criminal record.

I am not sure why a person's sexual practices or preferences, political opinions, philosophical beliefs or membership of a trade union should be included in this bill.

I am also particularly concerned about some of the people that will get access to some of this information. Let us go to the information that could be shared. The

concerns that I have are not necessarily about the ability of people to share information, because an information-sharing entity — and I will go to who an information-sharing entity is in a minute — may disclose information, but an information-sharing entity may also request information. That might seem all fair and good, but the responding entity is not able to refuse to share information if they do not believe it is in the best interests of the child. I need to go to the particular part of the bill:

... the responding entity must —

and that is a must —

comply with a request made under subsection (1) for the disclosure of the confidential information ...

Now, keep in mind that confidential information also includes membership of trade organisations, political opinions and sexual practices and preferences. This is also the information that could be shared, and I have not even gone to health records. An entity:

... must comply with a request made under subsection (1) —

that is, an entity has asked for information —

for the disclosure of the confidential information if—

- (a) the disclosure is made for the purpose of promoting the wellbeing or safety of a child or group of children —

so it does not even need to be a child whose wellbeing is going to be promoted; it could be a class of children —

- (b) the responding entity reasonably believes that the disclosure may assist the requesting entity to carry out one or more of the following activities—
  - (i) making a decision, an assessment or a plan relating to a child or group of children ...

There are other examples, but I think that sets the bar as to what we are talking about here.

The problem is that the only reason that an information-sharing entity may refuse that is if the information-sharing entity thinks that handing over information will actually put a child at risk. So the bar is that you must share the information if you believe the information may assist in a decision, but you can only refuse if you are going to put a child at risk. I need to find that particular section because I think it might also talk about it being not necessarily just the child.

The issue here for me is that the information we are talking about is not only children's information; the information also includes other people's information.

We are talking about sharing the information of adults without their consent. The bill makes it very clear that neither the child nor the adult has the capacity to say, 'I don't want my information shared'. Now, when we are talking about a child and we are talking about someone on a register, we are not even talking about kids or children here; we are potentially talking about adults as well. You could be 18 or 19; if you are at school, you are caught up in this bill.

It not just me that has concerns with this bill. I know that there are other people that have also expressed concern with the bill. I note that in *Alert Digest* No. 1 the Scrutiny of Acts and Regulations Committee (SARC) actually raised concerns with the bill. It is extraordinary for SARC to write to a minister in the way that that has happened. I have been on SARC and I know that, because it is effectively a government-controlled committee, it is very difficult to get SARC to actually express concern, which they have about this bill.

I have noticed that a number of people have said that the bill is coming into effect because of a number of recommendations through reports. I have searched high and low for any report that actually recommends putting in place what is actually happening in this bill. Even the recommendation that we are talking about from the Royal Commission into Institutional Responses to Child Sexual Abuse is about 'information relevant to child sexual abuse in institutional contexts (relevant information)'.

Recommendation 8.7 of the royal commission talks about the exchange of relevant information, with relevant information being described in recommendation 8.6 as 'information relevant to child sexual abuse in institutional contexts'.

Recommendation 8.8 talks about information sharing to 'prevent, identify and respond to child sexual abuse in institutional contexts'. What we are talking about in the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse is the prevention of child abuse. It is about protecting children, not about the low bar that has been set here by this bill.

As I said, I am not the only person who has expressed concerns. I note that a submission was made to the Department of Health and Human Services by Domestic Violence Victoria and No to Violence. The submission is entitled *Sharing Information about Child Safety and Wellbeing*. It was made just over 12 months ago. There is lots in it, but I will get to the point:

... as the peak representative bodies for specialist family violence services, we recommend that the proposed

information-sharing regime for child safety and wellbeing is rejected.

I know that these bodies also participated in a submission with Victoria Legal Aid, Women's Legal Service Victoria, the Federation of Community Legal Centres, Berry Street, Safe Steps and the Domestic Violence Resource Centre Victoria. In that particular submission — and I suggest all members actually read the submissions — they were concerned that

... the current stated purpose, 'to promote the safety or wellbeing of a child or group of children' is very broad, lacks direction toward action and is susceptible to subjective bias that could undermine the beneficial intentions of the legislation and lead to adverse consequences for children and their protective parents/carers.

The issue here is about consent. We should have informed consent. I know we will be discussing this, hopefully tomorrow, and —

**The ACTING SPEAKER (Mr Dimopoulos)** —  
The member's time has expired.

**Ms GRALEY** (Narre Warren South) (18:41) — It is a pleasure to rise this evening to speak on the Children Legislation Amendment (Information Sharing) Bill 2017. I have been listening intently to the contributions from across the chamber — speakers on this side and speakers from the opposition — and I have also read what is an excellent second-reading speech provided by the Minister for Housing, Disability and Ageing.

I am struck by the number of times that speakers have referred to the child as being invisible. This was also referred to in the second-reading speech. It is very difficult for most of us in this chamber to come to terms with the idea that any child could be invisible. Indeed I had the benefit of growing up in a loving family. That is the biggest gold nugget that any parent can give to a child — providing a loving environment. As a parent, I think I have done a pretty good job of providing something similar for my children where they knew that they were loved and they were given the best possible opportunities to live healthy, successful lives. So it comes as a bit of a shock when you read about children being invisible. To me children are the centrepiece of our society. They are the crowning glory of our family. To talk about a child being invisible is a frightening idea. But it is not just an idea that we are dealing with here; we are actually dealing with children who have become invisible because of the system that currently exists and that provides certain constructs around the often damaged or violent life they have with their families and in other institutions and community settings.

Overwhelmingly this idea of the child being invisible is not about our not knowing where the child is or the child being in hiding; it is about the child being smothered by a plethora of siloed services that do not communicate or exchange information with each other. The child is actually being suffocated and their families are being suffocated by administrative overburden. It is stifling our professionals. I use the term 'professionals' because when I hear those opposite criticising, saying there may be intrusions on privacy and saying that maybe we should not go down this path because it intrudes on people's rights, the people we are actually talking about are professionals — well-trained doctors, university-educated social workers, dedicated teachers and all sorts of people who work in the education, community, welfare and medical sectors. We are talking about those people having access to material and sharing information which — and let us put this at the front of our thinking with regard to this bill — will mean a child will not be invisible and a child's life may in fact be saved.

If you look at previous inquiries, including coroners inquiries, the Betrayal of Trust inquiry and the Cummins inquiry, you can see over and over again where the failure to share information has created children who are invisible to the law, to community services, to schools, to decision-makers and to us, actually. This bill is about saying, 'We're going to put the child at the centre of our thinking. We are going to put the child's safety at the cornerstone of our thinking. We are going to put the child at the centre of our legislation'.

I commend the minister for bringing a bill like this, which some people see as a little bit risky, to the house, because the minister has an excellent track record of putting the child at the centre of her legislative agenda and at the centre of her policy agenda. If we look at the minister's record, certainly in Victoria's *Roadmap for Reform: Strong Families, Safe Children*, we see that she is talking about child-centred policy and child safety as a centrepiece for legislation. She is actually talking about how we can give our children the best possible start in life so they can go on to live successful and healthy lives in the future.

This is not about having the ambulance at the bottom of the cliff; it is about having the fence at the top of the cliff so kids do not fall over and their families do not fall over. This is very, very important because we know that child abuse, child neglect, harassment and sexual abuse in the family and sexual abuse in institutions are costing our government and our economy billions of dollars. Some of the studies that have been done, including the Cummins report, say that the cost of

abuse associated with a loss of wellbeing and premature mortality is estimated at between 1.384 and 6.6 disability-adjusted life years and is valued at between \$221 million and \$1.1 billion. So when you talk about risk you are not only talking about saving lives but you are instituting a policy and a legislative framework such that we are not only saving lives but we are also saving dollars and we are giving our children, our families and our community a much more successful path forward.

I would like to talk about one aspect of the bill, and I alluded to this earlier, in relation to the real need to share information. I will give a little case study of my own. I recently visited a school with an excellent health and wellbeing centre and terrific staff working there. There was a child that had had a pretty rugged night in their home setting, and they were seeking to work out what had actually happened at home, what sort of services were being provided to the family and what would be the next steps. Would the child be going home or would they be going to foster care? The school was trying to ring the Department of Health and Human Services but they could not get onto them. A day later the social worker was not yet available — they were out on another case. So for days the correct provision of services, the correct decision-making around this child's future and the endeavours to keep the family together were delayed because they could not access that information: it could not be shared. To see the pitiful sight of this child sitting there and wondering what its future was because of bureaucratic messiness was heart-rending.

I heartily support this bill, and I would ask those opposite who keep on raising these issues of consent and risk to look into their hearts, look into that child's eyes that I saw and say, 'What is it about our rights and our need for consent that overrides the need to assist that child and its family?'. This is a very good piece of legislation. I commend, as I said, the minister for bringing it to the house.

I also note that the minister has brought forward the *Early Childhood Reform Plan* as part of her portfolio area. If those opposite really want to do something to help children in Victoria, they might like to get on the campaign to make sure that every child attends a kindergarten, or the most children possible can attend a kindergarten, and ring up the federal minister — get on the blower — and say to them, 'Get in there and support four-year-old kinder; give us that extra money we need for those 15 hours', because we know one thing: those early years are really important. Even if you are not under the threat of physical abuse, getting a good-quality education in a good kindergarten with well-trained

teachers can give you the best start to life that you could possibly want. I commend the bill to the house.

**Mr EDBROOKE** (Frankston) (18:51) — It is my pleasure to rise this afternoon and speak on the Children Legislation Amendment (Information Sharing) Bill 2017. From the outset I would like to just commend the previous speaker, who as a former teacher no doubt has had to experience and deal with things of a very unpleasant nature in schools at times and has given us a fairly unique insight into the need for a bill such as this. For some people it is an uncomfortable subject to talk about, but it is something that is prevalent in our society.

I am a former teacher as well, and I can remember times in both special schools and state schools when you would come across some very unpleasant circumstances that could have actually been averted, I believe, if we had identified the risk and acted on that risk a lot earlier. One case that comes straight to mind is the child that came back to school while we were in school meetings. The child had actually come home to a bin bag of all of their belongings on the verandah and a note from the parents. The parents had fled and left the child that they no longer wished to care for behind. I think that if we can pick up on things like this abuse — this violence — early on, this is about prevention, not cure, as the former speaker said. It is about not having the ambulance meet someone at the bottom of a cliff but having far less resources used at the top of the cliff to avert disaster.

This bill is really a bid to tackle part of the problem that some of our children experience in Victoria, and the government has introduced this legislation that will allow schools, hospitals and other organisations to share information and prevent danger to children.

It is kind of interesting to hear members opposite, who I believe would be bipartisan in their support of this bill, talking about some different agendas. We have heard since I have been in the house this afternoon the member for Burwood saying that this bill is not entirely consistent with the Family Violence Protection Amendment (Information Sharing) Act 2017, which previously passed through this house.

I would like to say that I have read the bill and I have read all of the explanatory notes that go with it, and I would disagree entirely and say that this is entirely consistent with the family violence information sharing bill. The information is only shared when a child's safety is at risk. I guess the balance that I see and that I hope others in the house share is that if there is a risk to a child, should we not look at the risk of sharing

information and avert the risk to the child when the risk versus reward is much greater?

Coming from a background as a schoolteacher I am always, again as the previous speaker talked about, thinking about a child-centric sector. I think we have got a fairly balanced bill here that does look at privacy and does look at some of the concerns that people have in regard to this piece of legislation, but at the heart of it is the welfare of our children.

So under this new legislation maternal and child health services, hospitals, schools and other professionals will be allowed to request and share information with each other to respond to the needs of children, which creates a less siloed approach and a more collaborative and integrated service that can, as I have said previously, intervene earlier in these situations. That is what we want. It is bad enough hearing about these very tragic stories in the newspaper, it is another thing to experience them. You would do anything not to see children treated as they have been treated. If there were any way that you could prevent these kind of actions happening by sharing some information, I am sure you would do it. I do not understand the mandate from some members of the opposition to try and confuse some of the issues in this legislation today.

In fact any unauthorised use or disclosure of information would incur heavy penalties under this bill, and government workers would be trained to understand the circumstances when it is appropriate to share information. I am sure that is very clear. The Minister for Families and Children, Ms Mikakos in the other place, said the reforms have the power to change children's lives by giving healthcare professionals the bigger picture. I would extend on that and say this is life-saving work by this government, and once again I commend the minister and take the chance to again herald the minister's pleas to the federal government to give us those 15 hours of kindergarten — it is time we never get back to teach children. At that age they are sponges, and we certainly never again get that one-year window to ensure that our kids — it might be a crude way of saying it — are programmed correctly. We know that for a lot of people who have trouble in society, you can trace that back to some very difficult young years. So the 15 hours certainly helps, and I would definitely support the minister in that campaign.

So essentially we are giving professionals the information they need to keep children safe before it is too late, and it is as simple as that, in my mind. Of course there are some other concerns that have come up, and I would like to address some of them. The member for Ringwood spoke about the extent of sharing

information, and I think she has brought up a fair concern there. The answer to her question about the extent we should share information is fairly self-explanatory in the documentation: that is, sharing information only to the extent needed to promote wellbeing and safety in the circumstances presented to the professional. Also, in relation to the term 'mature minors' the bill requires the legislative principle that you must seek and take into account views of the child if safe and reasonable and appropriate to do so. This means first engaging with children and seeking their views. Ultimately if the professional needs to share without consent, this allows it.

As I have previously stated, I do have some experience of being exposed to situations with children which would bring a tear to your eye. I believe that most of these circumstances could have been avoided. I am sure many people in this house right now would be in the same position, where even in their electorate offices they might have had people walking in who are fleeing family violence situations with their children in tow and other such circumstances. I guess the thing about this bill and the thing that I would like everyone in the house today to understand is that children should come first. They are our future. We have these formative years with children that are of the utmost importance to ensure that they are good and practical members of society that we value.

This is a chance to make sure we are steering kids in the right direction, by keeping them clear of risks, whether it be sexual abuse, physical abuse or other sorts of abuse. If there is anyone in the house today that questions why we have actually presented this bill to the house, I think that is all they need to know: that it is about protecting children and doing what is right. Now we know that in a previous government this was also brought up, and I appreciate that this was actually thought of in a previous term as well. It shows that there can be, at times, bipartisanship when we are talking about some very important issues that we all need to get together and make change on. This is certainly one of those.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — The question is:

That the house now adjourns.

## Eram Park, Box Hill, sewage treatment plant

**Mr CLARK** (Box Hill) (19:00) — (14 022) I raise with the Minister for Water the issue of the sewage treatment plant that the government and Yarra Valley Water (YVW) are proposing to construct in Eram Park in Box Hill North, and I ask the minister to ensure that there is no net loss of open public space and no other adverse environmental effects for local residents, whether by locating the plant somewhere else, putting it underground or providing a replacement public open space nearby for any open space that is lost. I wrote to the minister about this issue in October last year ahead of Yarra Valley Water's final decision, but regrettably instead of listening to the concerns of local residents the minister simply defended what the government and YVW were doing.

The so-called consultation process involved has been woeful. Initial material delivered to residents was vague and uninformative about what was proposed, creating uncertainty and concern in the local community. While later material provided some clearer information, it still required residents to visit and spend time going through a YVW web page to actually find out details of locations that were being considered and what the proposals consisted of. Even though two of the nominated possible sites were located in the City of Whitehorse, the so-called independent panel included no-one with a background in the City of Whitehorse, while at least two of the three panel members had close connections with the City of Manningham. Whitehorse residents, particularly residents of Box Hill North, who will lose popular local parkland due to this decision, are understandably asking how it is fair for them to be required to give up their local parkland in order to treat sewage so that it can be provided as recycled water to projects located kilometres away.

As with so many other decisions, the Andrews government seems to be showing yet again that it neither knows nor cares about the needs and concerns of eastern suburbs residents. The parkland concerned is held by Whitehorse City Council on behalf of the community, and I congratulate local councillors for refusing to just go along with what the government and YVW want to do. It is not good enough for the government and YVW to propose simply to acquire the land they want to use and to pay the council some assessed value for it. They should either locate the plant somewhere else, construct it underground so that parkland can remain on top of it or, at the very least, provide an equal or greater amount of replacement open space parkland nearby. The government and YVW also need to ensure that local residents are not adversely affected by the smells, fumes, chemicals,

noise or vehicle movements involved with operating a sewage treatment plant.

### **Gladstone Park Primary School**

**Mr J. BULL** (Sunbury) (19:02) — (14 023) My adjournment matter is for the Minister for Education. The action I seek is for the minister to commit funds to upgrade Gladstone Park Primary School. This school is one that the minister has indeed visited. It plays an invaluable role in the Gladstone Park community. From a number of visits to the school it is clear that both the teachers and the students are working incredibly hard and achieving terrific outcomes. After discussions with the school principal, Tony Malgioglio, and a tour around the school, it is clear that an injection of capital funding would certainly assist the school greatly.

I am incredibly proud of this government's commitment to the Education State in Sunbury and indeed right across the state of Victoria. Whether it is equity funding, the Shared Facilities Fund, breakfast clubs, the Camps, Sports and Excursions Fund, free eye tests or of course our record investment in school infrastructure, this government and this minister have done an extraordinary job in getting it done in education. I again take this opportunity to ask the minister to commit funds to Gladstone Park Primary School.

### **Sale train stabling**

**Mr D. O'BRIEN** (Gippsland South) (19:03) — (14 024) My adjournment matter is for the Minister for Public Transport, and the action I seek is for the minister to fund the provision of a train stabling facility in Sale in this year's budget. This is a matter I have raised consistently with the government and is an important matter to allow us to provide additional train services to Sale by extending VLocity services that currently stop in Traralgon at a minimum of one or two per day. If we had stabling facilities in Sale, a train that currently terminates in Traralgon could continue on to Sale at night and then start again from there the next morning, hooking up to existing VLocity services that run from Traralgon to Melbourne. This provision of stabling was recommended in the Gippsland Local Government Network report of 2016 as one of its priorities. It was listed in the government's own regional network development plan in the same year, and it was committed to by the Liberals and Nationals in coalition in 2014.

However, for some reason, with the announcement of the regional rail revival project last year the government chose not to include stabling in Sale. Indeed it would seem to have been specifically carved out. As I said, this

would allow for additional services. At the moment Sale and Bairnsdale, or Wellington and East Gippsland, have just three train services a day. The regional rail project provides for the reconstruction of the Avon River bridge at Stratford, but other than that there is nothing additional for any passengers beyond Traralgon.

The Wellington and East Gippsland shires have a combined population around the same size as Ballarat, and yet we have three train services a day. By creating train stabling in Sale the government could then add, for very little recurrent cost, those additional VLocity services that already run on the Gippsland line to Traralgon. They could be extended to Sale. So I call on the government to fund this because there is demand for additional services from the Wellington shire and Sale. I ask the minister to fund train stabling and then additional services in the forthcoming state budget.

### **Kyneton Primary School**

**Ms THOMAS** (Macedon) (19:06) — (14 025) The matter I wish to raise is for the attention of the Deputy Premier and Minister for Education, and the action I seek is that the minister join me in Kyneton for the opening of the brand-new Kyneton Primary School. Construction of the new Kyneton Primary School is expected to be completed within days, paving the way for the much-anticipated relocation to the new campus in mid-March 2018. The excitement in the community is palpable. I had a sneak peek at the new school in January, and it looks amazing. I cannot wait to see it filled with the sights and sounds of happy learners.

These modern, state-of-the-art facilities feature flexible learning areas that will ensure students are engaged, stimulated and encouraged to be creative thinkers. The \$11.5 million Kyneton Primary School project is the first part of a \$22 million investment in the Kyneton community. The primary school, built next door to Our Lady of the Rosary Parish Primary School and adjacent to Kyneton Secondary College, is part of our commitment to building an education precinct in Kyneton. I cannot wait for the minister to see his vision for the Education State come to life in Kyneton.

### **Knoxfield dam**

**Mr WAKELING** (Ferntree Gully) (19:07) — (14 026) My adjournment matter tonight is for the Minister for Planning, and the issue I am raising is to ask the minister to take action with respect to the site at 609 Burwood Highway, Knoxfield, which is currently a Department of Environment, Land, Water and Planning (DELWP) site but is under investigation by this government, which is seeking to look at repurposing the

site. It is currently going through a planning process. I have called on the minister to take on board the concerns of local residents regarding the repurposing of the dam, commonly known locally as Lake Knox.

The site has been operated by DELWP for many years, and the government has now seen fit to not continue using the site for its previous purpose of agricultural work which was being undertaken on the site. As a consequence of that, Knox council had undertaken a planning investigation of the site and identified a future use for that site. This incorporated the retention of the dam at the northern end of the site adjacent to Blind Creek, which, as I said, is known as Lake Knox, and also ensured that it had appropriate environmental works undertaken around it.

The government saw fit to undertake a truncated planning process in terms of community engagement. Community engagement commenced on 15 January for the purposes of submissions, and this concludes on 23 February — in two days time. Many residents, given the fact that notice occurred over the Christmas holidays, are completely unaware of the fact that there are proposals to change this site. An information session was held on 6 February, and the government has indicated that a public hearing process will occur on 9 March, with a report due on this by April 2018.

Firstly, the community is very concerned about the lack of engagement, but they are also concerned about the proposals to drain the lake. This comes about because of reports that were prepared by Engeny Water Management, and the Collie town planning report actually indicates that the existing dam located on the site should be drained as part of the recommendation to remove the existing dam and construct a retarding basin in the northernmost part of the subject land, which is a logical location as all the sites drain to this location, and also the incorporation of a wetlands process. This is opposed by my community, and the action I seek is for this government to listen to the concerns of my residents, who do not want this action to occur.

### **Eltham Wildcats Basketball Club**

**Ms WARD** (Eltham) (19:10) — (14 027) My adjournment matter is for the Minister for Sport. Minister, I want to brag about my Eltham Wildcats. The action I seek is that the minister visit my electorate to meet with the Eltham Wildcats under-14 basketball team, who will travel to the United States to play in the Jr NBA World Championship in August this year. Along with the under-14 girls from across the river in Bulleen the Wildcats team will travel to Orlando to represent the Asia-Pacific region, playing against

representative teams from all over the world. This team was selected to participate in the junior world championship following its successes in the under-14 national club championships in October last year.

I was lucky to be present at the announcement last month, and I saw the excitement and jubilation on the faces of the players and parents as they discovered they would be going to play in the United States. I know they fully appreciate and understand the enormity of this opportunity. I have seen the hard work of Eltham Wildcats CEO Greg Jeffers and club committee members in ensuring this team had this amazing opportunity, and I have seen their terrific work in helping the club grow from strength to strength. I ask the minister to visit Eltham and to meet the globetrotting team before they take off to Orlando in August.

### **Nagambie ambulance services**

**Ms RYAN** (Euroa) (19:11) — (14 028) My adjournment matter this evening is for the Minister for Ambulance Services. The action I am seeking from the minister is that she base a paramedic in Nagambie on a full-time and ongoing basis. The community of Nagambie lobbied for months and months and months to achieve a paramedic service in that community. I hope members of this house are familiar with the issues there, because I raised them over and over and over again in the first couple of years of this government's term in office. I acknowledge the minister's efforts to respond to our campaign by agreeing to base a paramedic in Nagambie supported by two ambulance community officers. I should also point out that that model was not the model that was originally proposed by the community, but the community was willing to meet the minister halfway in order to achieve a compromise.

We celebrated that achievement, because we felt that the government had finally recognised that Nagambie has a growing population, that ambulance response times were just not up to scratch and that there was huge pressure on the town's community emergency response team (CERT) volunteers. But unfortunately since that announcement in 2016 we are now seeing that the service has been quietly eroded to the point where paramedic coverage in town is now at only 12.5 per cent. For only 12.5 per cent of the time there is a paramedic actually on shift in Nagambie, and even more worryingly there are now rumours around town that in three weeks time the government plans to pull that paramedic service from Nagambie, leaving it with only ambulance community officers (ACOs). That is equivalent to a regression to where we were before

2015, because whilst ACOs are paid, they are qualified to the same extent as CERT volunteers and a CERT volunteer team is what we previously had in place.

Residents in Nagambie are very worried about this development. They are worried that service levels may return to where they were before. I am also very concerned about the pressure that that is placing on the ACOs in the community, who are arriving at emergencies where there is an expectation that they can deliver the service of a paramedic, because that is what the community believes they are getting. But when they arrive, they are only able to do the job of an ACO because there is no paramedic on hand. That is becoming a very stressful situation for those ACOs. In effect what we have is a CERT vehicle with CERT volunteers.

April is a peak time for Nagambie. We have the Head of the River and a number of major events, and I urge the minister to address the situation.

### **Williamstown RSL sub-branch**

**Mr NOONAN** (Williamstown) (19:14) — (14 029)  
Tonight I wish to raise a matter for the Minister for Veterans Affairs. The action I seek from the minister is for him to help facilitate a meeting between representatives of the Williamstown community and the RSL head office to discuss re-establishing a sub-branch of the RSL in Williamstown. As the minister will probably know, the Williamstown area has a rich defence history, as home to both the state's only large-scale builder of ships for the Royal Australian Navy and also Fort Gellibrand, an early defence site to protect the colony of Victoria.

The great cenotaph that stands at the bottom of Ferguson Street adjacent to the magnificent Williamstown waterfront is a monument to and reminder of the service of and sacrifice made by generations of local men and women in times of war and peace. For almost a century our local link to this proud history has been bestowed on the Williamstown RSL and its members. According to locals the original RSL land on the corner of Ferguson Street and Melbourne Road was gifted to World War I servicemen in 1919 by the local Red Cross Society. The RSL then served as an important place for welfare services as veterans returned home bearing the scars of battle.

In more recent times the RSL has become an important gathering place for the community, particularly on days of commemoration. Sadly, the sub-branch built an enormous debt totalling around \$3 million, and RSL headquarters was left with little option but to move in and sell the land and building to clear the debt. The

RSL building has now been sold to a childcare provider, so my interest is in the future of the sub-branch and not dwelling on the past.

At the time of the closure the then head of RSL Victoria, Major-General David McLachlan, said, and I quote:

The sub-branch will close as a commercial operation on 3 January but it will continue to exist as a traditional sub-branch, but we will have to find new premises for it.

Despite everyone's best intentions this scenario has not eventuated, and I understand the sub-branch was wound up, with members encouraged to move to the Altona RSL, 7 kilometres down the road. We now have to draw a line under this regrettable chapter. Williamstown is simply the poorer for the temporary loss and closure of our RSL sub-branch. We are a proud and strong community who value our institutions, and of course the RSL is one of those institutions that dearly matters to the people of Williamstown. Therefore the minister's support to facilitate a meeting with RSL headquarters will be an important first step in our quest to return a sub-branch to the people of Williamstown.

### **Toorak Road, Camberwell**

**Mr WATT** (Burwood) (19:17) — (14 030) My adjournment matter is for the Minister for Roads and Road Safety. In 2015 I raised concerns with regard to the state of Toorak Road, Camberwell, in my electorate of Burwood. Subsequent to that particular adjournment matter we did see some work done on Toorak Road, but if I had described the potholes previously as large enough to put my fist in, I would describe them now as being large enough to put my hand in but not necessarily my fist. I still think that the state of the road is a problem. If the minister were to find his way down to Toorak Road on his way from Fitzroy North to his electorate, then he might find that the state of the road is unacceptable. I would ask that the minister facilitate the repair of Toorak Road such that it would be a suitable road on which people could drive their cars.

I note that Toorak Road is difficult. I have raised this issue before. Toorak Road has a tramline through the middle of it, and I understand that the tramline is not the responsibility of the Minister for Roads and Road Safety because it is actually the responsibility of Yarra Trams and not VicRoads. I would also say that my constituents do not distinguish between a pothole in the concrete on the tramline and a pothole in the bitumen on the left-hand side of the road. What they do realise is that the state of the road is a concern. I have asked previously that it be

fixed. It was a half-arsed job last time. I would ask that the job be done properly this time.

I would ask that the Minister for Roads and Road Safety actually facilitate funding to fix the road. I have asked the minister a question on notice about road funding in Burwood, and I noted that the answer was not broken down by electorate, so I then asked for road funding to be broken down by different municipalities. I note that in the last financial year no money has been put into the repair or maintenance of Toorak Road, and Toorak Road is a major thoroughfare through the middle of my electorate. It is a concern for my constituents and it is a concern for me, and I have people speak to me fairly regularly of concerns about this road inasmuch as I have had engagements with people who are concerned about the state of this road.

I would ask that the minister facilitate the repair of this road and its maintenance in the future to make sure that we have a major road in Melbourne — Toorak Road is not an insignificant road to the people of Melbourne, not just the people of Burwood — that is maintained in good order and is repaired to the point where people feel comfortable to drive down it. I would ask that the minister facilitate this by providing some funding.

### Dandenong South roads

**Ms WILLIAMS** (Dandenong) (19:20) — (14 031)  
My matter is for the attention of the Minister for Roads and Road Safety. The action I seek from the minister is that he join me to meet with the South East Melbourne Manufacturers Alliance, better known as SEMMA, to discuss the road network in Dandenong South. The Dandenong South industrial precinct is the largest manufacturing precinct in Australia. Manufacturing in the south-east is a one of the state's major drivers of jobs and output in Victoria, and much of this work is based in Dandenong South's industrial precinct. The south-east manufacturing precinct more broadly employs some 90 000 workers and contributes some \$12 billion to the region's economy. In every way Dandenong South is a 24/7 hub of business and production. It is a cornerstone of Greater Dandenong's and the broader south-east's economy.

As a result of all this activity there is a significant amount of traffic going to, from and through Dandenong South each and every day, and unfortunately this has led to growing traffic congestion over recent years, which can result in significant delays for workers getting to and from work within that precinct. This congestion also impacts on the productivity of local businesses, which rely on the regular transport of goods through the area, and as we

know, time is money and money is jobs. It is pleasing to be part of a government that is already investing in transport infrastructure in Dandenong South with the removal of the Abbotts Road level crossing. Abbotts Road is the main thoroughfare of the industrial precinct and carries tens of thousands of people to and from work every day. It is also a major access point to the South Gippsland Highway. Motorists and trucks often experience long delays at this level crossing, and I know that businesses and workers alike are delighted to see that works on its removal have begun. I know the project will be completed next year.

However, there is still much more that can be done in Dandenong South to improve traffic flows, and in order to find the right approach it is important that industry and business are involved in discussions on the best way forward. SEMMA is an independent body that represents organisations and manufacturers located in Melbourne's south-east region. It has more than 200 member companies that employ in excess of 9500 people. As the peak body for manufacturers and industry in the south-east, SEMMA has a strong network that can offer a useful perspective, and as such I seek that the minister make time to meet with SEMMA to discuss their ideas for improving the road network in Dandenong South.

### Responses

**Mr DONNELLAN** (Minister for Roads and Road Safety) (19:22) — To the member for Dandenong, I am always happy to meet with the South East Melbourne Manufacturers Alliance. I will get my office to organise that, and I just note that the member does a marvellous job with that organisation and for her local industrial community. The member for Burwood raised Toorak Road in Burwood and Hartwell — or, as it may now be called, Camberwell. I know the road very well. Obviously the member has indicated some work is being done on it. I will get VicRoads to look at that. All the other matters — from the members for Williamstown, Euroa, Eltham, Ferntree Gully, Macedon, Gippsland South, Sunbury and Box Hill — will be referred to the appropriate ministers.

**The DEPUTY SPEAKER** — Order! The house now stands adjourned until tomorrow.

**House adjourned 7.23 p.m.**

**Wednesday, 21 February 2018**

**JOINT SITTING OF PARLIAMENT**

**Legislative Council vacancy**

**Honourable members of both houses met in Assembly chamber at 6.17 p.m.**

**The Acting Clerk** — Before proceeding with the business of this joint sitting it is necessary to appoint a Chair. I call the Premier.

**Mr ANDREWS** (Premier) (18:17) — I move:

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

I understand he is willing to accept the nomination.

**Dr RATNAM** (Northern Metropolitan) — I second the motion.

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

**Motion agreed to.**

**The CHAIR** — Order! I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. Please note that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of rules.

**Mr ANDREWS** (Premier) (18:18) — Chair, I desire to submit the rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

**Dr RATNAM** (Northern Metropolitan) — I second the motion.

**Motion agreed to.**

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

**Mr ANDREWS** (Premier) (18:18) — I propose:

That Ms Huong Truong be chosen to occupy the vacant seat in the Legislative Council.

She is willing to accept the appointment if chosen. In order to satisfy the joint sitting as to the requirements of section 27A(4) of the Constitution Act 1975, I also advise that I am in possession of advice from the state director of the Australian Greens Victoria that Ms Huong Truong is the selection of the Victorian Greens, the party previously represented in the Legislative Council by Ms Colleen Hartland.

**Dr RATNAM** (Northern Metropolitan) — I second the proposal.

**The CHAIR** — Are there any further proposals?

As there are no further nominations, I declare that nominations are closed.

**Motion agreed to.**

**The CHAIR** — I declare that Ms Huong Truong has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

I now declare the joint sitting closed.

**Proceedings terminated 6.20 p.m.**