PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 11 June 2015

(Extract from book 8)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
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Minister for Industry, and Minister for Energy and Resources	The Hon. L. D'Ambrosio, MP
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Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
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Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade	The Hon. A. Somyurek, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas, Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
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	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David [2]	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dixon, Mr Martin Francis	Nepean	LP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian [1]	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	Prahran	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	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Resigned 2 February 2015
[2] Elected 14 March 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

Privileges Committee — Ms Allan, Ms D'Ambrosio, Mr Morris, Mr Mulder, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee— The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson. (*Council*): Ms Bath, Mr Purcell and Ms Symes.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson 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, Mr Perera and Ms Ryall. (*Council*): Mr Elasmar, Mr Melhem and Mr Purcell.

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

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

Family and Community Development Committee — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): 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 Hartland, 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 Eideh 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*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

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

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THURSDAY, 11 JUNE 2015

Thursday, 11 June 2015

The SPEAKER (Hon. Telmo Languiller) took the chair at 9.35 a.m. and read the prayer.

Mr T. Smith — On a point of order, Speaker, the members for Melbourne and Prahran have been engaging in a conceited pattern of behaviour by boycotting your procession into the chamber and the prayer. This exhibits a total lack of respect and almost contempt for the ancient traditions of this house and indeed your authority over it. Our standing orders are silent on this issue, but page 207 of *Erskine May Parliamentary Practice*, 23rd edition, makes it clear that as a backbencher at Westminster if you do not take your seat during prayers, you do not get your seat for the rest of the day. I seek a ruling on the conduct of the members for Prahran and Melbourne with regard to this, and I hope they will conduct their undergraduate protest politics somewhere else.

The SPEAKER — Order! I take the point of order by the member for Kew on notice. I will come back to the house and indicate the Chair's point of view on the point of order raised by the member for Kew.

ACTING SPEAKERS

The SPEAKER tabled warrant nominating Frank McGuire to preside as Acting Speaker whenever requested to do so by the Speaker or Deputy Speaker.

PETITIONS

Following petitions presented to house:

Police numbers

To the Legislative Assembly of Victoria:

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

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

By Mr PAYNTER (Bass) (400 signatures).

Western Highway

To the Legislative Assembly of Victoria:

This petition of concerned residents and voters of Victoria draws to the attention of the Legislative Assembly in the state of Victoria:

The Western Highway duplication project and its destructive manner of road construction between Ballarat and Middle Creek. Duplication in this manner is expected to eventually continue to Horsham.

We point out to the house:

Hundreds of large old, tourist-friendly red gums, many 400 years old, have been felled on the Western Highway near Beaufort. Each large hollow-bearing tree hosted a neighbourhood of other creatures. The grassy woodland community they represented is threatened, and rarer than previously estimated. Worse destruction all the way to Stawell is planned.

The landscape violence is strong. Some residents are physically ill, drive around or depart their home. The minutes and lives saved per dollar, or tonne of earth, wood or diesel, or years of angst and climate damage, is abysmally inefficient. Financially it is as bad as the east–west tunnel, unlike other potential country road projects. Climate disruption is likely to prevent an Australian population large enough for the tenfold increase in traffic that would use the road at full capacity.

Authorities have not responsibly chosen the scale of the project, and have made no effort to use slight curves, camber and road width reduction to preserve trees, money or community trust. They irresponsibly overemphasise ephemeral short benefits over serious, permanent, but underpriced, loss of increasingly important and scarce ancient trees. We request immediate intervention to pause this project while financially, socially and environmentally more efficient routes and plans are urgently considered.

By Ms KNIGHT (Wendouree) (200 signatures).

Tabled.

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr PAYNTER (Bass).

CHIEF VETERINARY OFFICER

Animal welfare and cruelty in the Victorian greyhound industry

Ms ALLAN (Minister for Public Transport), by leave, presented final report.

Tabled.

OFFICE OF RACING INTEGRITY COMMISSIONER

Live baiting in greyhound racing in Victoria

Mr PAKULA (Minister for Racing), by leave, presented final report.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Statutory Rules under the following Acts:

Meat Industry Act 1993 — SR 42

Surveying Act 2004 — SR 43

Survey Co-ordination Act 1958 — SR 44

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 42, 43, 44.

VICTORIAN AUDITOR-GENERAL'S OFFICE

Financial audit

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That:

(1) Under section 17 of the Audit Act 1994 Mr Steven Bradby of PKF Melbourne Audit & Assurance in Melbourne be appointed for a period of one year:

(a) to conduct the financial audit of the Victorian Auditor-General's Office for the financial year ended 30 June 2015;

(b) in accordance with the terms and conditions and remuneration of a person appointed by the Parliament of Victoria pursuant to section 17 of the Audit Act 1994, in appendix 1 of the Public Accounts and Estimates Committee's report on the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office under section 17 of the Audit Act 1994 (parliamentary paper no. 45, session 2014–15); and

(c) at a fixed fee level of remuneration of $34 500 (plus GST) for audit services for the year ended 30 June 2015.

(2) A message be sent to the Legislative Council requesting their agreement.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

Ms ALLAN (Minister for Public Transport) — I move:

That the house, at its rising, adjourns until Tuesday, 23 June 2015.

Motion agreed to.

MEMBERS STATEMENTS

Robinsons Road–Western Port Highway, Pearcedale

Mr BURGESS (Hastings) — On 29 May a beautiful young life was lost at the intersection of Robinsons Road and Western Port Highway in Pearcedale. Shortly after 5.00 p.m. on that day 19-year-old Olivia Steadman-Meconi drove on Robinsons Road in a westerly direction and upon entering that intersection was hit by a car travelling north on Western Port Highway. At that point Western Port Highway had a speed limit of 100 kilometres per hour. The vehicle that hit Olivia's small Mazda was a large four-wheel-drive vehicle. The impact of the vehicles colliding was so great that they both came to rest a significant distance away. These sorts of collisions have become all too common at this intersection.

I was in contact with members of the Pearcedale community that night, and a public meeting was hastily arranged for the next morning. I will never forget the anguish and pain in the eyes of those people who were first at the scene and tried to help Olivia hold on. These were just normal people; they were husbands, wives, sons and daughters who were called upon with no warning to help and comfort this beautiful young person in the most difficult and final moments of her life. I think you can tell when someone has experienced something that will remain with them for the rest of their lives. The pain they are experiencing is palpable.

This intersection has a deadly history, with 18 casualty crashes, including two deaths, in just the last five years. I wrote to the Minister for Roads and Road Safety immediately, offering to work with him, Frankston City Council and Casey City Council in a bipartisan way to take urgent action to fix this intersection. I followed that email with a further email, a phone call, a fax and a snail mail hard copy. I also contacted Frankston and Casey councils. Councillors for the area, Geoff Ablett from Casey and Darrel Taylor from Frankston, had gained the support of their council within a couple of days of my contact. It will be two weeks ago tomorrow since my contact with the minister, yet there has been no response at all from him.

BLOC Music Theatre

Ms KNIGHT (Wendouree) — Recently I had the great pleasure of attending a production of *Miss Saigon* at Her Majesty's Theatre in Ballarat. It was an incredible night, and I have to congratulate BLOC Music Theatre for its world-class performance. In

particular I acknowledge BLOC's sponsors and supporters: 3BA Power FM, the WIN network, the Ballarat *Courier*, Gems & Jewels Ballarat, Lifestyle Travel Ballarat and Outlook. I also want to thank BLOC's committee of management and the company's patron, the lovely Bruce Roberts, who is known to a lot of us through WIN News.

Every single aspect of this production was of the highest standard, including the orchestra, the sets, the choreography, the lights, the wardrobe and of course the cast. Big props to my friend Brendan 'Brindal' Bawden for — how can I put this? — his very enthusiastic portrayal of a lonely soldier in a nightclub needing a little bit of company for an hour or two.

I am so proud that Ballarat produces theatre to the highest of standards. Thanks to everyone involved for a terrific night's entertainment. I really look forward to BLOC's next outstanding production. I also thank Her Majesty's Theatre for bringing amazing performances to our local area of Ballarat. The Melbourne International Comedy Festival Roadshow will be there tomorrow night, and I am really looking forward to that. I encourage all members to come along and watch a production at Her Majesty's Theatre.

Traralgon Secondary College

Mr NORTHE (Morwell) — Last week I was pleased to attend my old high school, Traralgon Secondary College junior campus, to speak with the students about the importance of leadership. I must say I was very impressed by the resilience and positivity displayed by the school's student leaders during my visit. We discussed various leadership attributes, including the importance of listening, being respectful, doing your best and being happy and positive. Thank you to teacher Rita Antonuccio and the students for their hospitality and input during the course of the day.

National Emergency Medal

Mr NORTHE — On behalf of my local community, I wish to congratulate a number of local Country Fire Authority (CFA) brigade members on being awarded a National Emergency Medal for outstanding service and sacrifice during the 2009 Black Saturday bushfires. The Black Saturday bushfires were simply devastating across Gippsland and indeed Victoria, and the contribution of our CFA personnel and volunteers, along with that of other emergency service members, will never be forgotten.

To Daniel and Jolie Williams of the Boolarra brigade; Jessie Bevis of Churchill; Kay Berry, Brian D'Arcy, David Farmer, Damien Hodge, Brian Holman, and Gary Lamont of Glengarry; Raymond Velia of Newborough; and Frank Cassar and William Scorbio of Yinnar, we say congratulations on being deserving recipients of a National Emergency Medal.

Trish McCluskey

Mr NORTHE — I also acknowledge Trish McCluskey, who is the Gippsland regional director of Berry Street. Trish is one of five finalists in the Unsung Hero category of the 2015 Health Employees Superannuation Trust Australia Community Sector Awards and, given her incredible community service and dedication to in particular vulnerable young people in our region, she is a deserved finalist. Trish has been the instigator of many innovative programs and projects in our region. On behalf of my local community, I wish Trish every success in the final on 25 June.

Boer War Day

Ms BLANDTHORN (Pascoe Vale) — I rise to acknowledge that 31 May was Boer War Day, marking the end of the conflict of 1899 to 1902, Australia's first conflict as a nation. I joined with fellow Melburnians and prominent Australians at the Shrine of Remembrance to mark this special occasion, which commemorates the 23 000 Australians who served in this war, 1000 of whom made the supreme sacrifice while fighting for our nation.

It is important to note that those Australian men and women who served in the Boer War are known as the fathers and mothers of the Anzacs. The Boer War was the catalyst in forging much of our national identity. Australia entered that war as a colony of the British Empire, but by the war's conclusion in 1902 Australia was a new and independent federation. The origins of the honourable traits for which Australian soldiers have since been renowned, such as courage, resilience and ingenuity in the face of adversity, can be traced back to that conflict. The Boer War must also be remembered as an event which precipitated a succession of firsts in Australia's military history. Indeed the first Australian woman to go to war went to the Boer War, and the first Victoria Cross was awarded following the Boer War.

I also make mention of those people who are currently organising for a Boer War memorial on Anzac Parade. Currently there is no memorial for the Boer War on Anzac Parade, and I acknowledge the work of Bill Woolmore, who is working on this project.

Portland Bay School

Dr NAPTHINE (South-West Coast) — I call on the Minister for Education to join me for an inspection of facilities at Portland Bay School. This school provides high-quality education and care for its 40 students with special needs. The school started 20 years ago with only 7 students; it now has 40 and is expected to have 46 in 2016. The school is on a 0.23-hectare site when a school of this size should have at least 2.5 hectares. All of its current buildings are portables, and a recent condition assessment report showed that the older portables are well past their use-by date. These buildings have leaking roofs and water damage to walls, floors, carpets and electrical systems.

The previous coalition government provided a new two-classroom portable, which was scheduled to be opened at the start of the school year. It is on-site but still not ready for students. The coalition also planned to undertake a widespread stakeholder consultation including all Portland schools, as well as the community of Portland Bay School, to develop a plan to provide the right site for a new Portland Bay School.

Last week the whole school was shut down for safety reasons by WorkSafe. Swift action by department contractors has allowed the school to reopen, but what is really needed is a plan to build a new school on a new site to meet the growing needs of students and families. This is not about politics; it is about the educational needs of students with disabilities. Therefore I call on the minister to meet with students, school council, parents and staff and to come with me to visit this school.

Yuroke Youth Advisory Council

Ms SPENCE (Yuroke) — I would like to thank the 14 local students who have formed the Yuroke Youth Advisory Council, which met for the first time on 3 June. This is a group of talented, like-minded young people from all the secondary schools in the Yuroke electorate who will work together throughout the year. The aim of the Yuroke Youth Advisory Council is to find out and hear about the issues these students are concerned about. Often young people are overlooked when it comes to politics and issues within the community as they are not old enough to vote. This council gives youth the opportunity to voice their issues and be heard and to consider how these issues can be resolved. The issues discussed were public transport, vandalism, bullying and school resourcing. The group discussed some of the possible causes of these issues and helped come up with some appropriate solutions. I look forward to working with local council members and other levels of government on some of the other issues presented, such as rubbish and internet speed. Overall I think the Yuroke Youth Advisory Council will be a great success, and I look forward to hearing more over the coming meetings.

I also thank my recent work experience student, Alicia Cassar, for assisting in the preparation of this statement. Alicia is a lovely young lady, and I wish her all the best.

Country Fire Authority

Mr WELLS (Rowville) — This statement condemns the Andrews Labor government and the Minister for Emergency Services for failing to acknowledge and properly support Victoria's nearly 60 000 experienced and dedicated Country Fire Authority (CFA) volunteers. Volunteers in my local CFA brigades have expressed continuing grave concerns about the future of volunteerism in their proud organisation. CFA volunteers believe the Andrews government and the minister want to increasingly deploy paid, career United Firefighters Union firefighters across the state and push out volunteers. At a time when the government and the CFA should be in full volunteer recruitment mode to build surge capacity and capability ahead of this year's fire season, brigades are becoming disheartened at the lack of support and acknowledgement of volunteers.

The CFA is one of the largest volunteer organisations in the world. Volunteers need to know they have a government that genuinely supports them and believes they are the current, and will remain the future, backbone of Victoria's firefighting capabilities. They do not want more hollow statements. CFA volunteers, like all volunteers across the state's emergency management sector, deserve acknowledgement and recognition of the great job they do in looking after the community safety needs of Victorians. The Andrews government is all spin when it comes to volunteerism in the CFA. There is no doubt Labor has a plan to progressively unionise and de-volunteer the CFA by stealth, at the expense of volunteers and their communities. Labor simply cannot be trusted.

Narre Warren South P–12 College

Ms GRALEY (Narre Warren South) — Recently I had the great pleasure of attending two wonderful events in my electorate. The first was a fundraiser at Narre Warren South P–12 College for Breast Cancer Network Australia and the Perryman family. Sadly Andrea Crawford and Phil Perryman, two outstanding teachers, have recently passed away. In honour of these

remarkable individuals the school community rallied to raise funds and awareness of the devastating impact breast cancer and leukaemia have on many local families. They held a casual dress day, took part in a very impressive dance-off — I joined in — and unveiled a delightfully unique chicken sculpture in honour of Andrea. Well done and congratulations to the new principal, Rob Duncan, teachers Dianne Parkinson, Paul Leach, Joy Hicks and Harry Coulson, and of course the many students, Petar Stojkovic, Shekinah-Gloria Siaopo, Arnhie San Juan, Berk Celik, Natalie Francois, Sitarah Mohammadi, Bella Sparks, Annie Milford, James Duque Da Silva, Marae Lei Brown, Joshua Hoxha, Eseta Faalau, Leighana Ngatokoa, Joel Rogerson, Adam Williams, Kavindya Fernando, Arielle Seerungen and Jasmen Lei Brown, for organising such a great day.

St Kevin's Catholic Parish, Hampton Park

Ms GRALEY — St Kevin's Catholic Parish in Hampton Park celebrated its silver jubilee at the end of last month. Over 25 years the St Kevin's parish has grown to meet the demands of our ever-growing and diverse community. Today the parish is made up of 2600 families from across Hampton Park, Lynbrook and Lyndhurst, many of whom were born overseas. The parish's patron saint, St Kevin, was renowned for his patience. It is said that a bird once laid an egg in the palm of his hand. St Kevin, not wanting to harm the egg, remained motionless until the egg hatched. The St Kevin's community opens its arms generously to all. It was a joyous celebration of a church that has enriched our local community and will no doubt continue to do so for many years.

Lowan electorate roads

Ms KEALY (Lowan) — I bring to the attention of the house the concerns of the residents of Valley View Nursing Home in Coleraine. They have written to me to express their concern at the poor condition of roads in the local area and the unsatisfactory suspension of ambulances and hospital transport, saying:

> These combined cause a great deal of discomfort on our ageing bodies, when going on social outings or to medical appointments around the area.
>
> … this discomfort detracts from the social outings, with some residents therefore reluctant to take part. Some residents are also reluctant to attend medical appointments, where travel via ambulance is required.

I urge the Minister for Roads and Road Safety to urgently increase road maintenance funding in the local region and immediately reinstate the coalition's $160 million Country Roads and Bridges program to ensure that our local people, including the residents of Valley View Nursing Home, can travel on roads which are maintained to a safe and comfortable standard.

Margaret Millington

Ms KEALY — I congratulate Marg Millington on being awarded an Order of Australia Medal in the Queen's Birthday honours. I greatly admire Marg's commitment to the Nhill community, in particular her work in mentoring and assisting with the settlement of Karen refugees in Nhill, and her tireless campaign to improve prescription drug management and monitoring. Congratulations, Marg, and please keep up your great work in standing up for local people and our important community issues.

Ben Bentley

Ms KEALY — I congratulate Ben Bentley on being awarded an Order of Australia Medal in the Queen's Birthday honours. Ben has made a significant and ongoing contribution to the community of Warracknabeal for over four decades. He has been involved in a string of organisations, including disability agency Woodbine, the Rotary Club of Warracknabeal, the former Warracknabeal Shire Council, the Warracknabeal Water Board, the Grampians Region Water Authority and the Warracknabeal Saleyards committee. Thank you, Ben, for your outstanding service to the community.

Melinda Shelley

Ms KILKENNY (Carrum) — Recently I had the pleasure of catching up with a constituent, Melinda Shelley, to discuss her ongoing plans and vision for a local literacy program. I first met Melinda when she was fighting to save our local children's library in Seaford back in 2013. I was taken aback by her sheer determination and resolute commitment to the importance of reading. Melinda understands how essential books are for improving children's literacy and is passionate about educating families on the importance of reading to our children. But she also knows that for many families who are doing it tough quality children's books are a luxury.

Melinda has started her own program, l23Read2Me, and is taking direct action to bring about positive change in our local community. Over the last three years, Melinda has distributed more than 18 000 books to children and families through childcare centres, play groups, local libraries and maternal and child health centres. She is now looking to distribute books directly to families and has put out the call for volunteers to

help with this next step in the program. To meet demand she is also working with schools. The plan is to distribute empty bags to school students for them to take home and fill up with unwanted books.

We know how much children love being read to, but the reality is that many children are not being read aloud to at home. So Melinda is also working with the principal at Seaford Park Primary School, Julie Braakhuis, to start a read-aloud program. The idea is to get volunteers and children from grades 5 and 6 to read aloud to the preps. The simple goal of this program is to instil in those young children the love of reading. I commend Melinda on her efforts in helping children learn about the joys of books and reading, and I look forward to working with her on this important journey.

Israel MediFUTURE exhibition

Mr THOMPSON (Sandringham) — I pay tribute to the member for Caulfield for his coordination of an outstanding exhibition in Queen's Hall during the past few days. I particularly note the outstanding item of equipment known as ReWalk, which enables people with paraplegia to gain a much greater level of mobility.

Israel

Mr THOMPSON — I acknowledge the 67th anniversary of the establishment of the modern state of Israel and commend the Australian Jewish community on its great contribution to every aspect of Australian life.

Chris Judd

Mr THOMPSON — I pay tribute to Chris Judd, a son of Sandringham, on his outstanding AFL career and note that at the end of the 21st century, when the Australian Greek community put together its team of the century, he will be an integral factor acknowledging an aspect of his heritage, being Greek.

Southland railway station

Mr THOMPSON — In relation to the naming of the Southland station and the debate around whether the precinct should be named 'Southland station', I strongly support naming the station being established between Highett and Cheltenham 'Southland station' as there is a strong community understanding of its location, and it will help people arrive at the destination with some level of precision.

Dr Michael Heath

Mr THOMPSON — I pay tribute to a local vet, Dr Michael Heath, for his support for the veterinary emergency response to the Nepal earthquake. He has gathered together resources and veterinarian supplies and organised for two vets to go to Nepal to support the relief effort, with animal husbandry being an imperative in supporting the community there.

Family violence

Ms COUZENS (Geelong) — It was a great pleasure to have had the Minister for the Prevention of Family Violence speak at my family violence forum in Geelong last week. The forum was well attended, with representatives from a diverse range of organisations, academics, local government and interested members of the public. They listened to the minister outline the details of the government's submission to the Royal Commission into Family Violence and the details of the family violence index. The minister also made it clear that family violence is a whole-of-community problem that will need a whole-of-community approach.

Other speakers included Pauline Wright, the CEO of Minerva Community Services, who spoke about the support that her team offers to women and children. These dedicated workers provide support for housing, court and legal matters, counselling, basic necessities and a lot more. They are exceptional workers. Kevin Godfrey from the Geelong police family violence unit gave a comprehensive overview of the work his team is doing and their innovative approach to addressing family violence. Of note is the 3x3x3 model in which after a call-out they make contact after three days, then three weeks and then three months. They also make a surprise visit. The commitment by Kevin and his team is to be commended.

The collaborative approach by Geelong police and the relevant services is of great benefit to the Geelong community. It was agreed at the forum that when the royal commission hands down its findings in February 2016, I will convene another forum to consider the findings and how they can be best implemented in Geelong. As the member for Geelong I am proud to be a member of the Andrews Labor government, which is committed to the Royal Commission into Family Violence.

The SPEAKER — Order! The member's time has expired.

Rossbourne School

Mr PESUTTO (Hawthorn) — I rise today to speak about one of Hawthorn's great educational institutions, Rossbourne School. Located at the historic mansion on the corner of Power Street and Manningtree Road in Hawthorn, Rossbourne School has been educating young Victorians since 1967. Its focus is on students who have experienced learning challenges and difficulties at other schools. As the school says, its purpose is to fulfil the specific needs of students who have experienced difficulties in other schools. Most of Rossbourne's students have found it difficult to adapt to the educational and social demands of mainstream education.

Many students who attend Rossbourne have an identifiable learning disorder. But under the stewardship of one of Victoria's most outstanding educational leaders, principal Mr Linden Hearn, these challenges are met in the most effective and elegant way possible. Rossbourne helps students achieve their full potential, so much so that visitors to Rossbourne can be forgiven for not even noticing the difficulties and challenges that students are being so well taught to overcome. It really is an inspirational learning environment, and this is a credit to the students, parents, staff and principal of Rossbourne.

That is why it was such a delight to attend an assembly at Rossbourne on Wednesday, 3 June, to speak to students about leadership and to present certificates to the school's student leaders. The enthusiastic and considered participation of all students on the question of what they think of leadership made it clear to me that they have great futures ahead of them. I take this opportunity to congratulate Linden Hearn and his staff and students.

Broadmeadows electorate development summit

Mr McGUIRE (Broadmeadows) — We have a chance to turn adversity into opportunity, to develop industries for the future and create new jobs for the next generation, to address housing affordability and to replace anxiety and fear with hope. All we need is for the Prime Minister or the Australian Treasurer to participate. As its name declares, Broadmeadows has land for affordable housing. It has excellent transport links and is just over 15 kilometres from the world's most livable city. It has one of Victoria's most strategic assets, the curfew-free Melbourne Airport, at its back door. In the past cities were built around seaports, now they are built around airports. The critical infrastructure is in place; all we need is the political will to commit to a coordinated strategy.

I wrote to Tony Abbott and Joe Hockey four months ago asking for one of them to be a keynote speaker at an economic and cultural development summit in Broadmeadows. The Australian Treasurer has refused, passing the invitation to the Prime Minister. I have had no reply from the Prime Minister's office in four months. His silence speaks for itself.

Unemployment in Broadmeadows is higher than in Spain and equal to that in Greece, and today Woolworths has announced that it is closing its Broadmeadows distribution centre, costing a further 350 local jobs. Youth unemployment in the community, with twice as many Muslim families as any other state district living side by side with Christian refugees from Iraq and Syria, is believed to be about 40 per cent, which is perilously high. Unemployment is a social disaster for these families, who have come to Australia in search of jobs and homes. One of the best deradicalisation strategies is a job. One of the best national security networks is community engagement. I call on the federal government to turn up.

Ashburton Bowls Club

Mr WATT (Burwood) — On 4 May I attended the Ashburton Bowls Club annual general meeting. Congratulations to all those at the club, particularly those who received awards and acknowledgement on the day. Every year I hold a bowls tournament involving Ashburton Bowls Club, Bennettswood Bowling Club, Burwood District Bowls Club and members of my staff on the Parliament bowling green. At the annual general meeting I was proud to present Ashburton Bowls Club with the trophy for its win in last year's tournament. It was great to be there to present that trophy to the club.

Wembley Park soccer pitch

Mr WATT — On 16 May I attended the opening of the Wembley Park pitch, which is where Box Hill United Soccer Club plays. I thank Alex Palmos, the president, for his invitation. I was joined by the member for Forest Hill and Football Federation Victoria president Kimon Taliadoros. It was an interesting day, but for me, given that Box Hill United was playing Melbourne Victory and I am a 10-year member of Melbourne Victory as well as a great supporter of Box Hill United Soccer Club, the result was not the point. It was all about the great new pitch.

Parkhill Primary School

Mr WATT — Parkhill Primary School, in my electorate, is a school in need of rebuilding, which the

previous Liberal-Nationals government recognised. It is disappointing that the current government has not also recognised this fact. The parents of students at the school are at their wits' end and have had to resort to legal action to try to get the government to listen. It has been reported in the *Waverley Leader* — —

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

Mount Hotham

Mr CARBINES (Ivanhoe) — I am pleased to report that I launched and opened the 2015 snow season with the Mount Hotham Resort Management Board. I thank chairperson Deb Spring, chief executive officer Jon Hutchins and the board members for the comprehensive briefing they provided to me on the critical role played by our six alpine resorts, which are estimated to provide 6000 jobs each year. Mount Hotham is one of the country's premier alpine destinations, due to its appealing combination of terrain, beautiful scenery, an exciting schedule of events and first-class facilities.

I was joined by the member for Ovens Valley, the member for Yan Yean and a member for Eastern Victoria Region in the Council, Ms Shing, who was representing the Minister for Environment, Climate Change and Water. It is critical that we support our alpine resorts. This includes investment in critical infrastructure, such as the recently completed Swindlers Valley pipeline, which cost $7.6 million. It is half a kilometre long, and it runs beneath one of the busiest ski runs at Hotham. The replacement of the pipeline is essential to the drainage of snow melt and run-off, and the new pipeline will keep the ski runs and resorts area operating safely. This project has created 20 seasonal jobs. It is a great engineering achievement, which was led by the board and its team. I commend them on the work they have done.

The government will continue to support our alpine resorts and the Mount Hotham management team to make sure they provide a great alpine experience and also great jobs, tourism and investment in regional Victoria.

Doveton and Pakenham football and netball clubs

Mr PAYNTER (Bass) — I rise to congratulate the Doveton and Pakenham football and netball clubs for helping to raise awareness of the White Ribbon campaign on men's violence against women. I was invited by Steve Henwood, a Challenge Family Violence ambassador and Doveton Football Club legend, to speak at the lunch prior to the Doveton and Pakenham White Ribbon game on 30 May and talk about my role as a White Ribbon ambassador. I was joined at the lunch by my parliamentary colleague the member for Dandenong. We both spoke proudly about the Victorian Parliament's bipartisan approach to tackling both family violence and men's violence against women.

One of the keys to addressing men's violence against women lies in educating young people. Sporting clubs such as the Pakenham and Doveton football and netball clubs have an important role to play in addressing community issues and changing the culture of violence in our community. They have the ability to impact and reach thousands of young men and women with the powerful message that any form of violence against women is not okay. To those who argue that men are equally victims of violence at the hands of women, I say it is clear that men and women do not assault each other at equal rates or with equal effect; the evidence does not support this. As a White Ribbon ambassador and member of this Parliament, I would like to express my sincere gratitude to those two clubs for leading by example in promoting the dialogue and helping to change the way we think about this issue.

National Reconciliation Week

Mr STAIKOS (Bentleigh) — National Reconciliation Week was celebrated from 27 May to 3 June, and my local community in the Bentleigh electorate came together to commemorate the significant milestones of the 1967 referendum and the High Court Mabo decision. St Catherine's Primary School in Moorabbin organised a special assembly and flag-raising ceremony. Students have been busy learning about why we must work every day towards reconciliation. I was pleased to address the assembly and provide an Aboriginal flag.

Bentleigh West Primary School was visited by students from its sister school in the remote Indigenous community of Balgo, Western Australia. Students of both schools have built a strong rapport, having communicated regularly with each other via email in the lead-up to the visit. It was an honour to join staff and students for a tree planting in the Aboriginal garden. It was a very cold morning, and I have a feeling that the kids from Balgo felt the cold more than the rest of us.

St Christopher's Anglican Church in Bentleigh East held a special reconciliation mass. It was a pleasure to join Reverend Shannon Smith and her congregation for the mass. Shannon is not only the first female priest at

St Christopher's but also the first Indigenous Australian to hold that position.

I am proud of my electorate for its active participation in Reconciliation Week and its commitment to celebrating Indigenous culture, connecting with the community and stopping racism.

Di Foggo

Ms THOMAS (Macedon) — I wish to congratulate Ms Di Foggo of Kyneton on being made a member in the general division of the Order of Australia for her significant service to industrial relations, higher education and the advancement of women. Soon after starting her career as a teacher, Di found herself involved in union activities. She was elected secretary of the Northern Territory branch of the Teachers Federation in 1982. She was subsequently elected federal president of the Teachers Federation — later the Australian Education Union (AEU) — and then elected vice-president of the Australian Council of Trade Unions in 1991, before being appointed as a commissioner to the Australian Industrial Relations Commission, where she served with distinction for 18 years.

In 1999 Di was appointed to the council of Victoria University, and she served as deputy chancellor from 2002. As Vice-Chancellor Professor Peter Dawkins noted:

> Throughout her time on council, Ms Foggo was passionately committed to the university and was a tireless exponent of the university's mission to transform lives through the power of education and to develop the capacities of industry and the community in the west.

In recognition of her work she was awarded an honorary degree in 2012.

Ms Foggo is a life member of the AEU and the Industrial Relations Society of Victoria in acknowledgement of her instrumental role in recognising and fostering the professional development of women in the field of industrial relations across all sections of the society — unions, government, private enterprise, students and academics. She was also a patron of the Women in Industrial Relations Interest Group.

Ace Body Corporate Management

Mr RICHARDSON (Mordialloc) — Recently I had the opportunity to celebrate the incredible journey of Ace Body Corporate Management over the past two decades and pay tribute to its founder, Stephen Raff, his wife, Binnie Raff, and the dedicated team who have served over the years.

Ace Body Corporate Management is in the owners corporate and strata industry. Today the company has over 100 franchises across Australia, supporting many thousands of clients and managing over 55 000 lots and more than $20 billion in assets. It is clear today that Stephen and his team were the first movers in the strata market back in 1995. The decision to pursue a franchise model a short time after establishing the business saw the company rapidly grow.

Despite its expansion and success, Ace Body Corporate has remained headquartered in Mordialloc over the past 20 years. Stephen and his family have been local to the bayside region for many years. The company maintaining a presence in Mordialloc says a great deal about the importance placed on this great community and the priority of supporting local industry. It has a perfect recipe for success that has endured for 20 years and has boundless possibilities for the future.

BUDGET PAPERS 2015–16

Ms ALLAN (Minister for Public Transport) — I move:

> That this house takes note of the 2015–16 budget papers.

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

Debate adjourned until later this day.

PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015

Second reading

Debate resumed from 10 June; motion of Mr WYNNE (Minister for Planning).

Ms THOMAS (Macedon) — It is my pleasure to rise and speak in support of the Planning and Environment Amendment (Recognising Objectors) Bill 2015. I would like to start by congratulating the Minister for Planning on bringing this bill to the house. I also acknowledge the contribution of Mr Brian Tee who, as the former shadow Minister for Planning, did so much work on the development of this bill.

Planning is a key issue in my electorate of Macedon. Across the electorate many community groups have come together over many years to fight to protect the natural beauty and distinct characteristics of the

Macedon Ranges. Throughout my time I have got to know some fantastic local members of my community who are working to preserve the unique characteristics of the village of Macedon and were recently successful, with council support, in stopping an inappropriate development in that little township.

In Gisborne the community has rallied successfully to save the U. L. Daly Reserve from inappropriate development. The community of Woodend is currently campaigning against a development that it believes would potentially destroy the unique beauty and character of its town, and a group called Getting Riddell Right has been campaigning against what it sees as the inappropriate development of a supermarket in the village of Riddells Creek.

Planning is an extremely important issue. It is vitally important in peri-urban electorates such as mine, which are under a lot of pressure as the population in Melbourne increases. They are also under pressure from developers who see an opportunity to make a quick buck without regard to the future and the need to make sure that these unique environments that are under this pressure are protected both now and into the future.

The Macedon Ranges is a region that deserves protection not just for the communities and people who live there but for the whole of Victoria. Because of its easy access from Melbourne, Macedon Ranges provides a fantastic refuge for people from the city. It is an easy drive for people from Melbourne's northern and western suburbs and many people take advantage of that to come up and enjoy a coffee, a walk or just to enjoy the natural beauty and wildlife of the Macedon Ranges.

Planning is a very important issue in my electorate. I will talk specifically about the bill, but firstly I would like to say that I am delighted that the Minister for Planning and the Labor government have made a commitment that recognises the particular and unique characteristics of the Macedon Ranges to ensure that they are protected against inappropriate development by legislative means. I look forward to the Minister for Planning bringing that to the house.

The Planning and Environment Amendment (Recognising Objectors) Bill 2015 delivers on an election commitment to require the Victorian Civil and Administrative Tribunal (VCAT), where appropriate, to consider the extent of community opposition to permit applications. This commitment was made in response to a concern that VCAT treats extended community opposition as an irrelevant consideration.

We need to be very clear that this is about understanding that the weight or number of objectors is going to be very important in VCAT determinations. This is quite different. Let us look at what occurred under the previous government and the way our planning schemes were administered by the then Minister for Planning, now the Leader of the Opposition. In a paper entitled *2011 — A Year in Review*, Stuart Morris, QC, and Emma Peppler note under the heading 'Backflips':

> In September the media had a field day with the Minister for Planning's backflip over the zoning of land on Phillip Island in the local government area of Bass Coast shire. Having announced that the site in question would be rezoned for development, at the 11th hour before gazettal the minister changed his mind. Leaving aside the legality of such a reversal, cynics were left asking whether the change of heart was due to the media-catching opposition of Miley Cyrus on Twitter …

Members can be assured that the intent of this bill is about there being a number of objectors, not a celebrity objector, as was the case in influencing a decision by the previous Minister for Planning. The bill makes it clear that the Victorian Civil and Administrative Tribunal will be required to consider the number of objectors, having no regard to their celebrity or otherwise. This is a very important bill and one that will be welcomed in my electorate of Macedon. Again, I congratulate the Minister for Planning on his efforts to ensure that we protect both regional Victoria and, importantly, the suburbs of Melbourne from inappropriate development. I commend the bill to the house.

Mr T. SMITH (Kew) — I rise to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. This bill is something that I am particularly familiar with, given that it seeks to codify a decision handed down by the Supreme Court in the case of *Stonnington City Council v. Lend Lease Apartments (Armadale) Pty Ltd*. I am familiar with that case because I was the mayor of Stonnington at the beginning of the dispute with Lend Lease and a councillor throughout the entire period of the dispute.

Mr Dimopoulos interjected.

Mr T. SMITH — Indeed. I thank the member for Oakleigh. I think it would be helpful to the house if I provided some context, given that this bill is attempting to codify a decision of the Supreme Court, which for the first time recognised that not just the planning merits of an objection should be taken into account by a responsible authority but also that the quantum — as in the volume — of objectors should also be taken into account. Lend Lease had a significant application at

590 Orrong Road. The council felt that the application was totally inappropriate for the site in terms of height, density, car parking requirements and neighbourhood character. We opposed it in its initial stages by refusing a planning scheme amendment. We then refused a standard planning application process. Lend Lease appealed to the Victorian Civil and Administrative Tribunal (VCAT). The presiding VCAT member found that essentially it did not matter if there was 1 objector or, as in this case, 640 objectors; the only thing that could be taken into account was the planning merits of the objection.

From the perspective of a councillor and a mayor sticking up for his local community, I must say that that was an intriguing comment by the VCAT member. I thought at least some weight should be given to the number of objectors from the local community. But the important point to remember here is that Lend Lease succeeded at VCAT under the previous government's Melbourne 2030 planning scheme. As much as the council's policies and the prerogative of the local area were against such a high-rise development in Armadale, the key point was that the planning scheme overlays were not on the side of the local community. That leads us to the amendment before us today, which seeks to codify the case of Stonnington and Lend Lease, whereby on appeal from VCAT the Supreme Court basically said, 'Well, yes, 600 objections is more important than 1 clearly, but at the end of the day the planning merits are still what counts'. Hence the appeal was refused. I believe the property concerned is about to be actively developed.

This amendment, however well meaning, will not actually change anything. This is the key point we have to make. The language used in the amendment is not a compulsion. There are too many 'mays', there are too many 'shoulds' and there are no 'musts'. We all know that planning is one of those areas of public policy where frankly there are so many inconsistencies. It is comprehensively confusing most the time. Unless you use the language of compulsion — the 'musts', not the 'shoulds' — you end up with a situation in which very skilful lawyers at VCAT, essentially against local objectors, are able to drive a truck through community objections and allow large-scale developers to win the day.

We on this side of the house support the community's right to object to what is to be built over their back fences or next door to their primary assets. I fundamentally believe the property rights of those folk who are already living in local areas ought to be defended against applications for development made by other people that may undermine the value of the community's primary assets. However, I do not believe in giving false hope to objectors or in encouraging councils to behave in a fashion whereby they attempt to hold up legitimate developments with genuine planning merit by claiming that there is a quantum of objectors greater than one might have expected. This bill does not change that. This amendment will not change the fact that at the end of the day responsible authorities should judge a planning application on its merits. It means that councils have to do the work to appropriately zone land in a way that is consistent with the expectations of the local community. Indeed the state government ought to have a mind to the wants and wishes of the local community.

If the neighbourhood residential zones brought in by the now Leader of the Opposition during the last Parliament had been enacted earlier, the Lend Lease application at 590 Orrong Road would not have been approved. I imagine there would have been a mandatory 9-metre height limit over that site, which would have precluded the sort of large-scale development we are now seeing there. During the Public Accounts and Estimates Committee hearings I asked the Minister for Planning whether he could guarantee that neighbourhood residential zones and the amenity of my electorate of Kew would not be affected by his review of the neighbourhood residential zones, but no undertaking was given, which is of grave concern to my community. We do not want to see the 8-metre mandatory height limit currently imposed on 76 per cent of the city of Boroondara changed in any way, shape or form. We want our neighbourhood to be protected, but however well meaning this amendment may be, it will not fix the problems.

Mr McGUIRE (Broadmeadows) — The Andrews government is delivering on a key election commitment to put the community's voice back into the planning process. This is a critical proposition, and it goes to a fundamental democratic right. The member for Kew spoke about what happened in the Stonnington case, acknowledging that there was a balance of influence that went against the wishes of the community during his time as mayor. We have had other criticisms levelled against this amendment by the coalition. I find such criticism a bit disconcerting given that during the coalition's time in government we had shoeboxes in the sky being built in the heart of the world's most livable city.

The Leader of the Opposition, in his previous role as the Minister for Planning, unilaterally axed a community activities district in Broadmeadows, which was a significant project for economic development and had overwhelming community support. This project

had been developed for two years by the City of Hume in collaboration with the broader community, but despite the now Leader of the Opposition boasting that in the other place he represented the families of Broadmeadows, he ruthlessly shredded the wishes of the local community by cancelling this defining project so that he could redistribute funds to sandbag marginal seats. More often than not the coalition's strategy for planning while in government was a triumph of politics over rational decision-making.

One earlier contribution made by a Labor member made reference to the backflips on Phillip Island. Only if you were a celebrity like Miley Cyrus and able to get onto Twitter, round up some concern and form an echo chamber with the media were you heard, and it prompted this backflip approach to major projects. That is no way to consider community consultation. That is no way to involve and engage with the community's wishes. That is really the situation we had under the last regime. In government Labor is saying, 'Here is a proposition where local communities can have their voices heard and recognised'.

The bill inserts a new decision-making consideration into the Planning and Environment Act 1987. Currently the act requires a responsible authority to consider any significant social and economic effects that a proposed development may have when determining an application for a planning permit. The Victorian Civil and Administrative Tribunal (VCAT) must have regard to any matter considered by the responsible authority in making its decision. The bill amends the act so that both a responsible authority and VCAT must have regard to the number of objections to a permit application in consideration of where the proposal may have a significant social effect.

This is the critical proposition I am talking about, particularly in how we try to maintain Melbourne as the world's most livable city, how we make sure that we do not have enclaves of disadvantage and how we get a coordinated strategy so we can develop an overall plan. That is critical to my electorate of Broadmeadows. I have been trying to get a coordinated strategy with the three tiers of government, business, the union movement and civil society to address these issues and to look not at the deficits but at the opportunities to come out of adversity.

We all know that globalisation is having a huge impact. The Ford Motor Company will close in October next year, so we are in the countdown to that period, yet we have a major state asset, one of our most strategic assets, Melbourne Airport, right on the doorstep of Broadmeadows. There is a history of developing cities around seaports; the contemporary version is to develop them around airports. I see an opportunity here. We can coordinate around this curfew-free critical asset. What would Sydney pay to have an asset of this value? That city is snookered by politics and geography. We can build and get extra flights in from different countries to make this a hub for economic activity, trade and tourism, and it is also where we can coordinate jobs.

I have been able to negotiate a deal with Melbourne Airport to have local jobs for local people so we have a strategy — because unemployment in Broadmeadows is higher than Spain and equal to Greece at 26 per cent, and unfortunately Woolworths announced further job losses today — and local people can be trained in advance so that the rollout at Melbourne Airport, which is a $1 billion investment rising to $10 billion over the next 20 years, can harness the skills and the talent of the local community. It is not just the right thing to do, it is the smart thing to do. Enlightened businesses know that while they compete globally, they also live locally, and they understand how this fits and works. This is a strategic response to how we plan communities.

The other hub I am looking to develop is with the relocation of the Melbourne Wholesale Fruit and Vegetable Market to Epping. Again there is an opportunity for more jobs and growth. This is the planning for a coordinated strategy that we need to adopt. It is why I keep pleading with the Prime Minister and the federal Treasurer to be part of this, because we have to coordinate it at all levels. We have to take the politics out of it; it is too important for partisanship. We cannot have unilateral decisions being made in planning that directly affect communities, particularly in circumstances where the issue is now critical. That is the importance of planning.

The bill goes a long way to addressing these issues so we do not repeat what has happened in the past where communities are involved, where you have local governments investing and looking at a development like the central activities district in the heart of Broadmeadows and the redevelopment over the station and how it would create economic activity. We had a deal, we had funding from the Bracks and Brumby governments and then we saw it taken away unilaterally without discussion — just announced. We need the voice of the community in order to have a fair and balanced acceptance of what the issues are in favour or against different propositions. We are looking for balance in this issue. We can get economic development happening, we can promote jobs and growth, and the amendment brought by the Minister for Planning to the Parliament is a direct attempt at doing that.

There has been a generally positive response within the city of Melbourne and other areas about the change of tone, direction and style that the new planning minister has brought with the Andrews government coming to power. There is greater ease within the community that everyone's voices will be heard, not just those of a few. Views will be weighed and measured, and the government will make a response on the calibre of the planning proposition, on its merit and on what it can deliver to continue to build Melbourne as the world's most livable city as we face the issue of population growth, which is one of the key drivers. We want population growth because of its economic activity, but we have to be careful about how we manage it so we do not have in the metropolis these shoeboxes in the sky, these skyscrapers that do not have the livability that has made Melbourne the world's most livable city. We need to get the balance right.

Then we need to look at what is happening in other areas. In my electorate of Broadmeadows we have to look at housing affordability. We have plenty of land, but we need a coordinated strategy for dealing with it. How do we evolve out of the old housing commission estates? There is a huge amount of land and value to be unlocked there with 13-square-metre concrete homes on almost quarter-acre blocks. What is a better use for them? We need to bring our will, our wit and our imagination to a coordinated strategy. That is why I keep saying to the Prime Minister and the federal Treasurer that they cannot remain as bystanders. I say to the federal Treasurer, Joe Hockey, 'You have got to take your own advice, "re:think" and have a go'.

Ms VICTORIA (Bayswater) — I rise to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. The purpose of the bill, as outlined by my colleagues in the house, is quite clear. What is being debated today is whether or not the bill meets the objectives of what is being set out. The bill's purpose is to amend the Planning and Environment Act 1987, which will supposedly provide for the Victorian Civil and Administrative Tribunal (VCAT) and responsible authorities — in this case usually councils — to have regard to the number of people who are objecting to permit applications coming before them if they are considering whether there is going to be what is being deemed a 'significant social effect'. The idea is to ensure that the extent of community objection is considered. As I say, that would generally be in VCAT. Certainly there are things that have gone through local councils in my areas of Knox and Maroondah that have ended up before VCAT, and in the past nobody has been quite sure how they were going to be determined.

I refer to the time we were in government, and I highly commend the now Leader of the Opposition for the work he did as the former Minister for Planning in bringing in the new overlay system. There are now three main types of zones in our area and that has provided so much clarity. It also gave planning decisions back to people in the local area. When we were in opposition before that, it got to the stage where people would come to me and say, 'There is a highly inappropriate development happening in my street or in the nearby street. What are we going to do about it? The decisions are being made by people who are sitting in the city. They do not know the amenity of our area. They do not know the character of the area. How can they possibly make these decisions?'.

We said we would give the planning decisions back to people in the local area — hopefully local councils know the area much better than people sitting in VCAT or indeed in Spring Street — and it worked very well when amendments were introduced and all of that came in. To introduce this amendment on top of what we have done is actually giving false hope to a lot of people, who think that this is going to be the be-all and end-all and that they are going to get their way no matter how much in line with the law the development is. They think they are going to get their opportunity just because they have the mass to be able to shout something down. That is simply not the truth.

If we look at the term 'significant social effect', because that is what we are talking about here, we find that it is not defined in the legislation. However, in the past 'social effect' has included such matters as the demand for or the use of community facilities, access to social or community facilities or the community safety and amenity of an area. It is important to note that the number of objectors alone will not suffice to demonstrate a significant social effect, but it may indicate the extent of the social effect on the community. Therefore it has to be taken into account, but it cannot outlaw what is in law.

During debate in the Parliament last night and today members talked about specific incidents — for example, the challenge to the Orrong Road apartment towers in Armadale in the city of Stonnington, which was a Lend Lease development, or, much closer to home for me, the Tecoma McDonald's incident. The latter involved an ongoing battle where residents in a certain area did not want a fast-food outlet. There were reports about that all over the news.

Is this proposed amendment, the bill before the house, going to make a difference? The simple answer is, 'Not necessarily'. It would be lovely if we could say yes or

no, but unfortunately this amendment adds a grey area. The problem with that grey area is the people who are going to win out of this will be the lawyers. It is not going to be the mums and dads who say, 'I don't want inappropriate development in my area'. It will be the lawyers who will be going in to bat for the developers or those who want progress — and those who are looking at more than just what is happening in that street or that neighbourhood. They might be looking at things across the whole state. What we will have with the passing of this legislation is that people will think, 'Just because I can have 1000 objections to a development I can get my own way'. You can put any number in there; it could be 50 or it could be 5000. It does not necessarily mean they are going to get their own way.

One of my colleagues said that Victorians have been sold a pup on this. Before the election the Labor Party said, 'We're going to amend this. We're going to make it all right'. But this bill does not make it all right. This does not change one single thing. If we look at the provisions in the existing legislation, we see that there is already provision. A precedent has already been set through cases like Tecoma and Orrong Road. In fact Her Honour Justice Emerton made some very good observations about the fact that these sorts of things are already a salient part of decision-making. So what is going to change out of all of this? In my opinion it is going to be nothing. This bill is gratuitous. It is a waste of the Parliament's time. We could be dealing with far greater planning issues that would result in clear-cut decision-making in the state of Victoria.

Unfortunately the Labor government has missed the boat on this particular legislation. As I say, the bill will not give certainty to anybody other than the lawyers, who are going to be making an absolute motza out of representing those who want to change a neighbourhood not just for the sake of change but for the sake of development. Until now people have had some certainty. They have had clear direction on these planning issues, but now all that is going to happen is that there will be delays. The bill is going to make housing less affordable. It is obviously going to hold back jobs. It is going to make so many things more difficult, and it is not going to do what is set out or spruiked by the Labor government. It is not going to give certainty. Unfortunately the bill is not something we are going to oppose, but I say with great sadness that this is a very badly missed opportunity.

Ms EDWARDS (Bendigo West) — I am pleased to rise to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015, which, I have to say, is not gratuitous. It is about us as members of Parliament giving our constituents a voice they have not had previously. It is also another example of the Andrews Labor government fulfilling yet another election promise and getting on with the job of governing for all Victorians. We made a promise to take into account the extent of community opposition to planning applications. This commitment was made in response to a concern that the Victorian Civil and Administrative Tribunal (VCAT) currently considers the extent of community opposition to planning applications to be irrelevant.

This bill addresses the concern that the Planning and Environment Act 1987 does not require the Victorian Civil and Administrative Tribunal to consider the extent of community opposition to a permit application. It also inserts a new provision that requires the responsible authority, be it a local council or VCAT, to have regard to the number of objectors to a permit application in considering whether the proposal may have a significant social effect. The bill does not change the current requirements for lodging objections. As it stands, a person may lodge a written objection stating the reason for the objection and requesting that VCAT take into consideration how they, the objector, would be affected.

This legislation introduces a requirement that decision-makers must now also have regard to the number of objectors and whether the proposed use or development may have a significant social effect. Social effects, as outlined by previous speakers, typically include changes to the way people live and interact with one another, their culture and their sense of community. That sense of community is something many objectors highlight when they object to planning applications. Also highlighted in objections are the potential effects of a proposal on the demand for and use of community facilities; access to social and community facilities; choice in housing, shopping, recreational and leisure activities; community safety and amenity; and the needs of particular groups in the community, such as young people or the elderly.

The bill does not give greater weight to the number of objectors over other planning considerations. That is not the intention of the bill. The number of objectors is now one of several matters that a local council or VCAT must consider before deciding on an application. A local council or VCAT will still need to consider the requirements of the planning scheme, the objectives of the act, any significant economic or environmental effects of a proposal and relevant strategy plans. In effect all the things that currently exist will remain in place. The relevance of the issues raised by objectors will influence how much weight is given

to the number of objectors. It will be up to the relevant authority, whether that be VCAT or a local council, to consider the number of objectors in each case.

The bill does not direct when it will be appropriate for the number of objectors to be considered; that is a matter for VCAT or a local council. However, matters relevant to that decision could possibly include what objectors have said in their written submissions, the reasons the proposal requires a permit in the first place, whether the issues raised by the objectors are relevant to planning considerations and relate to the planning permission being sought, and whether the issues raised by the objectors point to a significant social effect on the community that is supported by evidence. As I said, the bill does not give greater weight to the number of objectors over other planning considerations.

In previous VCAT and court decisions there has been the suggestion that the number of objectors is likely to be most relevant where the impact assessment requires some understanding of community perceptions and values. That already exists. This legislation is about giving a voice to communities and individuals. It is about making this a genuinely democratic process, and it is about ensuring that people do not feel that their objections amount to wasted time and effort, which is currently the case. It is about listening to and hearing what our communities are saying and giving them a legislated framework to have their concerns and voices heard and taken into consideration.

Last year I brought to Parliament a group of my constituents who were opposed to a development application in my electorate. We sat in the other place to hear a question put to the then Minister for Planning, now the Leader of the Opposition in this house, regarding this development with a request for the minister to meet with the constituents while they were here in the Parliament. This was about the minister hearing their concerns and engaging with them on the issue. Sadly, the former Minister for Planning refused to meet with my constituents and refused to engage on the issue. He chose instead to attack me personally for raising the issue which was of enormous importance to this group of people.

An article in the *Herald Sun* of 27 May states:

> … the then planning minister, Matthew Guy, said he would have thought that the 'weight of public opinion … would be taken into account' —

when deciding planning matters. It was not when it came to my constituents. At this point I acknowledge the work of the former shadow Minister for Planning, Mr Brian Tee, in this area, his engagement with my constituents, his concern and regard for them and his listening to their concerns. Fortunately this government has announced that the community concerned will have an opportunity to have their say as an independent panel will be established to look at this and other planning applications.

In 2013 an application was submitted to the Mount Alexander Shire Council, which is in my electorate, for four broiler farms at Baringhup. Over 500 objections to this application were lodged with the shire council. The proposal lapsed in 2013. However, a second application was lodged in January 2014. This second application drew 903 written objections from local residents, business operators, farmers and people who are regular tourists and visitors to the area. People objected to this planning proposal because it would affect their way of life, business viability, biodiversity, environmental sustainability and the landscape of the Moolort Plains. In essence the objectors reflected the negative social impact of this planning proposal. It is a proposal that is in an area which comprises the environmentally significant Moolort Plains, the landscape of *Romulus, My Father* — a great movie — and is surrounded by traditional broadacre farms, residences and the historic Baringhup West primary school building.

The shire council considered the planning applications at its meeting on 28 October 2014 last year and unanimously resolved to refuse all three applications for the broiler sheds. In short, it was unanimous because it was considered that the applications were inconsistent with the Mount Alexander planning scheme and its municipal strategic statement. It is worth noting that the council did not mention the 903 objections in its decision. The matter is now before VCAT.

However, the point is that, should this matter have fallen under this new legislation that is before the house, those 903 objections to this planning application could have been included, and the voices of the people of Baringhup, Baringhup West, Maldon, Castlemaine, Carisbrook and surrounding communities would have been heard.

I will end with a quote from the current Victorian planning minister, who has done an enormous amount of work with this legislation and led this reform. I congratulate him on his work in this area, and he is very well aware of the situation in my electorate and the planning matters of great concern to my community. He said:

> Planning decisions will always be better when the voice of the community is heard.

I commend the bill to the house.

Mr KATOS (South Barwon) — I rise to make a contribution to the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. The genesis of this bill was a media release that included quotes attributed to the then shadow Minister for Planning, Mr Tee, and the member for Monbulk, now Deputy Premier, on 20 October last year. That release, entitled 'Labor will give locals a fair go at VCAT', states:

> An Andrews Labor government will give communities a fair go at VCAT and a real voice in the planning process.
>
> Labor will amend the Planning and Environment Act so that, where appropriate, the Victorian Civil and Administrative Tribunal (VCAT) must take into account the extent of community opposition to planning proposals.

That clearly says 'must'.

I turn to clause 4 of the explanatory memorandum to the bill, which states:

> Subclause (1) inserts new section 60(1B) to expressly require the responsible authority to have regard (where appropriate) to the number of objectors in considering whether a use or development may have a significant social effect.

If we look through the second-reading speech, we see that 'must', which is very prescriptive — you 'must' take something into consideration — is replaced with, for example, 'have regard to'. It is as if the bill is saying something may or ought to be done, in the right circumstances, where appropriate or that it may be influenced by certain things. The media release of October last year indicated the situation would be quite prescriptive, but the bill now uses all sorts of watered-down language. The reason for that is that the proposition that was put forward back in October last year by the Labor Party was basically, 'If enough people complain, we will overturn the local and state policy planning framework'. That is what was sold to people at the election, but the reality is that objections have to have a basis in planning law. Whether there are 10, 20, 100 or 1000 objections, they have to have a basis in planning law. We see before us a watered-down version of what was proposed last year.

We can look at the work done by the Leader of the Opposition when he was planning minister in the previous government. The previous government went to local communities with proposals for new planning zones. We had three different residential zones: neighbourhood character, general residential and residential growth — where growth was encouraged. We went to local government and said, 'You tell us what you want. You tell us where you would like to see your residential areas preserved, where you would like to see normal growth and where you would like to see growth encouraged'. We went to the local government and said, 'This is what we want you to do. Map out your own electorate'. That was to give certainty to residents and developers so everyone knew where they stood with regard to future development. I commend the work of the previous planning minister in doing that, because it was not foisted upon local communities. This proposal was sent out, and local governments were given the opportunity to map out their own destiny and say, 'This is what we want'. We said, 'Go and consult with your local community, and work out where you would like to see all these different zones put in place'.

The problem we have with the bill before the house is that a lot of language has been replaced. The second-reading speech states:

> It does this by requiring the two key decision-makers in the permit process — responsible authorities and VCAT — to have regard, where appropriate, to the number of objectors when considering whether a proposal may have a significant social effect.

As I said earlier, the word 'must' was replaced. The compulsion to have regard has been removed. As it did in regard to many things before the election, the Labor Party went to the election saying, 'This is what we are selling the people of Victoria', but now that Labor is in government it has, all of a sudden, said, 'We can't really do that one'. I could think of many similar examples. If we want to talk about things that were sold to local communities, we could perhaps go down to the people of Geelong and talk about Bay West, a good example of something that was sold to the people of Geelong.

Mr Pallas interjected.

Mr KATOS — Now all of a sudden Bay West is — what — 70 years away? I do not think the Treasurer knows where Bay West is; he certainly did before the election but does not now. As I said, this bill is a watered-down version of what was originally proposed.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Minister for Small Business, Innovation and Trade

Mr GUY (Leader of the Opposition) — My question is to the Premier. Labor promised to treat the Parliament with respect, yet Mr Somyurek is still

tweeting about ministerial events, conducting ministerial visits and walking around the Parliament with Labor supporters, yet refusing to front question time. I ask the Premier: if his minister is here, why is he avoiding the scrutiny of question time and not fronting up at the Parliament?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. I will resist the temptation to note that it is always a great pleasure to be lectured about scrutiny and standards by the likes of the Leader of the Opposition. I will resist that temptation, and I will again refer the Leader of the Opposition to the fact — one that I think is well known to him but does not suit his theatrical purposes — a proper process has been put in place. The minister has been stood down while serious allegations — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question and will allow the Premier to continue.

Mr ANDREWS — The minister has been stood down from his ministerial duties while a proper investigation of a complaint made against him is conducted. That will be done properly, appropriately, as it should be. It is pleasing that the Leader of the Opposition has moved away from attacking the person who made the complaint, which is where he was up to yesterday, but he well knows the answer to this question. A proper process has been put in place, and it will be followed.

Supplementary question

Mr GUY (Leader of the Opposition) — If the Premier is a man of his word, will he now direct Minister Somyurek to attend question time in the Legislative Council today at midday?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for the flair, for the Melbourne University amateur players performance, but no amount of affected drama from the Leader of the Opposition will change the fact that the minister has been appropriately stood down. If the minister has been stood down, it would be quite self-evident — —

Honourable members interjecting.

The SPEAKER — Order! Opposition members and the Leader of the Opposition will come to order.

Mr ANDREWS — No amount of this amateur players nonsense from the Leader of the Opposition — get as angry as you like, he has been stood down.

Mr Guy — On a point of order, Speaker, the Premier has never advised the Parliament that Minister Somyurek no longer has a commission as a minister, therefore he is a minister. Will the Premier make him attend question time?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House! The Leader of the Opposition knows that this is not an opportunity to repeat a question. There is no point of order.

Mr ANDREWS — I would have thought that even the Leader of the Opposition would understand what the term 'stood down' means and therefore the minister is not performing his ministerial duties. That is very clear, even to the Leader of the Opposition.

Ministers statements: Rugby League State of Origin

Mr ANDREWS (Premier) — I am delighted to inform the house that some 80 000 tickets have been sold for game 2 of the National Rugby League State of Origin next Wednesday at the MCG. If there were ever any doubt that Melbourne and Victoria are the sporting capitals of the world — they are certainly the sporting capitals of Australia — the fact that 80 000 tickets have been sold confirms this is a bigger crowd than game 1 of the State of Origin series. The Sydney — —

Mr Watt — On a point of order, Speaker, with respect to sessional order 7, which calls on ministers to provide 'new government initiatives, projects and achievements', the Premier announced just then that all the tickets have been sold, so therefore it is not new.

The SPEAKER — Order! The Premier to continue; there is no point of order.

Mr ANDREWS — I am sure we can find a ticket for the member for Burwood; I am sure we can. This is a great acknowledgement that we are the sporting capital of our nation and indeed of the world — 80 000 tickets; more sold for game 2 in Melbourne than game 1 in Sydney. That is a pretty good effort. That is newsworthy, even if those opposite are not interested. This is going to be a fantastic game — a great game of Rugby League. Fans from Queensland, New South Wales and Victoria will be there in very strong numbers to see a fantastic display of this great code at this great game. It is all about jobs — keeping our hotels full,

keeping our bars full. It is about making sure that our young people have the opportunities for employment that they are entitled to, backed up by a strong TAFE system to train them and a government that is getting on with delivering a strong major events program, including a review, importantly; it has been 20 years since we looked at these things. There is $80 million in this year's budget to support a strong events program for the future. It is not something to argue about, I would have thought. It is something that all of us should strongly support. Next Wednesday night will be a great display of all that we are best at — the best in major events, the best in sport. Even the member for Burwood can be happy about that.

Minister for Small Business, Innovation and Trade

Mr WALSH (Murray Plains) — My question is to the Premier. In relation to Minister Somyurek's absence from the Legislative Council, the President has said:

> … I would not want to see a situation going forward where a member who was under some pressure for whatever reason simply did not come to the house on the basis that they were not prepared to be scrutinised by the house for whatever reason. To me that would be a contempt of the processes of the house and a contempt of the house itself.

Given that this is the view of the Presiding Officer of the Council, why is the Premier allowing his minister to clearly be in contempt of this Parliament?

Mr ANDREWS (Premier) — I thank the Leader of The Nationals for his question. Again, let me be very clear. The minister has been stood down. A very serious complaint has been made, and it will all be treated seriously and appropriately. An investigation is being conducted by the Secretary of the Department of Premier and Cabinet, former Justice Strong and others. That is exactly as it should be. Again, there are many who are perhaps of a view — some even asked questions about this yesterday, making it very clear to all Victorians what they think — that these matters should be perhaps dealt with quietly, these matters should be hushed away, these matters should be an opportunity to attack a complainant. Those opposite know very well what the term 'stood down' means. They can ask as many questions as they see fit, but it will not change the meaning of 'stood down'. The minister has been stood down. I am acting in his stead in his ministerial responsibilities. The Leader of the Government in the other place will answer for him — —

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte!

Mr ANDREWS — It is clear and self-evident. As for running a commentary on what the President in the other place has or has not said, I am not in the business of doing that out of respect for the office that the President holds.

Supplementary question

Mr WALSH (Murray Plains) — Has the Premier or his office ever suggested or directed that Minister Somyurek not attend Parliament or avoid coming to question time?

Mr ANDREWS (Premier) — I again thank the Leader of The Nationals. Certainly not. Mr Somyurek's attendance at this place is entirely a matter for him, consistent — —

Honourable members interjecting.

The SPEAKER — Order! The opposition asked a question. The opposition will give the Premier the opportunity to respond and be heard in silence.

Mr ANDREWS — It is consistent with the obvious fact that he has been stood down from his ministerial responsibilities pending the appropriate review and examination of complaints that have been made. These are self-evident facts that ought to be clear, even to those opposite. Again, being lectured on standards from the Minister for the Office of Living It Up Victoria is priceless.

Ministers statements: greyhound racing

Mr PAKULA (Minister for Racing) — I am pleased to inform the house of the Andrews Labor government's comprehensive set of actions to deal with live baiting in the greyhound industry and a suite of integrity and animal welfare measures. The reports of the racing integrity commissioner, Sal Perna, and chief veterinary officer, Dr Charles Milne, were tabled today and they have made a total of 68 recommendations. The government accepts all the recommendations directed at government and has outlined a significant number of recommendations that can be acted upon immediately, including strengthening the powers of inspectors and welfare officers, and increasing the penalties and fines for live baiters with strengthened baiting and luring offences under the Prevention of Cruelty to Animals Act 1986.

The reports recommend a number of changes to the way that the greyhound industry is regulated and to the

way it operates. The government will work with the greyhound industry to implement those recommendations without delay. I have asked the Department of Justice and Regulation to formulate a plan for implementing those recommendations in conjunction with other departments and with Greyhound Racing Victoria. In addition I have appointed internationally renowned racing administrator Paul Bittar to develop a new integrity model across all three codes. Mr Bittar, who has previously served as CEO of the British Horseracing Authority and CEO of New Zealand Thoroughbred Racing, will consult across all three codes before proposing a model for integrity. He will report back to government by March of next year.

As for greyhound racing more specifically, a fundamental culture change needs to happen within the industry. It does start with putting animal welfare first, and we and the new board of Greyhound Racing Victoria are sending a strong message to the greyhound racing industry and to the broader community that this type of abhorrent behaviour will no longer be tolerated.

Legislative Council Government Whip

Ms VICTORIA (Bayswater) — My question is to the Premier. With revelations that the Australian Workers Union under Cesar Melhem, a member for Western Metropolitan Region in the Council, received $25 000 a year to purposefully and directly hold down low-paid workers wages in exchange for union memberships, I ask: has the Premier sought any advice as to how many Victorian workers — particularly working mums — employed by Clean Event have potentially been impacted by this scam?

Mr ANDREWS (Premier) — I tell you what, Speaker, no-one on this side of the house is going to take lectures on low-paid workers and their rights and entitlements from the born to rule — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

Members for Rowville and Bundoora

The SPEAKER — Order! The member for Rowville will withdraw himself from this chamber, under standing order 124, for a period of half an hour.

Honourable member for Rowville withdrew from chamber.

Honourable members interjecting.

The SPEAKER — Order! The member for Bundoora will withdraw himself from this chamber for a period of half an hour under standing order 124.

Honourable member for Bundoora withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Legislative Council Government Whip

Questions and statements resumed.

Mr ANDREWS (Premier) — Those who backed in WorkChoices, and they could not do it fast enough — —

Honourable members interjecting.

Mr ANDREWS — They gathered themselves up. They could not have supported WorkChoices more if they had tried. Now they are going to front up here and lecture this government — a government that is repairing TAFE, a government that is getting Victoria back to work, a government that is repairing the damage, the untold harm caused by the indolence and the indifference of those opposite.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Malvern. I will not warn him again.

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

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr ANDREWS — Serious issues have been raised at the royal commission, and the royal commission ought to get on and do its work. It is my expectation and every Victorian's expectation that the royal commission — and hundreds of millions of dollars of Australian taxpayers money have been provided to support its work — will get on with that work. But I have to make the point that no-one in this government will be taking lectures from those opposite — a group of people who attacked our nurses, our firefighters, our teachers, our ambos — —

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, the Premier is now defying your ruling and resuming debating the question. I ask you to again bring him back to answering it.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr ANDREWS — As I have said, the royal commission has a job to do, and it is our expectation that it will get on and do it. We will not be lectured to by the party of WorkChoices about the rights and entitlements of low-paid Victorian workers — not today, not any day.

Mr R. Smith — On a point of order, Speaker, with reference to sessional order 11, the question was very clearly a case of whether or not the Premier had sought advice on this particular issue. That question was not answered in any way; we do not know whether the Premier has sought advice or not. Under sessional order 11(2) I ask you to request the Premier to reply in writing by 2 o'clock tomorrow.

Ms Allan — On the point of order, Speaker, the question was about Victorian workers, and that is exactly what the Premier addressed in his answer. It was about how this government is absolutely committed to supporting Victorian workers, in stark contrast to those lovers of WorkChoices opposite.

The SPEAKER — Order! I do not uphold the point of order.

Honourable members interjecting.

Supplementary question

The SPEAKER — Order! The member for Bayswater, to be heard in silence on a supplementary question.

Ms Green — The champion of equality.

Ms VICTORIA (Bayswater) — I take offence at that statement.

Honourable members interjecting.

The SPEAKER — Order! The member for Yan Yean is warned. The member will not be warned again.

Ms VICTORIA — Will the government now amend its recent submission to the Productivity Commission review into penalty rates to seek greater penalties for those like the Australian Workers Union and Cesar Melhem who abuse their responsibilities to Victorian workers, such as the women working at Clean Event?

Mr ANDREWS (Premier) — I am asked about submissions to the Productivity Commission. If only I had the folder of mean-spirited, anti-worker Productivity Commission and other national submissions that the comrade from Bayswater — the workers' friend from Bayswater — made to the commonwealth government week after week — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! For the third consecutive time, the member for Warrandyte continued to interject while the Chair was on his feet. The member for Warrandyte, under standing order 124, will withdraw himself from this chamber for the period of an hour.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Legislative Council Government Whip

Supplementary question

Questions and statements resumed.

Ms Victoria — On a point of order, Speaker, no amount of bullying or derogatory remarks will — —

The SPEAKER — Order! The member for Bayswater will be direct, succinct and come to making her point of order, or I will ask the member to resume her seat.

Ms Victoria — The Premier is clearly debating the question, and I ask you to bring him back to answering it.

The SPEAKER — Order! The Premier will come back to answering the question.

Mr ANDREWS (Premier) — To be described as a workers friend and to be called 'comrade' is a great compliment. I am sorry that the member for Bayswater has taken offence to those hard-earnt terms, because of her long and passionate advocacy for the low paid. This government will continue to make submissions and

take action in the interests of low-paid workers by creating jobs, delivering better services and empowering the attainment of the skills needed for the jobs of this century.

Ministers statements: family violence

Ms RICHARDSON (Minister for the Prevention of Family Violence) — On 29 May our government presented its submission to the Royal Commission into Family Violence. This is not a shy document, and nor does it seek to sugar-coat any aspect of the family violence response system. As the Premier has said on many occasions, the system is broken, and more of the same will merely lead to more of the same tragic outcomes.

A key feature of the submission is its identification of 10 key gaps in our system. Included in this list is the fact that all too often perpetrators slip from view and are simply not held to account for their actions. The submission also highlights the rise in elder abuse and that our one-size-fits-all model is failing victims from culturally and linguistically diverse backgrounds and victims in rural and regional communities. Moreover, other high-risk groups — women with a disability, Aboriginal women and women who are pregnant — are not best served by this one-size-fits-all approach.

Family violence is a gendered crime. It was not one man a week who lost his life last year at the hands of his partner or ex-partner; it was one woman. While the submission clearly acknowledges that the overwhelming majority of men are loving fathers and partners, this group of men also has a critically important role to play in ending the harm: to speak up and act, as former Chief Commissioner of Victoria Police Ken Lay, Acting Chief Commissioner of Victoria Police Tim Cartwright and our Premier have done; to challenge those damaging community attitudes towards women; to work hard to ensure that we end the gender imbalance in our society; in short, to work to ensure that their daughters enjoy the same opportunities as their sons. For it is these inequalities and damaging attitudes towards women that are the drivers of family violence.

In developing this submission we held a series of round tables with stakeholders, academics and victims of family violence. Their understandings and experiences have been critical in the development of our submission, and their efforts have indeed shone a very bright light in some very dark corners. On behalf of the government, I thank them for that and for their ongoing determination to address the harm and to support the victims of family violence.

Minister for Small Business, Innovation and Trade

Mr WALSH (Murray Plains) — My question is to the Premier. Yesterday the Premier said to this house that if someone had a better process for investigations into Minister Somyurek, they should outline them. If this matter is not just a factional hit on Minister Somyurek, why is the Premier still refusing to refer it to Victoria Police, as WorkSafe processes recommend?

Honourable members interjecting.

Mr ANDREWS (Premier) — I thank the Leader of The Nationals for his question. In the question, as with questions yesterday and interjections across the table just then, those opposite would seem to have made a decision that the best way forward is to attack the person who has made the complaint. I reject that. I think that is fundamentally inappropriate. If those opposite — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Mr ANDREWS — It is not 1965, it is not 1955 and it is not 1915. It is 2015, and when a woman makes a complaint in any workplace, she ought to have the confidence that she will be taken seriously, not turned into something to be derided.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings is warned. I will not warn the member again. An important question was put to the Premier. An important answer has been advanced to this house by the Premier, and the Premier will be heard in silence.

Mr ANDREWS — Former Justice Strong has begun an important process. Part of that process is any reference to another body, if he deems it appropriate. The Secretary of the Department of Premier and Cabinet is conducting this process, which is as it should be. We have seen in previous governments privileges committee processes where the majority of those opposite sat in judgement on their own, and I do not think those processes did anyone any credit at all.

Mr Pesutto interjected.

The SPEAKER — Order! The member for Hawthorn is warned!

Mr ANDREWS — I reject this notion that it is fair and decent to be attacking the person who made the complaint. I think that is fundamentally wrong. That is what the Leader of the Opposition is doing.

Mr Guy — On a point of order, Speaker, the question to the Premier was very direct and straightforward. It was about why the Premier was not referring this matter to Victoria Police. The point of order is on relevance. The Premier is the one who is investigating the woman who made the — —

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook is warned. There is no point of order.

Mr ANDREWS — No amount of anger from those opposite, no amount of anger from the Leader of the Opposition, will change my determination to never be someone who attacks the complainants. I will never do that. Those opposite ought to be ashamed of their conduct.

Honourable members interjecting.

The SPEAKER — Order! I repeat: an important question was asked of the Premier; an important answer is being advanced to this house by the Premier. I am confident that members understand that the public and the media are interested, and so is the Chair, in being able to hear the response put by the Premier to this house. The Premier will be heard in silence.

Mr ANDREWS — In 2015 every complaint made by a worker, male or female, regardless of the nature of the complaint, ought to be investigated properly with a proper process, and that is exactly what is occurring in this instance. No amount of attacking the complainant will shift me from my resolve to deal with this matter with fairness to all parties in a proper way. That is what every Victorian would expect, and that is what will be delivered.

Supplementary question

Mr WALSH (Murray Plains) — My supplementary question is to the Premier. The Premier said this incident may have been intimidating, threatening and aggressive in nature and at every stage has told this house that violence should be reported to the police, yet he is directly contradicting this important message — —

An honourable member — Rubbish!

Mr WALSH — That is not rubbish. I ask the Premier: is this because no formal written complaint has ever been made against the minister?

Mr ANDREWS (Premier) — I thank the Leader of The Nationals for his question. Each and every one of the inferences in his question is completely and utterly wrong.

Honourable members interjecting.

Ministers statements: liquor licensing

Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I am pleased to speak today on a new Andrews government initiative that will take the best of Melbourne and make it even better. The freeze on post-1.00 a.m. liquor licences for big venues across four local government areas — Port Phillip, Stonnington, Yarra and Melbourne — will be extended to 2019.

Honourable members interjecting.

Ms GARRETT — The Leader of the Opposition may wish to hear this. This will limit any new late-night booze barns. But I am delighted to announce that new decision-making guidelines will be introduced to support the boutique bars and music venues that are the backbone of our wonderful night-time economy and what set us apart as a creative and vibrant city. Only certain venues will be able to apply. They will require local government support and a venue management plan, and they will need to demonstrate to the Victorian Commission for Gambling and Liquor Regulation a social and economic benefit and measures around harm minimisation.

We know that tourism contributes billions to Victoria, and a significant part of the great attraction to our state is the vibrancy and diversity of our late-night economy. Melbourne's thriving boutique bars and pubs create jobs, draw tourists and add to the vibrancy of our cultural night-life. We know that our live music scene is the envy of the world. It is estimated to contribute $500 million to Victoria's economy and support over 15 000 jobs.

These new guidelines will support an industry that brings so much to our community in so many ways. The guidelines have received an overwhelmingly positive response. Organisations and individuals from across the nation look to us — and are increasingly looking to us — as leading the way with a prosperous and safe but diverse and exciting night-time economy. As legendary live music advocate and owner of Cherry Bar, James Young, has stated, the changes represent

good news for the local live music scene, which contributes outstandingly to Melbourne and Victoria.

Minister for Small Business, Innovation and Trade

Mr GUY (Leader of the Opposition) — My question is to the Premier. Three weeks ago an incident allegedly occurred between Minister Somyurek and his chief of staff. Following this, the Premier said an investigation would take weeks and not months to conclude. A minister has been stood down. Victorians have a right to know how long this farce will go on for. When will this investigation conclude?

Mr ANDREWS (Premier) — I have to say to the Leader of the Opposition that there is no need to shout. This matter will be dealt with appropriately. This matter will be dealt with properly, and it is my expectation that it will be resolved as quickly as it can be in the interests of all the parties involved. It is a proper process being run by the Secretary of the Department of Premier and Cabinet. It is as simple and as obvious as that.

Supplementary question

Mr GUY (Leader of the Opposition) — We are just one parliamentary sitting week away from the winter break. Is the government stalling this inquiry simply to avoid scrutiny?

Mr ANDREWS (Premier) — The answer is no.

Ministers statements: regional rail link

Ms ALLAN (Minister for Public Transport) — I rise to provide some new information to the house on the opening of the very exciting regional rail link project, which will take place this Sunday. It is exciting to open this transformational project, which was started and funded by federal and state Labor governments.

Honourable members interjecting.

The SPEAKER — Order! It is Thursday. However, the Chair expects the house to allow the Minister for Public Transport to make a ministers statement. The minister will be heard or members will be withdrawn from this chamber for the rest of the day.

Ms ALLAN — Let me repeat: this was a project started and funded by federal and state Labor governments. It is no surprise that those opposite cannot even show regional communities the respect to listen to this because they oppose this project. They have hated this project from the beginning, and it has taken Labor governments to keep this it track. It is going to make a massive difference for regional passengers. There are the 200 extra services for the Geelong community, which will include 20-minute off-peak services and 10-minute peak services. There are the time improvements. There are the efficiency improvements that come from the realisation of the dream of separating the regional tracks from the metropolitan tracks, providing for more efficient and timely pathways into Melbourne.

Saturday is going to be a tremendously exciting day at Tarneit station for the open day and also on 20 June at Wyndham Vale for its open day. As I said, it is exciting to be opening the regional rail link project — a project started by Labor and a project finished by Labor.

CONSTITUENCY QUESTIONS

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (Question 310) My constituency question is to the Minister for Public Transport. Graffiti continues to plague our streets, particularly on public infrastructure including on and around train stations. Residents in my electorate of Caulfield have raised concerns about the unsightly graffiti on the rear wall of Dudley House, located on Dudley Street, Caulfield East. The property and graffiti back on to the rail corridor. I have received advice from the Glen Eira City Council that it has been in contact with the building manager, who has made a request regarding access to several government departments and has recently escalated it to the manager of Public Transport Victoria. I ask the minister to engage with Public Transport Victoria and VicTrack to assist in the removal of this graffiti and to look at some ways to ensure that we minimise the scourge of graffiti in the area and around public infrastructure.

Essendon electorate

Mr PEARSON (Essendon) — (Question 311) I direct my constituency question to the Minister for Energy and Resources. Can the minister advise the house of the progress of the energy hardship review into hardship practices of energy companies and of what opportunities there will be to communicate this update to the Wingate and Flemington public housing estates in my electorate?

Morwell electorate

Mr NORTHE (Morwell) — (Question 312) My constituency question is to the Minister for Housing, Disability and Ageing. Many constituents in my electorate are extremely concerned with constant and

ongoing antisocial activities occurring at 8 to 14 Gwalia Street, Traralgon. This address is home to 40 social housing units that were constructed under the former federal Labor government's Nation Building economic stimulus plan. Unfortunately since these units were completed there have been substantial incidents and complaints. Put simply, residents have had enough, as have police and emergency services personnel. In recent times we have seen headlines such as, 'Mum, I'm not safe here' to 'Traralgon residents return home after bomb scare'. Many of the tenants who live at these premises have continually lodged complaints about the activities and actions of some fellow tenants, yet very little action seems to have occurred in response. Other local residents have acknowledged that there are indeed some excellent tenants in these units, but the behaviour of a minority is causing major concerns, destruction and distress. On behalf of my constituents I ask: will the minister put in place full-time on-site management and/or on-site security to address these ongoing concerns?

Mordialloc electorate

Mr RICHARDSON (Mordialloc) — (Question 313) My constituency question is to the Minister for the Prevention of Family Violence and relates to the ability of individuals who have made submissions to participate and present before public hearings of the Royal Commission into Family Violence. Family violence is an issue that affects many across Australia. We know that it is the leading contributor to death, injury and disability in Victorian women under 45 years, costing the Victorian economy more than $3.4 billion a year, as well as constituting 40 per cent of police work. As a nation we should be ashamed by these appalling figures and demand better of ourselves. The royal commission presents us with a once-in-a-generation opportunity to advocate for prevention, whilst also offering a coordinated, long-term approach to preventing family violence and, more broadly, violence against women. We need to do all we can to support people who come forward seeking assistance and who are willing to share their stories. We must hear their experiences to better understand the bureaucratic maze that only exasperates the stress, hurt and anxiety one faces in these circumstances. I ask the minister to advise on how interested constituents can present before the public hearings of the Royal Commission into Family Violence.

Bass electorate

Mr PAYNTER (Bass) — (Question 314) My question is from Ben Lewis of Pakenham and is to the Minister for Public Transport. I am writing to you to express my concerns and to come to a resolution concerning my problem. Recently V/Line announced a new timetable for the Gippsland line, which now states that the Traralgon train city-bound is drop-off only at Pakenham and pick-up only Traralgon-bound. I am a regular traveller who boards the 5.49 a.m. V/Line at Pakenham to the city and the 4.22 p.m. from Flinders Street station to Pakenham. Every morning there are spare seats on the train and in the evening there are usually spare seats until Dandenong. With the new proposed timetable changes, for me to get to work at 7.00 a.m. I will now be forced to catch a 5:33 a.m. Metro train from Pakenham arriving at Flinders Street station 1 hour 20 minutes later. I will now have to get up every day at 4.40 a.m., then spend nearly 3 hours per day travelling to work on an overcrowded and uncomfortable Metro train. I am writing to you to plead that some sort of action be taken to better facilitate travel to and from the city for the people from the outer suburbs.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (Question 315) My constituency question is to the Minister for Roads and Road Safety and concerns the speed limit and traffic management in the Coburg Primary School zone on Bell Street, Coburg. Currently there is a reduced speed limit that applies between the peak school times of 8.00 a.m. to 9.30 a.m. and 2.30 p.m. to 4.00 p.m., but at other times the speed limit is 60 kilometres per hour. The school's unique location, with buildings positioned on either side of Bell Street, means that students are often required to cross Bell Street throughout the school day. For this reason it is important that measures are put in place to ensure the safety of the students. I understand that VicRoads is currently investigating a number of options to improve road safety in the vicinity, including building an overpass and reducing the speed limit. I ask that the Minister for Roads and Road Safety provide the local community with an update on this review.

Prahran electorate

Mr HIBBINS (Prahran) — (Question 316) My constituency question is to the Minister for Housing, Disability and Ageing. Earlier this year residents of Inkerman Heights, St Kilda, raised concerns about the unacceptable conditions created by pigeon infestation, including pigeon faeces on windows that went unwashed as well as covering the ground in common areas. Further inquiries found that this problem was also occurring at the Horace Petty estate in South Yarra. At the time the minister was reported in the local paper as saying that he would look into it and fix it, and he

recently advised in response to a question on notice that the department cleans the windows of high-rise towers as appropriate and pigeon deterrents are being investigated. Can the minister provide specific detail on which common areas and on which levels windows have or will be cleaned at Inkerman Heights and Horace Petty estate to fix the problem?

Sunbury electorate

Mr J. BULL (Sunbury) — (Question 317) My constituency question is to the Minister for Public Transport. As the minister will be aware, the recent proposed changes to the V/Line timetable have caused great concern for Sunbury commuters. The changes due to take place on 21 June will see a net reduction in services to the local area, and many residents have phoned and emailed me asking how I can assist in this matter. Today I ask the minister: what solutions and options are being explored through Public Transport Victoria to ensure that Sunbury commuters have access to frequent and reliable public transport?

South Barwon electorate

Mr KATOS (South Barwon) — (Question 318) My constituency question is to the Minister for Roads and Road Safety and concerns Barwon Heads Road in my electorate. There are increased traffic volumes along Barwon Heads Road, particularly to the Warralily estate at Armstrong Creek. This is a major growth area with some 3500 residents. There are problems occurring now at the intersections of Barwon Heads Road with Reserve Road and Boundary Road, both of which are in urgent need of upgrading. There are no right-turn lanes, there are no left-turn lanes, the shoulders are in poor condition, there is inadequate lighting and one of the intersections has no lighting at all at night. I ask the minister: when will he fund these important upgrades to cater for the growth in traffic volumes along Barwon Heads Road?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (Question 319) My question is to the Minister for Training and Skills and concerns the TAFE Back to Work Fund. It is a fantastic initiative that will help us to create 100 000 jobs and get people back to work. I know it has been particularly well received in the local community, including by the chief executive officer of Chisholm Institute of TAFE, Maria Peters, who said:

> We welcome the investment into the sector and look forward to realising the opportunities offered to the local community and industry, particularly through the TAFE Back to Work Fund.

That is a ringing endorsement. I was thrilled recently to join the Minister for Training and Skills and visit the Berwick Trade Careers Centre, which is a multi-trade simulated building site that supports training in carpentry, plumbing, bricklaying and electrical work, all taking place at the same time. I know young families and people in my electorate are really thrilled to have access to the very best education and training opportunities closer to home. I understand that Chisholm Institute has made an application to the TAFE Back to Work Fund, and I ask the minister to consider its application and ensure that it can contribute and continue its very fine work on behalf of the young people of the Narre Warren South electorate.

PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015

Second reading

Debate resumed.

Mr RICHARDSON (Mordialloc) — It gives me great pleasure to rise to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. It is an important piece of legislation that fulfils an election commitment of the Andrews Labor government. It is important to go into the context of this legislative change and what it means for our community. I would also like to briefly reflect on how this affects my community in the city of Kingston.

The bill fulfils a government election commitment and through the Planning and Environment Act 1987 allows the Victorian Civil and Administrative Tribunal (VCAT) to consider the extent of community objection. It is important to consider where we are up to, so I will provide a snapshot of my community in the city of Kingston. Over the next 10 years my community will grow by 20 per cent. This places significant pressures on our community, the livability of our community and congestion in our area. As a community we have to find smarter ways to plan our communities, manage growth, leverage a real asset in our area, the Frankston train line, and stimulate growth along its corridors.

People participating in that process are aware that our community is changing over time and that we have to adapt to that change. Some of the residential zones put forward are part of that consideration and discussion, and the review of Plan Melbourne will inform that discussion. But sometimes there are anomalies, and planning has all shades of grey. Being married to a town planner, I know full well some of the grey areas of planning through the stories that have been related to

me. It is not an easy area in which to legislate. It is not an easy area in which to make one-to-one decisions. In effect this bill empowers the community to have its say in situations where there is clearly significant community objection that is generally supported by the local council, which is applying its planning scheme and putting forward a significant objection.

As a candidate last year and as a local representative now, I have had the opportunity to talk with local residents about their concerns in regard to VCAT and the feeling that they are not being heard. In regard to some of VCAT's rulings some contributions by members to this debate have suggested that there has not been due consideration of residents' objections. That is a concerning element, because all objections should be taken into consideration.

It is also worth reflecting on social effect and what that means. Some of those opposite talked about the bill creating areas of uncertainty, but we can see that social effects create a significant bar that we have to address. A significant social effect is where everyone in the community agreement that there is a poor outcome. It is important to reflect on the element of social effect and what it means and to put that on the record for the house. It considers a number of elements, and some of those relate to the demand for use of community facilities, access to social and community facilities, choice of housing, shopping, recreation, leisure facilities, community safety and amenity, and the needs of particular community groups.

In my local community there is a key example that I want to put on the record. It is a development in Balcombe Road in the Parkdale and Mentone areas. There was initially an application for a 12-storey development in the Mentone area, which was negotiated down to 9 storeys but still attracted significant community objection. The council was completely opposed, and in fact it was only two months before this application came forward that the former Minister for Planning was looking to put a four-storey height limit in Mentone. So we had a nine-storey application, and we knew that in two months time the Minister for Planning would be considering protections in the area to the extent of imposing a four-storey limit, yet that decision got through. The development is now under construction. In terms of the effect on that area, those streets already had a Catholic primary school, a government school and a huge educational precinct, meaning it already had significant congestion. That situation is going to be a big challenge.

They are some of the social effects that need to be considered. Those objections cannot be considered irrelevant. They are very important. The fact that they also have the backing of their local council, which I think is an important element, adds another layer. It is not just grandstanding. These councils have considered the situation and have empowered their communities. When they are representing at the Victorian Civil and Administrative Tribunal on behalf of their communities and its objections, they should be considered very seriously. They are the elements of social effects.

This bill is important in that regard. It puts forward an election commitment. It is not just about who makes the most objections; I have heard stories of marketing companies doorknocking to put forward objections on a range of things. This is not just data farming. This is about looking at how our communities are shaped, considering the planning ramifications from a broader standpoint and considering our zones and how they apply. Where there are anomalies outside of what we consider reasonable and when the council is of the same opinion, this bill creates a safety layer using this significant social effect test to protect the community and have those concerns considered. It may not be something that will make overwhelming changes to an application, but the fact is that the social effect will be given greater weight as part of that consideration if they are on planning grounds. The Balcombe Road example was of an objection that was absolutely on planning grounds. I am happy to commend the bill to the house, and I wish it a speedy passage.

Mr WATT (Burwood) — Members opposite are hypocrites. They are absolute hypocrites. I am astounded that I am standing here talking about a planning matter brought on by such a bunch of hypocrites. Hypocrites!

Honourable members interjecting.

Mr WATT — Prior to the 2010 election the then Minister for Planning called in a development in my electorate of Burwood. It was not my electorate at the time, but thanks to the then Minister for Planning and the then Minister for Housing, who is now the Minister for Planning, I stand here as the member for Burwood. I call members opposite hypocrites, but I also thank them; were it not for those two particular hypocrites, I might not be here.

There were 1400 people who signed a petition, but do you think the member for Richmond, the current hypocrite Minister for Planning, bothered to listen? He came into the chamber with this bill and told us that objectors should be listened to, but what did he do back then? What does he have to say to the 1400 people who objected to a seven-storey development in my

electorate? What does he have to say after completely ignoring them? He comes in here and says, 'We are going to listen to objectors'. When is he going to — —

Mr Richardson — You are breaching privacy!

Mr WATT — It is not breaching privacy, because it is a petition that was tabled in this house. Actually it was tabled in the other house, but nonetheless.

Mr Richardson interjected.

The SPEAKER — Order! The member for Mordialloc will desist.

Mr WATT — Members opposite are absolute hypocrites. They went to the election telling people that we were having a popularity planning contest, that we were having a Eurovision song popularity planning contest, but instead we had 'Red Faces'. It was not even what they promised.

Mr Richardson — He has not even read the bill.

Mr WATT — What I have read is that members of the Labor Party are a bunch of hypocrites. Absolute hypocrites!

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order. The member for Burwood will come back to the bill.

Mr WATT — In reference to the bill before us, designated the 'recognising objectors bill', we must consider that the minister who brought this bill into this house ignored 1400 objectors, ignored all the protests and ignored the residents of the Burwood electorate. Maybe we should ask the Minister for Police's chief of staff what he thinks, given that the former member for Burwood is no longer in this house because Labor did not listen. Labor did not listen then, but now members opposite are telling me that they are going to listen. I do not believe them. I do not believe them because I have written to both the Minister for Planning and the Minister for Housing, Disability and Ageing.

When I was first elected, I discovered that the then Minister for Housing, who is now the Minister for Planning, had a plan to build another high-rise, high-density development in my electorate. That did not happen in those first four years, but I am scared because it might be back on the drawing board, I am scared because residents of my electorate do not want it, and I am scared because I do not know whether this bill will stop this minister from ignoring my electorate again when it comes to planning matters. The minister says he wants to listen — actually he says he wants the Victorian Civil and Administrative Tribunal to listen and that he wants councils to listen — but will he listen? That is the simple question: will he listen? You have to understand that when it comes to planning, residents need certainty. Certainty does not come from a popularity contest. Certainty comes from having good planning processes.

Ms Ward interjected.

The SPEAKER — Order! I warn the member for Eltham, who is not in her allocated seat. She should not interject.

Mr WATT — I wrote to the Premier as soon as he was elected and asked him to find out for me what the Minister for Planning and the Minister for Housing, Disability and Ageing had in store for my electorate. I particularly asked about Markham Avenue, which is currently an Office of Housing site that was earmarked by the previous Labor government for high-density development. As yet I have had no response to that letter. It has been six months, but I have had no response. I wrote a second letter to say that I had received no response and that he might like to let my electorate know what is going on, but still there has been no response. Members opposite are hypocrites. They are absolute hypocrites. I am hoping that the Minister for Planning has had an epiphany. I am hoping that he has seen the effects of not listening to communities and the effects of ignoring 1400 people who have signed a petition to say that they do not want a particular housing development. I do not think that planning should always or only be about how many people object. In that great Australian movie, *The Castle*, there were only a couple of objectors, but they still won.

Honourable members interjecting.

Mr WATT — I tell you what: your bill is about the vibe. Start listening to people in the electorates. I have 1400 petitioners — —

Mr Richardson interjected.

The SPEAKER — Order! The member for Mordialloc! The member for Burwood has finished his contribution.

Ms KAIROUZ (Kororoit) — Thank goodness the member for Burwood has finished.

I rise to speak on the Planning and Environment (Recognising Objectors) Bill 2015. As promised during

the election, the bill requires a consideration of the number of objectors in planning decision-making by amending sections 60 and 84B of the Planning and Environment Act 1987. The amendments provide that responsible authorities and the Victorian Civil and Administrative Tribunal (VCAT) must, where appropriate, have regard to the number of objectors in considering whether the use or development may have a significant social effect. The inclusion of the term 'where appropriate' in the bill is an important one. It ensures that objections taken into account actually relate to the reason the permit is required.

Speaker, you and other members of this place may be aware that I served on the Darebin City Council for 10 years, and during that time I recall many developments coming before the council. Some were obviously contentious and others might have been considered to be run of the mill. Objectors sought to influence the decision of the council's planning committee through letters, emails and by asking questions at council meetings. Often such objections were based on what some might describe as the nimby principle — that is, not in my backyard — and bore little relevance to planning matters or to the decisions that were made. Others were based on the banana principle — that is, build absolutely nothing anywhere near anyone — anyone which included a number of serial objectors who objected to any type of development. They would argue that we should build absolutely nothing anywhere near anything. Reasons for objections would include overdevelopment, not enough car parking or, the old chestnut, a reduction in property values. Many objections would be quickly dismissed on the basis that there were no real planning grounds.

Amusing acronyms aside, town planning and dealing with objections is a vexed issue. There is a view in sections of the community, which is often supported by talkback radio hosts, that approval of development is based on council greed. Nonetheless, while broadening the rate base is a desirable consequence of increased development, it was not the motivating factor in my decision-making on planning matters, and I am sure that is the case more broadly. Where did it leave objectors in the process? Because of the sheer volume of applications we received during my tenure as a councillor, unless five objections were received, the matter was determined by officers under delegation. If there were five or more objectors, the planning committee of five councillors made the decision. There were exceptions. Proposals for gaming machines, liquor outlets and brothels, or other proposals which might have been considered to be controversial, were decided by the full council.

Effectively it meant that if a citizen wanted to object, they needed another four objectors for the application to have a chance to come before an elected representative. Five or more objections needed to be put to the council for a decision to be made by elected representatives. On many occasions I recall receiving hundreds of objections in the form of petitions or letters, but they did not really go to issues that could be addressed within the planning scheme. But among the many what I call baseless objections for the purposes of this discussion there may have been one that really highlighted a critical flaw in the application that needed to be addressed, and that is when we would have had a really good look at it.

Objectors should feel empowered to speak up if they believe developments do not fit within the planning scheme, and they should not have to rely on having a degree in planning or law to make their case. The bill ensures that members of the community have a real say in a balanced way to ensure that good planning outcomes are achieved in their neighbourhoods. The bill puts the onus on developers to ensure that they are in sync with community expectations and that they have engaged stakeholders to get the best possible outcomes. The bill may just encourage early engagement and lead to the kind of win that planners, the community and the responsible authorities dream of but rarely see. I commend the bill to the house and will watch with interest as it improves urban planning outcomes.

Ms McLEISH (Eildon) — I am pleased to rise to make a contribution on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. Again, I find myself speaking on what is a very underwhelming bill, which overpromises and underdelivers. The Labor Party said clearly that it wanted to put the voice of the community back into the planning process, but I fail to be convinced that the bill will do that. The member for Kororoit continually used the word 'ensure' in her contribution. I do not believe the language in the bill will ensure that the community's voice is taken into account to the degree and with the expectations that are now sitting with our communities. Saying to the community, 'You are now going to be listened to. We are going to put your voice back into the planning processes' sounds good.

Most people in the house will have seen planning applications that caused much grief to their communities. I can think of a wind farm application in the tranquil and picturesque Trawool Valley, which caused a huge amount of grief. The council's decision was overturned by the Victorian Civil and Administrative Tribunal (VCAT). A sawmill site

development at Healesville at the entrance to the town caused enormous grief. The community clearly did not want a particular proposal to go ahead on that site.

The second-reading speech talks about how well planning benefits from having community input, but the wording in the bill works against that. In his second-reading speech the minister says — and he has an easy out here — that the number of objectors to be taken into account in a particular case is a matter for the decision-maker. The decision-maker has the discretion to decide whether it will look at the number of objectors. As I said, all of us have seen planning matters that are of great concern to us. We are saying in relation to the responsible authority, whether that is the local council or VCAT, that there are now requirements within the planning process for the consideration of the number of objections to applications as well as an ability to look at the social impacts of an application. We know the intent of the bill. It is all about giving community voices greater confidence. But I am not convinced that the bill will deliver what the community expects, because the second-reading speech also says that community views will not outweigh the planning rules. The second-reading speech says that it is up to the decision-maker whether they take into account the number of objections. The decision-maker is the one who has the power.

I do not believe we have really put the community voice back into this bill. Certainly we have raised expectations. It is a fairly simple process: the application arrives, it gets assessed on its merits, concerns are considered and there are considerations about the number of objections and the grounds for the objections, whether they be about access to community facilities, health or safety. We have those outlined, but what we know is that this process will add costs, add to unpredictability and be slower and more cumbersome. We also know that neither side is really on board with the proposal that is before us. The planning advocacy groups are not convinced, nor is the planning and development sector, so I am not convinced as I stand here that the term 'where appropriate' is going to put that voice back in.

I know it is a balance. We have to find the balance because some community objectors are frivolous, and we have heard people say that they will object to any small matter for the sake of progress, but there are others who really grab the hearts and souls of communities and where the objection has a strong basis. We do not know whether objections will get considered in every matter now, because a member of VCAT will decide whether they want to take them on board. I feel that this is a bill that certainly underwhelms — again — and it will not be delivering what it intends. I intend to watch the outcomes very clearly. I believe that had this legislation been in place the outcomes in the Tecoma McDonald's and the Orrong Road towers in the city of Stonnington matters would not have been different, and that is perhaps disappointing.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to speak on this bill. This has been a big issue — I know other colleagues have said similar things — in my community, particularly around Carnegie and Ormond and parts of Murrumbeena and Notting Hill, covering two different councils: Glen Eira and Monash. The many hundreds of people in my community I spoke to in relation to this specific issue feel quite let down by the previous government's handling of development generally. In my view the bill addresses some of the current imbalances in the planning system. I disagree entirely that it is underwhelming. You are damned by the opposition if you make any little bit of progress in this area, and you are also damned if you do not do anything.

Just to be clear, the bill amends two key provisions of the Planning and Environment Act 1987 — sections 60 and 84B — to set out that the responsible authority must consider, before deciding on a permit application, the volume of community objection and community concern. My issue with planning in the municipalities my electorate covers is that while there has been an increase in development pressure over the years, including in our previous time in government, the last few years under the previous government saw an acceleration of that pressure and there was not a commensurate response by the previous government.

Firstly, we had the imposition of the commercial zones with no height limits. After that we had inconsistent application of residential zones. For example, Glen Eira City Council applied for and received from the then government and the then Minister for Planning a translation of the zones from the old to the new without consultation with the community. I remember the language from when I was on the Monash City Council, that it was a 'direct translation' between those incoming zones and the zones that existed. That is a misnomer; there is no direct translation; there is an approximate translation. My concern about that is that the new zones have different attributes from those that were 'directly' translated.

An example of that for my community, particularly around Carnegie, is around the streets on the south side of Neerim Road — streets like Shepparton Avenue, Belsize Avenue, Tranmere Avenue, Elliott Avenue and

others. For any normal layperson Neerim Road would be a hard-and-fast border in terms of separating a clearly residential zone from an activity zone where the railway station and shopping centre are. The so-called direct translation meant that probably the first 10 houses or so on the south side of Neerim Road ended up being in the high-growth zone and so could have high-density development while half the street is not in that zone. To me, that does not make sense. If that is what was meant by 'direct translation', it has failed.

There is an enormous amount of anecdotal evidence in Glen Eira specifically but in other areas in Monash as well where the development pressure is intense. Just the other week we had a decision by the Victorian Civil and Administrative Tribunal (VCAT) approving a 12-storey apartment building in Carnegie — 12 storeys! We are not talking about Richmond; we are talking about Carnegie. It will be the highest apartment building in Carnegie and the highest in the whole city of Glen Eira, and it is entirely inappropriate. That is one example.

I also have here a report from the City of Glen Eira from its meeting of 28 April. Item 9.8 on the agenda for that council meeting shows the number of new dwellings approved for the period before the residential zones came in and the number for the period after. In the 15 months before, May 2012 to July 2013, in Carnegie there were 92 new dwellings. In the 15 months after the new zones came in there were 221 new dwellings. That is an enormous increase. I do not necessarily ascribe every single one of those new dwellings to the residential zones, but you cannot look at those statistics and not find a causal relationship between those two things. Ormond in the same period went from 19 to 55, more than doubling.

This has been said before. I have no issue with development but I have an issue with development that is out of step with community expectations. While community expectations are hard to define, if you do enough work, you can define what they are. My personal view is that VCAT is out of step with community expectations. What ends up happening is that councillors and council officers self-regulate in anticipation of a VCAT outcome. You then start having conversations with the community, saying, 'We should do this because you could get a far worse outcome at VCAT'. I do not think those kinds of conversations are constructive.

This bill is not a magic pill — I want to make that really clear to my community — and it will not relieve all our development pressures. Unfortunately it will not be a magic pill for some of the most offensive development applications. It will, however, be one of a number of tools in our armoury as residents to fight the most excessive elements of development. This government is not just introducing one bill to equalise the current imbalance that exists between the planning system and residents. I note that the Minister for Planning has also released a discussion paper entitled *Better Apartments*. The minister and the government have made a commitment to review the implementation of residential zones later this year. This is the third initiative that makes changes to what VCAT and the authorities must consider. These three things will together lead to an outcome which equalises the current power imbalance between residents and the development process.

I am proud to speak on this bill. I look forward to the other two initiatives announced by the government and the minister taking shape and starting to enhance the planning system for residents so that they have a say in the planning of their community and their future. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. This bill is all of four pages, so with little content to debate my contribution will be similarly brief. As previously stated by various members, the bill amends the Planning and Environment Act 1987 to provide in considering whether a proposed use or development may have a significant social effect that the Victorian Civil and Administrative Tribunal (VCAT) and responsible authorities must have regard to the number of objectors to permit applications.

As part of his public relations exercise the member for Monbulk, who is the Deputy Premier, said in relation to the highly publicised Tecoma McDonald's that the area would look very different today had the proposed changes been in place.

Section 4 of the Planning and Environment Act 1987 provides that the responsible authority is required to consider any social and economic effects a proposed development may have. When it comes to this government's policies we need to look at the fine print, read between the lines, assume the worst and when in doubt decline to believe it. The government has inserted some words that provide for the consideration of social effects, but those words are mitigated by the insertion of the words 'and economic effects'. Therefore there is no guarantee that under the terms of this bill the result in Tecoma would have been different.

A media release of 27 May by the Minister for Planning titled 'Locals deserve a voice in the planning process' says:

> Community views will not outweigh planning rules …

A further dilution of the original intent can be seen in new section 60(1B) to be inserted by clause 4, which expressly requires the responsible authority, where appropriate, to have regard to the number of objectors in considering whether a development has a social effect. This raises two issues. Firstly, when do the words 'where appropriate' apply? The government has provided no substantive guidance to VCAT to explain the circumstances under which this provision may be invoked. As a result VCAT is going to be handballed all the planning hot potato issues that this government lacks the intestinal fortitude to deal with.

I note in the case of *Stonnington City Council v. Lend Lease Apartments (Armadale) Pty Ltd* that when considering the number of objections received, the Supreme Court considered it pertinent to determine the relevant geographic area in which a social and economic effect may be assessed. Perhaps in the Andrews government's rush to offer up payment for votes it forgot to insert a relevant filter. Nowhere does the government's bill specify that the objectors have to be from the geographic area in question. This exposes developer proponents to inherent investment risk from professional protesters who do not live in the area, work in the area or really know the area. Under Labor's laws such people will potentially be able to exercise disproportionate influence to stop a development.

We already know that more businesses are turning to New South Wales to invest because of this government's lack of support for small business. Ministers are failing to show up at important trade missions and are ripping up contracts, exposing us to sovereign risk. This legislation will only further trash our once golden reputation. It means that jobs in construction and allied industries will enter a period of contraction.

Considering that the bulk of Victoria's population is concentrated in metropolitan Melbourne, there is a compelling case to be made for the further pursuit of decentralisation goals in appropriate growth areas. I do not think the government has considered what this could mean for its own infrastructure agenda. I have come to appreciate that the squeaky wheel may get the grease more often than not. However, there is a silent majority who are not compelled to participate in active protest against a development because they are either neutral on the issue or just do not feel like having a dust-up at council offices or VCAT. The reality is that most Victorians are hardworking, decent people who, after a long day followed by the grind of being stuck in traffic, just want to get home, have dinner and spend time with their families before they have to do it all over again the next day.

I ask members not to misunderstand what I am saying. I am not saying we should pave paradise and put up a parking lot, as sung by Joni Mitchell in *Big Yellow Taxi*, nor am I saying that community voices should not be factored into decision-making. I am saying that the government has not delivered a properly crafted bill that is clear enough about when social effect applies or sets appropriate boundaries to govern the relevance of certain community voices to safeguard against objections by professional protesters. Considering the Supreme Court provided far clearer direction than this government is providing, it is a big oversight. How could those opposite get it wrong after the Supreme Court effectively did the work for them?

Planning is an immensely important portfolio. I am disappointed that it has been combined with the environment, land and water portfolios. It should be part of the Department of Economic Development, Jobs, Transport and Resources.

While it is important that community voices be considered during the decision-making process for new developments, this government has omitted some necessary filters to help VCAT make robust decisions. This will likely see VCAT decisions being challenged down the track, which would cost all parties a fortune because this government has provided inadequate guidance in the first place. With these costs being avoidable, is there any wonder that Victorians are so nervous about this government?

Mr STAIKOS (Bentleigh) — It is a pleasure to rise to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015, which implements the government's election commitment to require the Victorian Civil and Administrative Tribunal (VCAT) where appropriate to take into account the extent of community opposition to planning proposals.

Like many in this house, I have served in local government as a councillor, and as I now serve as a local member of Parliament I am fully aware of how emotive town planning can be. A day does not go by without somebody contacting my office to talk about a planning application that has been advertised. My electorate is a special place, with a market gardening heritage of which people are very proud. The suburb of Bentleigh was developed around the 1920s, and the

Californian bungalows that line its residential streets are characteristic of Bentleigh. The suburb has a significant neighbourhood character.

I understand that earlier today the member for South Barwon referred to a neighbourhood character zone. If only such a zone existed! New residential zones were introduced by the Leader of the Opposition when he was planning minister, but a neighbourhood character zone is not one of them. I am not surprised that the member for South Barwon is not aware of that, given that the minister for Ventnor conducted his consultations around kitchen tables at Phillip Island. Members of this government operate in a different manner.

The zones introduced by the Leader of the Opposition when he was planning minister have absolutely been a problem. If we look at what is happening in the Bentleigh electorate, we can see that where we have a residential growth zone, four-storey buildings are being built with anything up to 40 apartments in residential streets such as Bent Street and Mavho Street. I was down in Mavho Street the other day. The local residents are absolutely beside themselves. I will tell you what: when the Leader of the Opposition was planning minister, it would have been great if he had taken a walk down Bent Street or Mavho Street instead of spending all that time in Ventnor; it would have been absolutely fantastic.

What is worse is that the local council and the former government introduced these zones without consultation. We have heard that it was a direct translation and that there was no need for consultation, but that is not the case, as we have heard from the member for Oakleigh. If we look at the council's own statistics — which do not include the March quarter but include the 15 months prior to that — they show that in the residential growth zone in the suburb of Bentleigh development has doubled.

It is important to note when we talk about social effects that one of the social effects is on the McKinnon school zone. McKinnon Secondary College is a highly valued secondary school in this state. It is a public school. I am very proud of it and proud that the Andrews government is investing $9 million to rebuild it.

Mr Pearson interjected.

Mr STAIKOS — Nine million dollars — zero from the other side, but $9 million from us. Quite rightly the school community and the principal are very concerned about the impact of development in these zones on the school population, which is already nearly 2000 students. It is a relatively small school zone, and within it are included a general residential zone and a residential growth zone. Quite rightly, this is a cause for concern.

I note that in an article in the *Age* this week on this very issue, the mayor of the City of Glen Eira acknowledged that the former government's residential planning zones had made the area more attractive to developers. He also said that before too long the school would be accommodating 4000 students. I think that is a bit of hyperbole, but nonetheless, there is a problem to address. I am glad the mayor now acknowledges that perhaps these new residential zones are a problem, and the council needs to get on board to address it.

It makes absolute sense that this government would introduce legislation into this house to ensure that VCAT is democratised — that is, that VCAT takes into consideration the volume of objections to a development. We have heard of past examples where VCAT has said it did not take such considerations on board. One that I do not think has been mentioned today but was just outside my electorate is the case of *Minawood Pty Ltd v. Bayside City Council*, from a few years ago. VCAT said:

> … numbers for or against a proposal are not relevant per se in administrative decision-making.

Last year a significant planning case in McKinnon concerned an application for a 24-apartment development in Penang Street. Fortunately the local council quite rightly rejected that application for 24 units on a street in McKinnon that currently accommodates 10 houses. That matter has been sent to VCAT, and more than 100 local people have objected to it. Their voices should be heard, and that is why this government has introduced this legislation.

The former shadow Minister for Planning, Brian Tee, who I acknowledge for announcing this policy last year, visited Penang Street on two occasions. Despite many requests made of the Leader of the Opposition when he was planning minister, Penang Street was never visited by him, but Brian Tee met with the local residents, heard their views and listened to them, and today we are debating what is a good piece of legislation, which I commend to the house.

Mr WAKELING (Ferntree Gully) — It is a pleasure to rise to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. Many of us know that this bill was born out of the debate over the building of a McDonald's store in Tecoma, a debate I followed very closely. Although Tecoma is in the electorate of the member for Monbulk,

which is adjacent to my electorate, on many occasions I spoke to people who were objecting to the application.

It is important to remember that the role of the Victorian Civil and Administrative Tribunal (VCAT) — and I recall this from my role as a former councillor with the City of Knox — is to enforce the law that applies to a planning application; that is its role. When it deals with a planning matter, VCAT firstly looks at what planning scheme a council has put in place before it assesses a matter. VCAT makes a decision as to whether or not a council has a planning scheme in place that deals with a specific issue affecting an application. If the council has not implemented a particular zone or has not implemented a particular policy which provides any guidance or influence over the application, then VCAT has to fall back on the state planning system.

In regard to McDonald's in Tecoma, let us be very clear that the Shire of Yarra Ranges did not reject the application because it was a McDonald's; it rejected the application on the grounds of car parking. The reason the shire did not reject the application on the grounds of the fact that it was a McDonald's store is that the shire had nothing in its planning system to prevent a McDonald's store from being built in that municipality. The matter was then appealed at VCAT, and VCAT ruled on whether or not the application met the terms with respect to car parking. That was the issue before VCAT.

Subsequent to the matter going to VCAT, there were then protests about the fact that the application was being approved because it was a McDonald's store. The point was that the issue of McDonald's was irrelevant at council, and the issue of McDonald's was irrelevant at VCAT. In fact the planning authority, being VCAT in this particular case, dealt with the matter appropriately, given what the council had done with its own planning system.

Let me ask this very simple question: if this piece of legislation had been in place when that matter went before VCAT, would it have changed the decision with respect to that application? The simple answer is it would have had no effect on the outcome of that case because the application was not rejected because it was for a McDonald's store. The matter that went to VCAT had nothing to do with McDonald's. The application was rejected by the council purely on the grounds of a car park issue. I read with great interest the local paper that covers the electorate of the member for Monbulk. It talked about the fact that this new legislation would have miraculously stopped McDonald's at Tecoma. It would have done nothing of the sort.

I look at my own community. In 2006 the Knox City Council requested that the then Minister for Planning, the Honourable John Thwaites, implement a planning scheme to restrict development in Ferntree Gully. The minister approved the application. However, the minister excised a section from the planning scheme application as it related to Ferntree Gully Village. He said that within that community houses could have an overlay and there could be a housing restriction in terms of density, but he removed it with respect to the village. Why? Because it did not meet the terms of Melbourne 2030. He told the Ferntree Gully community, 'I actually want multistorey development in your community'.

Mr Richardson interjected.

Mr WAKELING — What happened in the seat of Ferntree Gully, which was then held by a Labor member, Anne Eckstein? This is exactly the issue that members on the other side of the house do not understand. What happened was that there was an application for a four-storey apartment block in the middle of the village adjacent to a train line.

Mr Pearson — Oh, no — four storeys! Come to Essendon!

Mr WAKELING — Four storeys — exactly right — and it went through, much to the disdain of the local community and, mind you, much to the disdain of Labor Party members in that community.

Another application went before council for another four-storey block. One of the major traders who was an active member of the Labor Party was in my office vehemently arguing against this application proceeding. Through the minister and through the Knox City Council we got the council to apply to the government for an interim height control of two storeys for two years. That interim height control was approved. That immediately knocked out the application at VCAT because VCAT did not assess the matter on the number of objectors — it assessed the application on what the law said. When the minister approved the interim height control of two storeys, it meant that VCAT could assess the application against the law and it was rejected. Subsequent to that, council developed its height control application over a two-year period. It was approved by the former Minister for Planning, now the Leader of the Opposition, last year and that is now a permanent control.

As the member for Essendon has just highlighted, it is the view of those opposite that, under their 2030 scheme, four-storey height limits are appropriate in

communities like Ferntree Gully. Four-storey height limits in Ferntree Gully are appropriate to the community, as the member for Essendon said. I will tell the member for Essendon that that is exactly why Melbourne 2030 was so derided by Victorians: it applied a one-size-fits-all approach to all communities across Victoria. We know that it took the previous government to remove that potential for multistorey development.

I have one question for those opposite, for the member for Essendon and his colleagues: is he going to ensure that the two-storey height — —

The ACTING SPEAKER (**Mr Thompson**) — Order! Through the Chair!

Mr WAKELING — Thank you very much, Acting Speaker; I appreciate that. The question for the government is: can it guarantee now to my community that the two-storey height limit which was put in place permanently last year will stay, or is it going to be removed? That is the question. It is a very strong question for my community because we have just heard from those opposite that they have held my community in disdain, and I would be more than pleased to let my community know that it is now the intention of this government to review and remove that important height limit in my community.

Ms KILKENNY (Carrum) — I am very pleased to be able to make a contribution to the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. This bill represents another election commitment by the Andrews Labor government, and that was a promise to give local communities a voice. This bill is not about some esoteric neighbourhood character 'zone' or neighbourhood character 'vibe', and I disagree with the member for Eildon who said that this bill is underwhelming. This bill is far from underwhelming.

Unlike those opposite, the Andrews Labor government recognises that community and public participation is important and absolutely central to planning law and policy in Victoria. Unlike those opposite, the Andrews Labor government believes very strongly in giving a voice to the community. Sometimes I wonder whether those opposite are perhaps a bit afraid of their communities. Are they afraid of people expressing a different view to their own? Why are they so afraid of objectors? These are local residents from our communities who love where they live and work and who just want to be heard. We in the government hear them. Unlike those opposite, we are listening to our communities and we are going to give them a voice. That is exactly what this bill does.

When I was preparing this speech I was reminded of a Dr Seuss book, *Horton Hears a Who!*. Horton the elephant hears a voice coming from a speck of dust. Horton learns from listening to that voice that an entire community of little Whos live on this speck of dust, but the other jungle animals do not believe Horton and they mock him. They are sceptical; they do not believe anyone exists on that speck of dust. Why are they sceptical? Because they are not listening. They do not want to hear them. This bill makes sure that voices will be heard. The extent of a community's opposition to a planning proposal will be taken into account and the community of voices will be recognised by the Andrews Labor government because of the bill.

The intent of this bill, as we have heard, is to amend two central provisions in the Planning and Environment Act 1987. Under these amendments councils and the Victorian Civil and Administrative Tribunal (VCAT) will have a mechanism enshrined in statute requiring them to recognise, where appropriate, the extent of community concerns about development proposals. There will be an express requirement for councils and the tribunal to consider the number of objectors to a permit application in addition to the content of each objection and the overall planning merits of the proposal. This is important because the number of objectors may be indicative of the scale of the social effect of the proposal on the community. Why is this so? Those best placed to understand the social impact on their communities are those who live and work in them. It is imperative that their voices are heard and that we listen to them.

We have heard about the background to the bill. Part of that was the decision in the case of Lend Lease and Stonnington City Council. We know that the Leader of the Opposition is familiar with that case. In that instance more than 600 objections were made to the permit application and the council refused unanimously to grant a planning permit for the proposal. Lend Lease appealed to VCAT. In the reasons for its decision the tribunal said:

> We are exercising an administrative review power. It must be exercised in accordance with law. We must not have regard to irrelevant considerations. The extent of resident opposition per se is one of these.

We saw the council appeal that decision to the Supreme Court of Victoria. It was the contention of the council that the tribunal had erred in that case and should have taken into account the extent of community objection. The Supreme Court upheld the VCAT decision.

Stonnington council described the end result as a dark day for democracy.

We have also heard of the case of the Tecoma McDonald's, where more than 1100 objections were lodged by local community members. The Shire of Yarra Ranges voted unanimously against the proposal for McDonald's to open and operate a fast-food restaurant in the main street of Tecoma. On appeal, the tribunal said:

> We acknowledge there is considerable opposition to this proposal …
>
> However, the tribunal has consistently found that planning decisions are not to be based on the numbers of objections.

On the contrary, the number of objections may well be relevant in planning decisions and planning considerations. They may well indicate that a proposed use or development will have a significant social effect.

This is a great bill for Victorians and a great bill for the people in my electorate of Carrum. We have a very strong community spirit in Carrum. As residents, we are very proud of our beautiful environment and we want to see development that is appropriate to the area.

In conclusion, this bill is about fairness and democracy. It will mean that responsible authorities and the tribunal will now have the opportunity to listen to the community and to take into account the extent of community objections. As we know, public participation is an important part of the process of making better planning decisions. It means decisions are based on more fulsome information — fulsome because it is the community that provides that information and it is the community that best knows the local areas and local issues. As we have heard, this bill is also about democracy, because opportunities to be consulted and to participate and to have our views taken into account in planning processes are important parts of the broader democratic process.

This is a terrific bill. Far from being underwhelming, it is a bill about the voice of the community and about listening to the voice of the community. I commend the bill to the house.

Mr BURGESS (Hastings) — It is a pleasure to rise to speak in the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. But even the title of the bill is misleading. The Labor Party in opposition made it very clear, as it often does, what its intent was going to be once it was elected to government. But that intent changed considerably once it reached that high office. In fact the statement made by Labor in opposition was that locals feel that they have no say about the future of their own neighbourhoods and what it would do once it formed government was to legislate to make sure that consideration is given to the arguments of objectors and that they must be taken into account.

'Must' is a very strong word, particularly for those who know anything about statutory interpretations. If the word 'must' is used, then something must be done. In this case the word 'must' has been discarded and replaced by other words the government has chosen to use, 'where appropriate'. What the government has done with one hand in tightening up the area it has completely undone with the other hand by putting in the words 'where appropriate'. The circumstances really do not change at all. The change that was made was undone in the same instrument. On the face of it, it is as simple as that.

The bill may on one reading have a good intent. It depends upon which side of the battle lines you stand — with development or with a change to any planning, if you are pro or against it — whether you will like these changes. In effect they do not make a great deal of difference to either side, because where you will not be able to walk through what would have been an inability, or as the tribunal said its incapacity, to take into account the objectors, now it must take into account the objectors. But it is as loose as it was in the past because it will only occur where appropriate. Tribunals will find those words an invitation to logically reason their way through to the outcome they want, which leaves the community again in no-man's-land, or no-woman's-land for that matter. When at the start the community is trying to decide whether it is going to try to apply to have a change made, will it have any more certainty under this legislation? Clearly the community will not, because it will not be able to tell what 'where appropriate' means.

There is no more certainty at the start. There is no more certainty through the process. And I think it is open to argue, once the process is complete, the case of whether something was appropriate or not. As the member for Ferntree Gully said earlier about the Tecoma case, which has been referred to by quite a number of speakers on the bill to date, this new legislation would have had zero bearing on that case. It is clear why that is the case, as the member said. When the Victorian Civil and Administrative Tribunal looks at whether a particular proposal is going to go ahead, the first move is to see what the relevant legislation is so it knows what it has to define. It will also look to see whether the council has put in place a planning statement or scheme that is going to be the authority for that particular area. Where the area is vacant, it reverts to the state.

In the Tecoma McDonald's case, because the council had not filled that space with its own regulation as far as a planning document was concerned, it sought to fall back on parking requirements to try to make it impossible for McDonald's to comply. Unfortunately for the council and for the people who were opposing the development, once the matter got through to the tribunal those parking restrictions were not held to be sufficient to stop the development. That having been the only point on which the case was being argued, it failed.

Where there is a lack of council legislation or regulation and a fallback to the state scheme, it is a difficult minefield for people in that area to then negotiate, because if they try to pin their hopes on something such as the parking and they fail on that, they fail all over. With the Tecoma matter if you were asking the one specific question — and this seems to have been what the minister was implying — about whether this would have made a massive difference to the Tecoma McDonald's case, it clearly would not have made any difference because they were not the circumstances being considered by the tribunal in the first place.

What we have is a half-baked populist approach by the Labor Party to try to get some credit for having made a change to circumstances that the community had wanted changed. But in the end the change is illusory; it does not exist. This piece of legislation does not advance us in one way or the other, so basically we are left in the same situation of having significant uncertainty. If the plan was for the government to leave us in the same situation but to look like it had done something, then I suppose, on one view, it has been successful. If the plan was for the government to make the change that would have an effect on the certainty for developers and people opposing developments alike, then it has failed dismally. The latter is likely to be the case. This bill has a number of effects, but that is the most important.

As recognised earlier, its purpose is to amend the Planning and Environment Act 1987 to provide for the Victorian Civil and Administrative Tribunal and responsible authorities to have regard to the number of objectors to permit applications in considering whether a proposed use or development may have a significant social effect. From the argument I have made, it is pretty clear that the purpose of the act has not been achieved by this piece of legislation.

Mr PEARSON (Essendon) — I am delighted to join the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. As has been enunciated in various earlier contributions, the purpose of the bill is to ensure that the Victorian Civil and Administrative Tribunal and responsible authorities have regard to the number of objectors to permit applications.

In preparing for my contribution I thought about a conversation I had many years ago with Sir Arvi Parbo. For those who do not know, Sir Arvi Parbo was the chairman of Alcoa and a senior executive with Western Mining. He is still with us; he might turn 90 next year. As an aside, he was chair of Alcoa when the Cain government was doing its electricity negotiations and Alcoa started to sell down its equity in the business. A question asked of Sir Arvi was: 'Why are you doing this?'. Sir Arvi famously replied: 'Everything is for sale except the chairman's wife'.

I got to know Sir Arvi later on, about 12 years ago, and I had a meeting with him. At that stage he was advising a mining company in Stawell, in the electorate of the member for Ripon. Sir Arvi was a bit of a mentor for the chair and the management team. That day he said two important things. He said, 'You have to work with the government of the day' — and, let me be clear, Sir Arvi was no friend of the Labor Party; he was a staunch supporter of the Liberal Party — and also made the important observation, 'If you have the community with you, then you'll be fine'. In that discussion with Sir Arvi it was clear that it is really important that as a proponent for a major project you take the community with you. I was always struck by Sir Arvi's great contributions.

The reality is that our population growth is between 1000 and 1500 people per week. It has been so since the early 2000s. I note the anxiety of the member for Ferntree Gully about the notion of having four-storey buildings in Ferntree Gully. If he looked at electorates like Essendon, Bentleigh or Oakleigh, he would see that if you had four storeys across the board in your community, you would be quite happy with that. However, the reality is that the baby boomers are retiring, and we need to grow our taxation base and to balance the growth out.

The importance of the bill is that effectively it will provide a degree of contestability in the process. The bill is not saying that if you get 1000 or 1400 petitioners, you can stop a project; it is about having some contestability in the process. That is important. If there is a degree of contestability in the process, a proponent will be responsive to that. When a proponent is looking to put forward an application it might do some stakeholder engagement and might try to talk to and work with the community about improving the final product. The reality is that over the four dark years

of the former government we were looking at poorly built dwellings going up. Of course with depreciation over the course of 30 years you write the value of an asset back to zero under accountancy practices, but if you look at the quality of that stock you will see it literally will be zero because it is of such a poor standard.

The bill is important because it provides for some contestability in the process by having better community engagement, and the end result will be a far better product. Robust engagement leads to a better outcome. With this bill the government is trying to restore the balance and make sure there is some degree of responsibility and contestability. That was a clear policy when the government, then in opposition, went to the election last year.

I pay tribute to the role played by Brian Tee, a former shadow Minister for Planning and member of the other place who was defeated at last year's election. He was one of the greatest planning ministers that never was. He made a fantastic contribution in the election campaign. It is wonderful to see introduced into the house a piece of legislation like this which reflects his great contribution. Coming back to the advice of Sir Arvi Parbo, you have to work with the government of the day and you have to work with the community, and if you take the community with you on the journey, you will be fine. For those reasons, I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

VICTORIA POLICE AMENDMENT (VALIDATION) BILL 2015

Second reading

Debate resumed from 27 May; motion of Mr NOONAN (Minister for Police).

Mr CLARK (Box Hill) — The coalition supports this bill. The bill amends the Victoria Police Act 2013 to retrospectively validate prior authorisations for the operation of breath testing equipment and the performance of driver drug testing procedures by police members which were subsequently discovered, as a result of an audit, to have been erroneously given by a deputy commissioner of Victoria Police instead of by the Chief Commissioner of Police.

The bill inserts validating provisions into the Victoria Police Act 2013. In particular, it retrospectively validates a deputy commissioner's purported exercise of power; it provides that things done in reliance on evidence obtained by the invalidly authorised officers are not invalid by reason only of the invalid authorisation; and it removes a court's ability to consider the administrative error when deciding whether to admit the evidence, including derivative use evidence, while maintaining the court's discretion in other respects.

The issue arises because previously, under the old Police Regulation Act 1958, deputy commissioners exercised the same powers as the chief commissioner. However, upon commencement of the new Victoria Police Act 2013 deputy commissioners no longer exercise the same powers. New delegations of express authority by the chief commissioner should have been made as at 1 July 2014, but unfortunately these were overlooked.

This legislation is retrospective. It is always important for this Parliament to consider the appropriateness of retrospectivity. Legislation should not lightly be made retrospective, and careful examination needs to be undertaken to ensure either that substantive rights are not affected by that retrospective operation, or if they are, that there is a very strong case indeed to justify it. Here this legislation remedies procedural defects. It does not go to substantive rights; it goes to the validity of authorisations that were inadvertently not properly given. This issue has been considered by the Scrutiny of Acts and Regulations Committee, and the conclusion reached by the committee, which is set out on page 7 of *Alert Digest* No. 6 is:

> The committee accepts that the retrospective validation of purported actions taken under defective delegations made by deputy commissioners is administrative in nature and does not appear to disturb substantive rights or the admissibility of evidence. The validation appears justifiable in the circumstances.

If the retrospective amendments were not made, around 660 invalid authorisations made to police officers under relevant legislation would result in around 1400 drug and alcohol tests that have been undertaken being deemed not to have been validly authorised, of which over 1100 were positive tests leading to driver charges and enforcement processes. So there is a good public policy reason for validating the situation, and it is appropriate that this legislation does so.

The changes in police powers under the new act should have been adhered to, and appropriate instruments of delegation that should have been made by the chief commissioner did not occur. Obviously the opposition is not in a position to undertake an assessment or

express a view as to why that did not happen. I can imagine that the minister would have been singly unimpressed when this came to his attention, but the whys and wherefores of it are not something that are known to the opposition. We hope — as indeed I expect the minister hopes, and we trust the minister has made clear to Victoria Police that the community would expect — that procedures have been put in place by Victoria Police to make sure that oversights such as this do not occur in future. However, as far as it goes, the opposition supports the legislation and the need to remedy the situation that has occurred so that the law can be upheld and people who have tested positive do not escape the consequences of their actions through this oversight.

While supporting this bill, we also make the point that the current government to date has brought very few substantive pieces of legislation to Parliament to tackle law and order issues. Indeed if you look at the legislation in the law and justice area that has come before this house under the current government, there is only a handful of pieces of legislation that were not derived either from coalition government initiatives or from work that was put in train and was underway under the coalition. On my reckoning, the only pieces of legislation for which the government can take responsibility — I will not say credit in at least one instance, but responsibility — include the Wrongs Amendment (Prisoner Related Compensation) Bill 2015, which passed the Assembly last week; elements of the Justice Legislation Amendment Bill 2015, including delaying commencement of the coalition's reforms to reduce the need for court appearances for family violence victims; the disgraceful repeal of the move-on laws; and this validation bill.

There is plenty more that the Minister for Police and indeed his colleague the Minister for Racing, who is also the Attorney-General, could well be getting on with. I particularly commend to the Minister for Police for his consideration a bill that one would hope his colleague the Attorney-General was progressing: a bill to achieve major reform to DNA testing — to provide strengthening to police investigation powers in the use of DNA fingerprinting and other forensic evidence. An exposure draft of this bill was published by the coalition. We have received no indication as to where it is travelling under the current government, and I urge it to finalise the process and bring the legislation to the house. Another need is juvenile offending disclosure legislation to allow details of serious youth offending to be made public if the offender commits a further serious offence as an adult. I know, and I am sure many other members know from their discussion with police officers, that youth offending is a matter of very serious concern to Victoria Police.

There are a wide range of other measures I would commend that the minister take up and ensure are brought to the house. These were announced by the coalition in the run-up to the election, and they should be being acted upon by the current government. These include: giving police the power to drug test anyone arrested for an indictable offence and suspected of being under the influence of drugs; compulsory ongoing drug testing for anyone sentenced to a community correction order for an ice-related offence; reducing the quantities of ice at which traffickers are liable to longer jail terms, unexplained wealth laws and asset forfeiture; strengthening the powers of the Director of Public Prosecutions to appeal against inadequate sentences; statutory minimum jail terms for those who attack and cause serious injury to their victims in breach of a family violence order; indefinite jail terms for repeat killers or serious sex offenders who go on to offend again after having been released from jail; expanding GPS monitoring to allow monitoring of persons on bail and criminal gang members subject to control orders; and requiring that debt collectors be registered and be fit and proper persons.

In addition there are other non-legislative reforms we commend the government to take up, including reinstating local crime prevention initiatives to tackle family violence, which were put in place by the previous government, and trialling a GPS monitoring system for high-risk family violence perpetrators, which would allow victims to be warned when a perpetrator comes near.

There is a stark contrast between the record of the previous government when it comes to community safety and upholding law and order and the rule of law and the track record to date of the current government. While the coalition supports this legislation, as I said, which is necessary to remedy the administrative errors or oversights that have occurred, there is a lot more that can and should be done by the government. I assure the house that the coalition parties will be continuing to hold the minister and his colleague the Attorney-General to account for the actions they have failed to take to date to ensure community safety.

Mr CARROLL (Niddrie) — It is my pleasure to rise to speak on the Victoria Police Amendment (Validation) Bill 2015. I welcome the contribution of the member for Box Hill, who outlined his plans in terms of policy development for the next election. It is good to see that he has begun that process. It is also important that he is having a go at the government for

fulfilling its election commitments. We will be removing the unfair move-on laws and removing section 19A of the Crimes Act 1958, the unlawful HIV law. We make no apologies for getting on with our election commitments.

The member for Box Hill put out there the issue of the coalition's track record versus ours. The bill we are talking about today concerns alcohol and drug testing. During the last parliamentary sitting I served on the Law Reform, Drugs and Crime Prevention Committee, which conducted an inquiry into the drug ice and which was chaired by a member from the other side. Those opposite sat on their hands in relation to crystal meth. The Premier, then opposition leader, made it clear that he would set up an ice action task force within 100 days of coming to office, and he did that. We put on the table $45.5 million for an ice action plan, and importantly $15 million of that goes towards new drug and booze buses. We are getting on with the plans we set out, and we are getting on with good, effective government.

The bill before us today is very much about administration. It is not so much about the cogency or accuracy of drug tests but rather the administration and the powers that need to be amended for these drug tests to be carried out. Essentially the legislation amends the Victoria Police Act 2013 to remedy an issue identified by Victoria Police in relation to an administrative oversight in terms of the chief commissioner's instrument of delegation. This oversight resulted in some 660 invalid authorisations being issued to police officers under the road, marine and rail safety legislation. This affected the conduct of drug and alcohol testing between 1 July 2014 and 5 March 2015. I note that in the first months of that period the previous government was in office. This issue has resulted in a risk that legitimate prosecutions and infringements for drink and drug driving that rely on evidence obtained through these tests could fail on a technicality.

We are dealing with a wide legislative framework today. The Road Safety Act 1986, the Marine (Drug, Alcohol and Pollution Control) Act 1988 and the Rail Safety (Local Operations) Act 2006 require that certain forensic procedures be conducted by officers who have been authorised to do so by the Chief Commissioner of Police. Authorisation is granted to an officer who has completed the required training and has the requisite technical ability to conduct the tests. It is not about the training or the procedures for the testing; it is about the delegation from the chief commissioner to deputy commissioners to undertake this testing.

There has been quite a bit of commentary about this matter to date. On 16 April the *Age* published an article by Steve Butcher with the headline, 'Police admit hundreds of tests invalid', which refers to 660 invalid authorisations over a period of eight months. Essentially authorisations should have been granted only by the chief commissioner. It is important to acknowledge that Victoria Police itself conducted the audit and identified the administrative error relating to certain authorisations of officers to conduct specific drug and alcohol testing. As a result of this error, in excess of 1400 drug and alcohol tests were conducted between 1 July 2014 and 5 March this year by officers operating under invalid authorisations. This represents some 13 per cent of the total number of drug and alcohol tests conducted during this period, excluding preliminary tests. To its credit, Victoria Police identified that in excess of 1100 of these tests had returned positive results, forming the basis of the enforcement action.

How did this administrative error occur? It was in many respects a unique set of circumstances following the enactment of the Victoria Police Act 2013, which involved major reforms to the administration and corporate governance of Victoria Police. Under the previous Police Regulation Act 1958 deputy commissioners exercised the same powers as the chief commissioner, allowing them to authorise police officers to operate drug and alcohol testing equipment and conduct impairment tests. In many respects Victoria Police was just following standard operating procedure and protocol by having deputy commissioners, rather than only the chief commissioner, issue authorisations. Essentially Victoria Police was operating efficiently and effectively. The change in legislation on 1 July 2014 limited the exercise of the power of deputy commissioners to only those powers that had been delegated to them by the chief commissioner. By omission, no instrument of delegation was made at that time.

I am pleased that the Minister for Police, working with Victoria Police, has brought forward this important bill. As the member for Box Hill noted, this is in many respects retrospective legislation. It is not ideal for retrospective legislation to come before this house. However, without a doubt this legislation is justified and will not result in unfairness to the accused persons in affected criminal proceedings. The error is of an administrative nature only and does not affect the accuracy of the tests and assessments performed by the police nor the cogency of the evidence relied on for the enforcement actions. Victoria Police officers doing the drug and alcohol tests were trained up and operated in accordance with their training in terms of the instruments used. However, they were performing the

task under an administrative error in terms of it being delegated by the deputy chief commissioner.

While it is unfortunate that the new requirement for the chief commissioner to delegate the power to make authorisations was not picked up earlier, the remedial legislation before the chamber today is justified to protect against serious adverse consequences to road, marine and rail safety enforcement, the justice system and victims of crime.

This bill will ensure that authorisations made by deputy commissioners between 1 July 2014 and 5 March 2015 reflect the respective periods of time between the enactment of the principal act and this legislation to ensure that these errors are remedied and the relevant instruments and delegation remain. This bill will place beyond doubt that we are curing the defects in the administration in terms of the delegation. It is very narrowly tailored. It is retrospective legislation, but in many respects it is narrowly tailored to ensure that the specific scheme under the road, marine and rail safety testing operates in accordance with the legislation and continually.

Before I conclude I want to say that this provides for the prosecution of an alleged offender by a person who was not duly authorised. It is important that we clarify that today and that this legislation is passed.

As I said earlier, I had the honour to be part of the parliamentary inquiry into the drug ice last year. Recently I looked up some of the statistics in terms of drug testing and where we are with that today. Victoria Police were very keen. The evidence officers gave to the inquiry made clear that they were keen to expand their drug testing capability. They were also very cautious about the resources needed. Importantly, this legislation will ensure that drug testing operates accordingly. This legislation corrects the delegation to ensure that delegations take place as the Andrews government gets on with fulfilling its commitments in terms of providing extra resources for police, extra resources for drug testing and drug and alcohol booze buses, and that it is all done in terms of the right legislation, the right regime and the right framework.

If this legislation was not passed, it would take a large toll on victims of crime, community safety and our court system associated with the disruption or abandonment of illegitimate enforcement actions because of this administrative error. We must ensure that we have a just outcome. Just because an administrative error has been made, that does not mean that due process should not be followed. Although the bill is retrospective — it is a measure of last resort — the potential consequences of not introducing it and not upholding community safety would be the wrong way to go. I thank the member for Box Hill for his contribution. I thank all members who are speaking on the legislation. I commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) — I rise to make a brief contribution on the Victoria Police Amendment (Validation) Bill 2015. As the member for Box Hill has outlined, the coalition will be supporting this bill. That is the right and responsible thing to do. It is right and responsible because I understand that over 1100 positive drink-driving tests could be deemed invalid if this bill is not passed. As the member for Niddrie has pointed out, it is important that those who have done the wrong thing face the consequences of their actions irrespective of an administrative oversight. That is all it is. I agree with the member for Niddrie that this is just an administrative oversight. There is no suggestion that those who have tested positive in these circumstances have been treated unfairly so it is important that we support this bill.

I also concur that it is not ideal that this Parliament is passing retrospective legislation. In general this should be something that is done as a last resort. I do not think retrospective legislation in any area of public administration is a good thing, but in these circumstances fixing an administrative error is certainly justified.

It is important that police continue to have the ability to undertake drug and breath testing. Indeed on my way to Parliament on Monday night I was breath-tested in Rosedale. It happened only a few minutes after being on the phone to one of my local officers — —

Mr Pearson interjected.

Mr D. O'BRIEN — I thank the member for Essendon. I was waved on after blowing into the straw. I did not have any badges on the car either, so no-one knew who I was; there was certainly no favouritism. This is a very serious issue. All members would be aware of the need to ensure that we are driving well under .05.

I had been talking to one of my local officers in Gippsland South. That raises an issue of concern for me that I want to touch on briefly, which is the issue of police resourcing. The member for Niddrie talked about the resources that are needed for drug testing. One of the officers in my electorate said to me only last week what a concern it was that under the new directive issued by Victoria Police in respect of the safety of officers they are now directed to work two up

generally. What that means is that in my electorate the one-man stations at Toora, Meeniyan and Loch are effectively closed. Those stations are now closed because the one-man operators there are not able to operate either in the stations on their own or on patrol. They have now been directed to support stations at Foster, Korumburra and Leongatha.

That is a concern, and I do think it has not yet really dawned on the community. I hasten to add that I am not criticising Victoria Police for the directive. It obviously has information that has led to a heightened security environment since the end of last year. It has information that has led it to be concerned about its members' safety, and that should certainly be paramount. But I am concerned that there will be a lack of police resources on the ground. I would like to emphasise that the government has been caught napping on this issue in particular. The government committed to no new police across the state other than 15 new officers in the Geelong and Bellarine area, which is ironic — —

Mr Burgess interjected.

Mr D. O'BRIEN — Not Geelong, just Bellarine — —

Mr Burgess interjected.

Mr D. O'BRIEN — Exactly, it is ironic. I thank the member for Hastings. A couple of weeks ago at the budget estimates hearings we had the bizarre situation of the Minister for Police saying that it is not up to the minister to direct where police resources go and then proceeding to spout the government's achievements in directing them directly to Bellarine. However, there are no other additional police. Members would be aware that the coalition government delivered 1900 officers in our first term of government in addition to 950 protective services officers.

The government will no doubt argue, 'But we're putting in 400-odd custody officers. That will reduce the burden on the force elsewhere'. That will have no impact on the small stations in my electorate. They do not have custody officers; they do not have people in custody for any more than a few hours at a time. This new directive is really going to impact on the level of service.

I have to report that one of the officers I spoke to last week — I certainly will not name him — said, 'I can't help but think that the terrorists have won'. What is actually happening is that fewer police will be on the beat in our country areas as a result of this directive and of the Labor government's failure to deliver more police numbers. It really is a concern. I am sure that in the next few weeks and months we are going to hear more from our country constituents who are concerned about the level of service that is being provided by Victoria Police.

I know police officers themselves are concerned. Whilst many of them are happy with the change to work two up, which means better safety and security for them, they are concerned that they are letting down their communities, so this is an issue of great concern. It is important that the government understands this and immediately starts to move towards recruiting more officers, because it is going to be a particular issue for country Victoria and particularly my electorate of Gippsland South. That is an issue that must be addressed.

However, getting back to this bill, the member for Niddrie and the member for Box Hill have outlined the details of it quite well. I am happy to support the bill, as is the coalition. I commend the bill to the house.

Ms RICHARDSON (Minister for Women) — I am very pleased to rise and speak in support of the Victoria Police Amendment (Validation) Bill 2015. It gives me an opportunity to say not only that the Minister for Police is doing a sensational job as Victoria's new police minister but also what a fantastic job our Victoria Police are doing.

On the last Sunday in May I went out with Victoria Police and their family violence unit based in Preston. I was struck not only by their professionalism but also by their care and concern for victims of family violence. This is very tough work. Not all victims welcome the knock on the door from the police. Why would they? These victims are living in constant fear. This particular unit led by Mark Briggs is dealing with an ever-increasing number of incidents of family violence and an ever-increasing demand for its services across the board. It was clear to me on the night that there are a number of legal requirements in place that are in fact barriers to police doing their work. That is why we have the royal commission on board to have a look at those legal barriers and what we might need to do to change the system.

I take this opportunity to thank the Acting Chief Commissioner of Police, Tim Cartwright, who will retire in a couple of weeks time. Tim had a very tough act to follow, but can I say, as well as sounding and looking a little like Ken Lay, he has acted in the same professional and forthright way and quite rightly has been praised extensively for it. I wish him all the best in his retirement.

The bill before the house will amend the Victoria Police Act 2013 and correct an administrative error that impacted on the Chief Commissioner of Police's delegation powers. The error occurred when changes to the Victoria Police Act were enacted that limited the exercise of powers by deputy commissioners to only those powers that had been delegated to them by the chief commissioner. This reversed what had been previously common practice by the police that enabled deputy commissioners to authorise police officers to operate drug and alcohol testing equipment and to conduct impairment assessments. As soon as that error was identified following an internal review, the acting chief commissioner urgently signed appropriate delegation powers to all deputy commissioners and the assistant commissioner for road policing command. This in part has dealt with the problem going forward. However, for the period between 1 July 2014 and 5 March 2015 we need this retrospective bill to correct this administrative error for police operating under road, marine and rail safety legislation. That is because during this time 614 police officers were authorised under powers that are no longer held by deputy or assistant commissioners.

This administrative error in no way impacted upon the accuracy of the drug and alcohol testing that was conducted at that time. There were in fact 1100 positive tests during this period under the Road Safety Act 1986. Overall the total number of tests impacted during this period was just 13 per cent of the total number of tests undertaken. Nonetheless this bill is needed to correct this oversight to ensure that the police can continue to enforce our road, marine and rail safety laws. The kinds of tests that have been affected include breath and oral tests conducted at booze buses and police stations and impairment tests that may lead to a blood test being taken. These are all critically important tools for our police, who are at the front line of keeping Victorians safe.

What an impressive record the police have with respect to road safety in particular. This is all the more impressive when you consider that the number of vehicles and drivers on our roads has significantly increased over the same period, yet the road toll continues to fall. This Parliament has enacted and enabled a suite of measures for the police who, alongside the Transport Accident Commission and VicRoads, have worked tirelessly to reduce the toll. Today a range of driver-impairing substances are tested by the police. At the same time the public's awareness of the damaging consequences of driving while impaired by drugs or alcohol has increased significantly. All this and more has had a significant impact on the road toll and most importantly has worked to keep Victorians safe.

I am sure that every Victorian and every MP would not like to see a dint in that impressive record by the police, and especially not one that comes from an administrative error like this. The bill corrects that administrative error, and it allows the police to get on with the job of keeping Victorians safe. It is for those these reasons and more that I commend the bill to the house.

Mr HIBBINS (Prahran) — I rise to speak briefly on the Victoria Police Amendment (Validation) Bill 2015. The Greens will be supporting this bill as it amends the Victoria Police Act 2013 to address the issue in which certain authorisations were unlawfully given to police officers by deputy commissioners of police to conduct drug and alcohol testing. These authorisations were unlawful because they required an instrument of delegation by the Chief Commissioner of Police to allow deputy commissioners to exercise these powers. This oversight has resulted in 660 invalid authorisations being issued by police officers between 1 July 2014 and 5 March 2015.

In his second-reading speech the minister has revealed that in excess of 1400 drug and alcohol tests were conducted by police officers operating under invalid authorisations. Victoria Police has identified that in excess of 1100 of these tests returned positive results and formed the basis of enforcement. What would happen if the bill were not enacted? According to the government, there would essentially be a potential toll upon victims of crime, community safety and our court system due to legitimate enforcement actions being undertaken because of an administrative error in Victoria Police's delegation of powers.

In looking at bills like this we always have to ask the question: will this bill lead to any unfairness in relation to the accused? As stated in the statement of compatibility:

> … the admission of the evidence obtained in reliance of actions conducted pursuant to invalid authorisations is not productive of an unfair trial and will not lead to any unfairness to an accused. The evidence of positive drug or alcohol tests were not obtained under threat, trickery, violence, subterfuge or any other improper methods.

The Greens will be supporting this bill. While we support it and understand its importance from a public policy perspective, we are disappointed that the government has failed to take this opportunity to include other amendments in the public interest that relate to access to justice.

Specifically, the justice spokesperson for the Greens, Sue Pennicuik, a member for Southern Metropolitan Region in the other place, has consistently raised in Parliament the need for the Victoria Police acts to be amended so that the state is vicariously liable for all police torts, including where a police officer or protective services officer has not acted in good faith or has engaged in serious wilful misconduct. This would bring Victoria into line with the commonwealth, New South Wales and Queensland. However, each time the Greens have sought to move amendments to this effect both the Liberal Party and The Nationals have not supported them.

We will be supporting this bill, but we raise the point that there should be opportunities to include other amendments in the public interest that relate to other aspects of access to justice.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015

Second reading

Debate resumed from 27 May; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

Ms VICTORIA (Bayswater) — This is an opportunity for me to place on the record the coalition's opinion of the bill before the house, the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I say from the outset that the opposition will be opposing this bill, and I will give some reasons for that.

When we were in government we did a lot of groundbreaking work in this area. It is an area that is always challenging. No matter how much money a party or a government spends on the area of child abuse and neglect, parental needs, if you like — learning how to be better parents and how to address various issues so they do not impact upon children — there are always going to be challenges. No matter how much we spend and how many resources we dedicate to this area, it will remain challenging.

As a result of that fact, when Mary Wooldridge, a member for Eastern Metropolitan Region in another place, was the minister for this portfolio area, she commissioned an inquiry which resulted in a report known as the Cummins report. Its findings were groundbreaking, to say the least. It went into great depth about what the problems in the system were, what it was that was affecting so many people and causing them to be the way they were and what it was like to be a child in the circumstances that so many of our most vulnerable find themselves.

The Cummins inquiry was very thorough. After the inquiry, there was further work done by the department, which was a year or so in the making. As a result, the previous government brought in some legislation that made a real difference to a lot of people's lives. At the time we debated the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 it was very clear that the then opposition, now government, would repeal a particular section of the legislation should it be passed, which of course it was, through both houses.

Today we stand before the house talking about the changes that are proposed in this bill. I want to read an excerpt from *Hansard* of Mary Wooldridge's contribution to the debate on the 2014 bill as she summed up the coalition's position in the lower house. She has now moved to the Legislative Council chamber. At the time she said:

> In commissioning the Cummins inquiry immediately upon coming to government, we acknowledged that the system was not working. We needed the analysis and thoughts of the panel led by Philip Cummins, who with Dorothy Scott and Bill Scales conducted extensive consultation. I think one of the starkest things that came out of that review was the incredible concern about the fact that it was taking, on average, five years to establish permanency for children in out-of-home care and to determine their future. That was only on average; many cases took much longer than that. In fact some never had a determination in terms of what the future would hold. That could go on for many years.

So we brought in legislation we thought would help protect the most vulnerable. We had consultation with the Commission for Children and Young People, the privacy commissioner, legal authorities on family law, Aboriginal agencies, and youth and family agencies. All of them had input into the legislation we brought into this house. Our legislation provided for a better and more timely permanent arrangement for many children and for the care of vulnerable children.

As we have said, the child protection system was leaving vulnerable children in limbo for, on average, five years, but in some cases it was much longer than 10 years. These young people were at the most vulnerable points in their life. They had been mistreated

and abused. Let us not make any mistake: the courts never took these children away from parents who were parenting well — it had got to the stage where they had to be removed for their own safety. To leave a vulnerable child who has already been abused and sometimes neglected and without giving them any certainty in their lives, sometimes for 10 years or more, was really a very bad situation. It was called the most significant change to the Children, Youth and Families Act 2005 when we introduced it, and, as I said, leading up to the legislation there was a lot of consultation, especially with the Children's Court, which supported the legislation.

Many of the changes in the amendment bill responded to the findings and recommendations of the Cummins report, the *Report of the Protecting Victoria's Vulnerable Children Inquiry*. It investigated in depth, looked at and addressed barriers to timely permanent arrangements being made and decisions being made around that. Amendments were put in place to promote enduring care arrangements — something that would give certainty to these children. Of course we are only talking about those in out-of-home care. We simplified Children's Court orders to align the cases with each of the case planning intentions. We increased penalties for offences relating to the protection and also exploitation of children. We also introduced offences like leaving children unattended; that had been in the papers on many occasions.

We also — and this is particularly important to me given my new role — ensured that the cultural needs of Aboriginal children were taken into consideration. I place on the record my thanks to the Victorian Aboriginal Child Care Agency because it does such an amazing job for children who find themselves in a situation where they need to be removed from their parents. We made sure that not just the physical and emotional needs of these children were met but also their cultural needs, and a cultural plan for each child in out-of-home care was put in place.

One of the very significant things — and I mentioned this earlier but I want to reiterate it because it is something we have to keep in our minds — is that these are not children who are in a family situation that is comfortable. These are children who are in a situation where a court has said that they are no longer able to live with their parents. That is not something that a court ever takes lightly. Whether they are with a parent or parents, family members or other carers, if it is not a tenable situation, they are removed. A lot happens in the lead-up to that decision. It is not something where all of a sudden an incident takes place and people say that the child needs to be removed. It is often over many months in the case of very young children but over many years in the case of infants and toddlers, and when the children are removed work starts immediately to reunify those families. This is not a way of punishing parents, if you like; that has never been the intention. The intention has always been to get the children and the parents back together, if it is possible, and obviously the best place for a child is in the arms and the care of a loving, good parent. But how do we help those parents, how do we make that happen for those vulnerable children?

One of the things we did when this issue was being debated was to note — and I think it is very disappointing that the now government before the election committed to both houses that it would repeal section 17 if it regained government, which of course it has done — that an opportunity was not given to measure the efficacy of some of the provisions that we put in place. This reversion will give back power to the Children's Court to delay a decision being made about permanent care arrangements for children in out-of-home care and, again, it becomes endless, so there is no certainty for those children. We can say we want the parents to get their act together, and that is all well and good, but the services have to be there and the will also has to be there.

The government can argue that not all services can be provided in two years. There were options in this regard for the minister. There were options to provide more services. Because the start date for the new provisions was not until the middle of next year, there were options around getting the system ready — putting more money and more effort into services to actually be able to facilitate that. We know that approximately 80 per cent of all children are lucky enough to be reunified with their parents when they have been in out-of-home care, and that is a great statistic, but it is not good enough. Had this change in the law been able to take place next year, there would have been a very measurable way of understanding whether this had been efficacious. It is 80 per cent at the moment, and then in a year, two years, three years or five years we could have quite easily measured how many more children were able to be reunified with their parents, but that has not been given the chance to take effect.

Our position is that two years is quite long enough to have a child live in uncertainty, for them not to have stability in their lives and not have a plan for their future. We are not only talking about the little ones, where obviously they do not have much of a say, but some of these children are into the teens, into their

formative years, when they understand what is going on around them. They are looking for certainty and some sort of stability in their lives. Undoubtedly a long-term settled relationship is better for all. Quite often that is going to be achievable, but sometimes it is not going to be. I have to pose the question: are our responsibilities as lawmakers to the dysfunctional and often law-breaking parents, or to the most vulnerable members of our society, the children? I say it is to the children. Our responsibility is to those who have no choice other than to be in the situation in which their parents have placed them — those children who are powerless to effect change on their own.

I want to relate for members a very sad story. I went to visit a foster care agency about four or five years ago in the eastern suburbs. I wanted to find out more about what that agency did. I had had foster carers visit me at my electorate office for various reasons, and I decided I should visit an agency to find out what it does and the criteria it looks at in placing children. I am sure that in telling me this story the staff at that agency were trying to ascertain whether I really cared or not. However, as they passed me the box of tissues, I think they realised they had told the right story to the right girl.

They told me a story of a young boy, who was between two and three years old, who they had had to place in care because he had spent his entire life handcuffed to his cot. What certainty did that child have in his life? At that age he was already traumatised and already afraid of people. One can say that if the parents are going to treat their child like that at that age, we should know whether or not in two years those parents are going to try to make their lives different and make the life of their child different. Should we allow a child in a situation like that to flounder around in the system for an endless amount of time? It could be 5 years or it could be 10 years. We do not know. I do not know what happened to that child, but I pray that he has found stability in his life at a time when he is still young enough to learn love and to learn trust, because he had had neither. I think the two-year time limit on the courts making a decision was ample in a circumstance like that.

In relation to the two-year time limit, I am not saying that after two years the child and the parents cannot be reunited. That is simply not true. The courts still have the power, but it means there is no opportunity for parents to flip-flop — to maybe get better, maybe not; to maybe do the right thing, maybe not. This is all about the children. This is not about the parents, and it is not about the adults. It has to be about the parents at some point, but this must be about us as lawmakers protecting those children who cannot protect themselves.

An alternative to amending section 17 of the act could be for Labor to invest in extra services. These extra services could assist parents in their rehabilitation so that all efforts are made in those two years and so that there is a focus for services and for parents. Knowing that they have two years should actually get them focused. This is better than those parents saying, ‘I will try to get better. I will try to kick the habit. I will try to keep my nose clean with the law’. If they have a two-year time limit, they have something to aim for.

The legislative changes of the 2014 bill would have come into effect in March next year. They would have given plenty of time to properly resource services and prepare the sector. The coalition reforms provided a very clear path for children in out-of-home care and their carers or parents, and they would have given that opportunity to reunify or establish other permanent care arrangements where needed. Our reforms were to improve and promote timely case planning and make sure that the decision-making regarding children subject to child protection involvement was done in the best possible way.

The Children’s Court clearly had the capacity for input and oversight at the time, so when the court order was made it had the opportunity to give another direction after one year to extend for another year after that. It was the opinion of the court that two years was long enough for a child not to have certainty about what is happening to them and what the plan is for stability for their future.

The *Report of the Protecting Victoria’s Vulnerable Children Inquiry* report found that the courts should not be involved in administering orders or managing case plans or care, and that is something we agree with entirely. At best the repeal bill delays decision-making, and it gives the most vulnerable children uncertainty in their future. If this bill is successful, there will be no mechanism to force a decision on permanent arrangements for vulnerable children. How will the government prevent it being 10 years, or even more, until those arrangements are made, if at all? Deferring a decision will not lead to better outcomes for children. How is the government going to measure the outcomes of this decision and their impact? How does this amendment help achieve the ultimate objective of achieving reunification wherever possible? How many children will this affect?

A decision has been made that will have a great impact on vulnerable children without the government even consulting the expert sector, as has been done so thoroughly in the last few years. It saddens me that the Labor government has disregarded the long and detailed consultation undertaken by Victoria's former Department of Human Services and the findings of the highly regarded inquiry conducted by people of great repute. It saddens me even more that the rights of the most vulnerable, most neglected and most abused children, those at the highest risk, are being trodden on to give preference to those who have already proven to be unfit parents. Everyone — and I mean everyone — needs to be given the opportunity to turn their lives around, but that should never, ever be at the expense of the mental and physical wellbeing of those who should be able to trust them lock, stock and barrel. The minister has made a very clear choice between reverting back to an open-ended uncertainty or to increasing service capacity, and she has chosen the path that I believe helps nobody. With this in mind, I reaffirm that the coalition will be opposing the passing of this bill.

Ms RICHARDSON (Minister for Women) — I am very pleased to rise to speak in support of the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I want to put this bill in some context. The member for Bayswater referred to the need to provide additional funding for the sector and for child protection in particular. Of course that is precisely what this Labor government is doing, and that is in stark contrast to the actions of the former government. In this budget we have provided $257 million over four years for child protection and out-of-home care and family services, and this represents at least 17 per cent for child protection and family services compared with the previous Liberal government's budget just before it left office. This funding will provide for 110 new child protection staff.

In addition to these additional funds provided in the budget, the government has restarted important conversations with the community sector, many of whom felt shut out or ignored by the previous government. This is not how the member for Bayswater tried to describe it. She indicated that members of the coalition were somehow part of the conversations that were had with respect to the bill that they put before the Parliament. That is simply not the case. The community sector has welcomed the approach of the Minister for Families and Children and of our government to engage with them directly about this issue, rather than simply listening to a small quarter with respect to changes in this space.

The budget also provides significant funds for early intervention services to help keep families together and to keep children from needing to go to out-of-home care. Our key priority and our key objective is to reduce the number of young children entering residential care. For me, as Minister for Prevention of Family Violence, this is particularly important because of the link to family violence. We know that 50 per cent of children who end up in out-of-home care have related family violence incidents in their homes, so it is critically important that we work to ensure that we are tackling the issue of family violence and the issues that are keeping families in crisis and leading to these protection orders being put in place.

The bill introduces tighter time lines for making decisions about future permanent care arrangements for children in out-of-home care. I am somewhat baffled that the opposition would still oppose this measure, which we said we would put in place if we were elected to government, because it would be fair and reasonable for the members of any opposition, on coming into opposition, to revisit some of the thinking they had in government, to take soundings from the sector and to form the view that perhaps it was a misstep to have put particular legislation through the Parliament when in office. This amendment will enable the objective of keeping families together — it will stay true to that objective — rather than bringing about the situation the member for Bayswater wants in which families are kept apart.

The other thing the member for Bayswater overlooked with respect to the examples she brought before the house as part of this debate is the concern that people in the sector and the wider community have about out-of-home care and protective services themselves. I would like to draw the attention of the house to the experience of a 19-year-old woman living on the streets who was recently featured in media reports and in whose circumstances family violence was implicated. She was studying to complete her VCE and was sleeping under a Melbourne bridge. In this article what struck a lot of people — certainly what struck me — was that the woman preferred to be homeless and live in a makeshift camp rather than live in residential care, an experience she described as traumatic. She stated:

> … I have been to a youth refuge and it was horrible … There were drug and alcohol issues. It's not like here where you can come home and relax.

The point she was making is that out-of-home care is not perfect. There have been some very damaging consequences of out-of-home care and of the system in effect getting things wrong and retraumatising victims,

most problematically children who have found themselves separated from their families.

When it comes to any legislation that affects children, I am obviously firmly of the view that every member in this house has the right intentions. Clearly the member for Bayswater has the right intentions. The previous government, however, in my view and in the view of the Labor government, got it wrong in enacting the relevant legislation. This was made plain in an article in the *Herald Sun* with the headline 'Bill is bad news for vulnerable children'. It talks about how the then bill was going to create more problems in relation to children in out-of-home care, not bring about fewer problems; it was going to increase the likely traumatising of children.

It is for those reasons and others that Labor in opposition acted as it did and that Labor in government is acting in this way. I am therefore very proud of the Andrews Labor government for having taken the steps not only of repealing the act passed by the former government but also walking the walk and funding the services it knows need additional funding and additional support. It is not walking away from those services while magically expecting them to somehow solve all problems. The funding is significant, and I congratulate the Minister for Families and Children for securing that funding for out-of-home care.

In conclusion, I congratulate the minister for bringing forward this legislation in such a timely manner and for the funding she is providing to child protection workers and out-of-home care and family services. She is doing a terrific job in making sure that those who are most vulnerable in our state, the children of dysfunctional families, are protected. I commend the bill to the house.

Ms KEALY (Lowan) — I rise today to speak on behalf of The Nationals on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. We will be opposing this bill.

As we have heard from earlier speakers, the key intention of this bill is to repeal the amendment act that was passed as a result of the Protecting Victoria's Vulnerable Children Inquiry. That inquiry was obviously quite extensive. It took advice from the entire sector and from the Children's Court and made a number of recommendations. It was noted at that time that there were a number of barriers to putting people into permanent care. The inquiry found very negative effects on children who were being bounced in and out of families where there was violence — these children were in unsafe environments. The intention of putting in the two-year time limit was to make sure that children who had been removed from unsafe family circumstances had some level of certainty, caring and permanency so that they could have a good upbringing. That legislation was based on evidence and recommendations from the sector, and it was appropriately implemented by the previous government.

I do not understand why the government is seeking to remove that. I have some experience in and knowledge of this sector, and there is always a focus on making decisions around the rights of the child; it is the right of a child, for example, to see each parent, rather than the right of the parent to see the child. In terms of that responsibility I have the concern that through this bill the government has put forward it is shifting the balance towards the rights of parents — parents who may be abusive or neglectful of their children and who certainly do not always act in the best interests of their children. That is something that as a Parliament we have a responsibility to address.

Children who live in a violent or neglectful home are arguably some of our most vulnerable. They do not have the ability to leave home, get a job, find their own home and feed themselves, and that is where we have a responsibility. Therefore removing that two-year time limit puts too much emphasis on the rights of the parents rather than the rights of the child.

The two-year time limit provides a very good wake-up call for parents to realise that they need to take some responsibility for their actions and that they need to seek some counselling or education on being a good parent and role model for their children. Perhaps they need to enter rehabilitation to address addiction issues or other issues they have and be educated as to how they can best support their child. However, as we all know, there is a point at which we know we have to make a decision. We have to do something differently or we are going to lose something, and in this case that may be access to our child. We have the potential with this bill to remove that trigger point and end up in a situation where that cycle continues.

It is important to note how short childhood is. I have a two-year-old son, and it seems like only yesterday that I was holding a newborn in my arms. We all know how quickly time flies. I think the most common advice I get as a parent is that time absolutely flies with children. Two years may seem like a decent amount of time for somebody to access rehabilitation services — and we know how long it takes to access some things — to

seek counselling and to have the resolve to change how we live our lives. However, two years in the life of a child is quite a big chunk of their life, particularly in their formative years. It is a period that can make an enormous difference in how they live and function as an adult in this world. I do not think 2 years should be seen as being too short when you compare it with the 15 years, maybe, that it might take for that little person to develop, become an individual and be someone who contributes to our state.

The other element of the bill I would like to speak about is how we make decisions. This important decision would be made in the Children's Court. The Children's Court has input, it has oversight of the individual case at the time of the court order and it can always extend the order when it expires for a period of a year, so there is some flexibility. For a child I believe two years is long enough. It is important to note when we look at this issue that by introducing this bill we are delaying decision-making in regard to children whose cases are under review at the moment. We are creating for children, the most vulnerable people in our community, further uncertainty regarding their future.

I do not know whether the government has fully considered the impact of this legislation. I note that the Minister for Women made the comment that its intention is to keep families together. However, if by this legislation we are keeping families together so that parents can access and then neglect or be violent to their child, I do not think that is a healthy environment in which to raise that child. In an ideal situation we want to keep families together, but if that means a child is being kept in a family which is abusive, then we are making the wrong decision.

There were also references by the minister to residential care. She said that may not be the ideal solution for some children. I agree, but if that is the problem, why would you not address that issue and look at a review of those services or provide additional funding for those services rather than saying, 'We need to take out this two-year time limit and let these poor vulnerable children suffer the consequences of perhaps going in and out of the system for who knows what length of time'? That may be 10 years, it may be the whole 15 years or it may be until they become an adult. I believe we need to keep the two-year time limit, and that is why the coalition will be opposing this bill.

Ms KNIGHT (Wendouree) — I am pleased to rise to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. This is a really important bill. It is important because it retains the judicial oversight by the Children's Court of services provided by the Secretary of the Department of Health and Human Services when the court considers a protection order. This bill keeps a commitment made by the former Labor opposition to retain the Children's Court's oversight of service provision by the secretary, as contained in section 276 of the Children, Youth and Families Act 2005.

This bill maintains the balance between timely decisions regarding the care of a child and appropriate judicial oversight. With the passage of this bill, if that is to occur, protection orders will still be issued by the Children's Court. However, that will occur if in the court's opinion the Secretary of the Department of Health and Human Services has provided the services needed in the best interests of the child.

The previous government sought to speed up the process for permanent care arrangements, whether through reunification of children with their family or through alternative family care of children in temporary care arrangements. This is something I support. Nobody wants children to experience instability in their lives. Everybody in this chamber is aware of what the consequences can be. I am sure every single one of us wants children who have for whatever reason been unable to live with their natural family to grow up in a caring environment that provides them with the stability they need. However, this has to be balanced with the surety that the Secretary of the Department of Health and Human Services has done everything reasonable to provide the services and supports a family needs. When families need to make changes in order to provide an appropriate environment for children to return home, they absolutely need support. They just cannot do it alone.

Judicial oversight of the secretary's actions in taking all reasonable steps to provide families with the support they need to make that change is critically important, and it is something that will be retained if the bill has the support of members to pass this chamber and the other place.

Aside from the benefits this legislation provides, it says a lot about the Andrews government and the way it is going about the business of government. Firstly, this government keeps its commitments. We had concerns with legislation put forward by the previous government and said that if elected, we would make changes and improvements to that legislation. What we see today is a commitment made by the former Labor opposition being kept by the Andrews Labor government.

Secondly, the Labor government is taking action and getting to work in protecting children in our state. We have already set in train the Royal Commission into Family Violence, which will hopefully have a great effect on the safety of children in their homes. I acknowledge the Minister for the Prevention of Family Violence, who provided an eloquent contribution to this debate, and I also acknowledge the contribution she is making broadly with the royal commission and her advocacy for women and children who live with or have experienced violence in their lives. This legislation considers the interests of children; it provides oversight of the system designed to ensure that they are cared for.

Finally, this legislation is further demonstration that the Andrews government is focusing on things that are important to all Victorians and critically important to our most vulnerable families. I am sure I speak for all members when I say the care and welfare of children in Victoria is the highest priority for each and every single one of us. I acknowledge the Minister for Families and Children and Minister for Youth Affairs, not just for fulfilling this election commitment but for her ongoing commitment to children and families who are at a most vulnerable time in their lives.

I will address the concerns raised by the member for Bayswater around funding. We need only look at the most recent budget to address those concerns. The budget contains $257 million over four years for child protection, out-of-home care and family services, which represents an increase of at least 17 per cent for child protection and family services compared to the previous budget. That is a massive increase and one that is absolutely needed. The total additional funding for the families and children portfolio is $615 million over five years.

I will further address the concerns of the member for Bayswater around resourcing and funding, particularly for child protection. We know child protection has faced significant demand and pressures. The recent Andrews budget provides $65.4 million for child protection services and much-needed additional capacity to respond to demand. It also delivers 88 additional frontline child protection practitioners. These are very experienced people doing incredibly demanding work, and I acknowledge the work they do, particularly in my electorate of Wendouree. Four specialised child protection workers will target the sexual exploitation of children in state care. There are 19 additional after-hours workers to extend after-hours outreach capacity, which will happen for the first time in Victoria. It acknowledges that abusive situations do not just happen between 9 and 5.

For the first time we will roll out statewide a rural after-hours on-call service, which reflects that regional communities have additional levels of complexity around geographical location and isolation. There is also complexity around confidentiality in the community. Workers in those communities often live far away, but if they reside in a community, they often have quite close relationships with the people they may be working with. In total the funding will recruit an additional 111 child protection workers, and that will meet demand. I absolutely support this election commitment, and I wish the legislation a speedy passage through the chamber.

Mr HIBBINS (Prahran) — I welcome this opportunity to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, and I welcome it as someone who has worked in the community sector and for the Department of Health and Human Services (DHHS). I have a good appreciation of the complexities and challenges in providing an effective child protection system in Victoria. When you man the complaints line, as I did, in the northern and western regions for the Department of Health and Human Services, you get a really good appreciation of the personal stories. You would often spend hours with a complainant on the phone, and even if their complaint was not upheld, you would get a strong understanding of the effects on parents, carers and relatives. When you receive and report on endless numbers of critical incident forms coming in from around the regions and around Melbourne, you get a good understanding of the challenges and issues faced by children at risk.

The bill reverses one of the many changes made in 2014 to the Children, Youth and Families Act 2005. Most of those changes come into effect in March 2016. Without the amendment proposed in the current bill, from March next year the Department of Health and Human Services will no longer need to satisfy the Children's Court that it has taken all reasonable steps to provide services necessary to enable a child to remain in the custody of their parent before the court can make a protection order effectively removing the child from their parent's care.

The Greens are in favour of the amendment proposed in this bill, but we would like to see many of the other concerns surrounding last year's changes addressed. Last year's changes brought into effect the recommendations of the Cummins report — that is, the

Report of the Protecting Victoria's Vulnerable Children Inquiry. Many of last year's changes were based on the Cummins report, but some of those changes were not, including those that restrict the powers of the Children's Court.

I will go to the report, which has several recommendations. There are concerns in three areas. First, there are concerns around the number of court visits for each child protection case. Second, the report notes that the average length of time — five years — between a child's first report to DHHS and the making of a permanent care order is too long. Third, there are concerns the Children's Court is perhaps too involved in the case management of decisions, which should be the role of DHHS, and is too adversarial. There are some legislative recommendations, including that the existing range of care orders be simplified and consolidated, which was achieved with the 2014 changes.

There are also recommendations specific to DHHS internal policy and procedures. The report recommended that DHHS identify and remove barriers to achieving the most appropriate and timely form of permanent placements. It appears that DHHS identified the court and aspects of the legislative framework as barriers to achieving permanency, where Cummins wanted DHHS to modify its policies and procedures within a less radically amended legislative framework. From March 2016 the legislative framework will reflect DHHS's preferred policies and procedures by, in part, effectively removing the Children's Court from its role as scrutineer. This was not Cummins's intention.

Last year's bill was described as essentially wiping out half the jurisdiction of the Children's Court in the area of child protection. Unless further amendments are made in addition to this bill, the court will be restricted in acting in what it determines to be the best interests of children. I am sure that at the time the government thought it was acting in the best interests of vulnerable children, but there was no consultation with the sector or other affected parties in relation to last year's changes. There will be a number of unintended, adverse consequences unless those aspects of last year's changes are not reversed or significantly amended.

The Minister for Families and Children, who was the shadow minister for children in the previous Parliament, raised more than a dozen specific concerns during her contribution to the second-reading debate on last year's bill. As the shadow minister she promised to restore the obligation on the department to satisfy the Children's Court that families are getting access to services to allow reunification to be effected where possible. This bill delivers on that promise. She also promised that a Labor government would ensure that the Children's Court would properly oversee the department, but this bill does not deliver on that promise.

The department has been the subject of a number of reports in the media, but there have also been independent reports regarding its failures in respect of vulnerable children in its care. Last month the Victorian Auditor-General's Office released a report entitled *Early Intervention Services for Vulnerable Children and Families*. The report is heavily critical of the massive system failures of management and accountability in the department. The changes made in last year's bill reduced the level of scrutiny applied to the department by the Children's Court, and this bill does not address those concerns in any substantive way. Just as there was a lack of transparency and accountability over last year's changes, there is a lack of accountability around this bill.

It is essentially a broken promise. Labor promised to ensure that the Children's Court would properly oversee DHHS to ensure that there are proper checks and balances in place to ensure that children are looked after and vulnerable children are protected. This bill restores the court's powers only in respect of section 276 of the principal act. It does not restore the court's powers to further effect efforts at reunification. The bill is also ineffective. We are concerned that last year's changes will not work to achieve permanency, especially for older children. Simply fast-tracking children on to permanent care orders does not guarantee permanency. As we know, many so-called permanent placements break down for all sorts of reasons. Simply ordering permanency does not achieve it.

At a time when the rates of removal for Aboriginal children are higher than ever and when there is already a huge shortage of foster carers, the bill does not address the overwhelming concerns that last year's changes made it easier for the department to remove children and more difficult for families to be reunified.

Essentially the Greens support this bill, but we want many more amendments included. The current bill makes a vital and necessary amendment to section 276 of the Children, Youth and Families Act 2005, so we will be supporting it. I note the bill has been referred to the Standing Committee on Legal and Social Issues, which is good because it will allow for the consultation with the sector and the community that did not happen

last year. That said, the Greens will be supporting the bill.

Ms THOMAS (Macedon) — It is my pleasure to rise and speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I start my contribution by commending the Minister for Families and Children. She is a fierce advocate for the most vulnerable children in our state and a woman of great compassion and empathy.

If government does not look out for the most disadvantaged and vulnerable children in our state, no-one will. It is a key responsibility of government, and it is a mission that the Andrews Labor government takes very much to heart. I was delighted to see in the recent budget that the minister has been able to achieve a significant increase in investment designed to protect children and enhance and support vulnerable families. The budget has delivered an increase of 17 per cent for child protection and family services compared to the previous budget. This is important because we need to ensure that our most vulnerable children and families are getting the support they need, particularly to try to stay together as families. We all know the best place for a child is with their family, provided their family is capable of providing the love, care, nurturing and other things that all children need to develop to the best of their ability.

I note the minister has secured $48.1 million for Child FIRST and family services within the budget. That money will allow 70 additional workers to assist an estimated additional 2100 vulnerable families each year and includes $2.25 million per annum for flexible funding packages to enable timely, innovative and flexible support to vulnerable families. This additional funding and support for those families is at the core of what the Andrews Labor government is trying to achieve in its approach to looking after the state's most vulnerable children and families.

We also see that the budget provides $65.4 million for child protection services to allow much-needed additional capacity to respond to demand. It allows for 88 additional front-line child protection practitioners, 4 specialised child protection workers to target the sexual exploitation of children in state care and an additional 19 after-hours workers to extend after-hours outreach capacity for the very first time in Victoria. This statewide rollout will mean that for the first time the rural after-hours on-call service will expand to include the Mallee, Goulburn, Upper Murray and East Gippsland areas. This was a really important announcement because it ensures that family in regional Victoria are also able to access services and advice when they are under extreme stress.

Importantly, the government allocated $31.75 million to support keeping families together. As I said earlier, we know the best place for children is in a loving, caring and nurturing family, but not all families are able to provide that to children without support. Therefore $9.2 million has been allocated to fund the family-led decision-making programs and $20.8 million has been allocated to expand placement prevention and family reunification services across the state. There is also $1.75 million for our initial response to Taskforce 1000, which will improve our support for vulnerable Aboriginal children and their families. These are just some of the initiatives contained in the state budget, and all of them are designed to ensure the best protection and support to vulnerable children and families in the state of Victoria.

Turning to the details of the bill, the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 is being introduced to fulfil a promise made during the debate in August last year on the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. Labor in opposition moved an amendment at that time and in government it is introducing this bill because it believes the new time lines for reunifying children with their families places a stronger obligation on the Department of Health and Human Services to ensure that all reasonable services are provided to support the changes that families may need to make. The coalition government's Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 included provisions in section 17 that, if implemented, would remove the provision in section 276(1)(b) of the Children, Youth and Families Act 2005. It states that the Children's Court must not make a protection order placing the child in out-of-home care unless:

> (b) it is satisfied that all reasonable steps have been taken by the Secretary to provide the services necessary in the best interests of the child.

This provision and other provisions of the amending act are to come into effect on 1 March 2016. As the former government's changes have not yet come into force, this bill will have the effect of retaining section 276 as it currently appears in the Children, Youth and Families Act 2015. It is important to retain the requirements of section 276 to ensure that families receive the assistance they may need to be reunified with their children who are placed in out-of-home care within the

new time lines prescribed by the amending bill. As I have said, this is vitally important. This government is about doing all it can to support families to stay together, provided that the best interests of the children will be met, because there is no substitute for a loving, caring and nurturing family.

The bill introduced by the previous government sought to speed up permanent care arrangements for children in out-of-home care either through permanent reunification with their family or permanent alternate family care. In 2012 the Protecting Victoria's Vulnerable Children Inquiry found that the average time taken from a report to child protection services and the making of a permanent care order, at just over five years, was far too long. Delays in decision-making can lead to children being in out-of-home care for lengthy periods without any certainty about their future care arrangements.

Labor believes families need to be assisted to have their children returned to their care as soon as possible. If this cannot be achieved within a time frame that takes account of a child's needs for certainty and a healthy attachment to a carer, other permanent arrangements need to be made. Where reunification cannot occur in a timely way and where alternate permanent care arrangements cannot be made or are delayed, children can suffer lasting developmental harm and develop behavioural problems. This can lead to the development of mental health problems, substance abuse issues and offending behaviour as the child moves through adolescence.

Under the former government's changes, however, the Children's Court would be compelled to make a final protection order if a period of 12 months, with a possible extension to 24 months, had elapsed. At the same time the court was no longer required to be satisfied that the Secretary of the Department of Health and Human Services had taken all reasonable steps to provide families with the services they may need to make changes. It would not be fair to say to families that changes have to be made within one or two years and then not provide them with the assistance they may need to make those changes. That is why the investments this government has made in the May budget are so important, because they have at their heart a real commitment to supporting families to stay together by working with parents and their children to ensure that the children's needs can be met within their family environment.

This is an important bill. It is about providing protection to Victoria's most vulnerable children. Again, I commend the minister, who has shown every step of the way that she will put the needs of the most disadvantaged children in Victoria at the heart of every decision she makes. I commend the bill to the house.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I note at the beginning of my contribution that the coalition is opposing the bill and the changes because it believes first and foremost that the interests of children should be protected. It is absolutely imperative that our youngest minds are protected and that they have absolutely every opportunity in life. In August 2014 the previous government passed the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014, which looked at the way that vulnerable children were being provided with support. The Protecting Victoria's Vulnerable Children Inquiry highlighted the need to understand the best ways to achieve safety and permanency for vulnerable children.

Ultimately, if we can get those young people into a safe and stable home as early as possible, they will have more certainty in their lives into the future. It is absolutely imperative to have those young people united with their families — their mother and father or whatever the family unit may be — as early as possible and keep them in that family unit. But there are many cases where that is not possible. The change made by the former government to the principal legislation gave the courts two years to determine what is acceptable for those young people. Applications could be made to the court. If a parent was experiencing difficulties such as drug or alcohol problems, the court would consider the situation and give the parent the opportunity to get their act together and ultimately provide a safe environment for their child.

We have seen so many cases where there are difficulties. I was a member of the parliamentary committee that conducted an inquiry into methamphetamines, particularly ice. We had come before us families who had kids labelled 'ice babies'. They had been born into this world drug affected. The hope for those young children, compared with that for somebody who did not have that start in life, was based on their having started well and truly behind the eight ball.

If members agree to the changes being proposed by the government, the time frame for consideration of a young person's situation will be extended and in some cases will be unlimited. A kid could go into a drug-affected environment, out of it into foster care,

which in so many instances is a safe and happy environment, back into the family unit and then into another foster care situation. Home life for that child becomes a revolving door — or no home life. I had the opportunity of mentoring a 15-year-old boy who had experienced exactly that. The mother of the family he was born into had a whole lot of mental health issues. He ended up in a series of foster care environments, back with his mum and then back in foster care. There was just no consistency in his life. Years later when I caught up with him he was living with a group of young guys, and he was really struggling.

We owe it to those young people to give them a safe environment and every opportunity to be successful in their life. The changes being suggested by the government would mean that for those young people it will be a toss of the coin as to where they end up. If the courts decide — it is not for us to decide — that the environment in which a young person is living is not acceptable, two years should be absolutely long enough to determine that that young person is entitled to a safe home in a foster care situation where a family can look after him or her and provide the future which the young person desperately needs.

The bill proposes making an important change. I am really concerned that government members have not undertaken the necessary consultation with the experts out there, many of whom presented to the inquiry into vulnerable children. I will finish by saying again that no matter what we do, we must put the interests of the kids first and foremost. These kids cannot stand up for themselves, and they cannot tell us what is right and what is wrong. We owe it to them to ensure that they at least have the opportunity to succeed in a safe environment, away from the harms that they are unfortunately surrounded by in many of their current situations. I am very concerned that the government has introduced this bill.

Mr McGUIRE (Broadmeadows) — The consideration at the heart of this bill is to look at what are the best options we have for our most vulnerable children and their families. The aim of the bill is first to take care of the children and then to see whether they are better placed with their families. Given the contributions that have been made, I think it is agreed across the house that people are trying to grapple with this issue, which has been evolving as we have had more evidence presented to us through the various inquiries that have been undertaken.

We had the Cummins inquiry, which was announced in 2011 and produced the *Report of the Protecting Victoria's Vulnerable Children Inquiry*. That inquiry was given the task of looking at the systemic problems in Victoria's child protection system and making recommendations to strengthen and improve the protection and support of vulnerable young Victorians. The report was tabled in 2012. It identified concerns regarding the handling of criminal child abuse in religious organisations in Victoria and recommended that a formal investigation be conducted into the processes by which religious organisations respond to the criminal abuse of children by religious personnel within their organisations.

This issue has been evolving. I think there is a genuine concern to look at how we address the critical aspects of the issue. We have been told the opposition will be opposing the bill, and its members have mounted their case. I make the point that one of the critical propositions is that judicial oversight will be provided and there will be a review within six months. A critical point to be understood is that as the law evolves we are trying to get the balance right on what is in the best interests of ensuring the safety and education of the child and how we manage that within families as the better proposition. Through the *Betrayal of Trust* report we have established further on the record what happened in a lot of the institutions, and what happened has led to lives being ruined. When the state placed responsibility for children in the hands of different organisations, their failure ended up in the cover-up that killed people and blighted lives.

The issue we are addressing is highly complex. The Greens have said that they will be supporting the bill and have noted that a parliamentary inquiry will be conducted by an upper house committee. The *Betrayal of Trust* report notes that you must have scrutiny, accountability and compliance. I emphasise that that proposition is built into this bill. The bill retains judicial oversight by the Children's Court of services provided by the Secretary of the Department of Health and Human Services when the court considers a protection order. This reflects the commitment made by Labor in opposition to retain the Children's Court oversight of services provision by the secretary, as is contained in section 276 of the Children, Youth and Families Act 2005.

I emphasise that there is a review mechanism for further scrutiny and accountability that will be launched within six months of the amendments made by the bill being put into effect, and it will involve a whole range of stakeholders. The proposition raised by the opposition should be looked at through the mechanism provided for by the bill — that is, that there is scrutiny

and accountability and that that mechanism will be put into effect within six months of the bill coming into effect. Opposition members should acknowledge that this mechanism for review is already built into the legislation.

Some of the other propositions raised were about the funding. It is clear that the Andrews government is doing an enormous amount to put women and children first and to take care of vulnerable people. The Royal Commission into Family Violence will also have an impact on what happens to children. It will look at a range of issues: gender imbalances, power and control within relationships and, critically, also the impact that has on children. The royal commission will come back with recommendations for changes to criminal law and to the way we address cultural issues. This goes right across the state to look at how this works in different communities with their backgrounds and attitudes, and this is an important step.

Then we look at what the commitment has been. A question was raised about the commitment to protecting children. On services and building a better system, the government in its first budget included $250 million over four years for child protection, out-of-home care and family services. This is a critical investment and represents a funding increase of nearly 20 per cent for child protection and family services. The total additional funding for the family and children's portfolio is $615 million over five years. That is a huge commitment. There will be more than 110 new child protection staff. Again, that is to try to add that extra layer of scrutiny and accountability but also to help vulnerable children and families.

In summing up, what has the Andrews government done? Its first budget is a record spend and a significant shift from the policy focus of the previous government to direct resources to the most vulnerable and disadvantaged Victorians. The work begins by focusing resources to fight entrenched disadvantage at its source and to restore fairness to Victoria. In addition to the budget funding measures, the government has restarted a whole range of discussions with the community sector. These will continue. The task of the first budget was to address the immediate demand and gaps in our response to the most vulnerable families and children. I make this point: there is no failsafe system on these issues. We have to keep evolving.

The member for Caulfield referenced the question of how we now deal with ice, and that is an extremely valid question that we will need to work through. There is no magic proposition to deal with this: ice is a scourge. We are still just learning how it affects people and particularly young people. Then we will know what the options are. The government is trying to introduce the final recommendations of the *Betrayal of Trust* report and to look at what needs to happen there, because, as W. H. Auden put it:

> I and the public know
> What all schoolchildren learn,
> Those to whom evil is done
> Do evil in return.

From the *Betrayal of Trust* report and the evidence we had, what happened to some boys and the way they were brutalised ended up producing some of our worst criminals. One of the worst attacks on authority not just in the state of Victoria but in this country has been traced back to how the perpetrators were brutalised as children.

In summing up, this is an incredibly contentious and complex issue. It keeps evolving, and I would like to see other members of the house take up this complexity and realise that in this bill there is scrutiny and accountability, there will be compliance and this is a way that we can progress.

Mr BATTIN (Gembrook) — I rise today to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015, and we on this side of the house will be opposing the bill. Firstly, I will put on the record, as most of us in this chamber know, this is a very tough topic. It is a tough topic to talk about inside this chamber and in the community.

There are variances between our parties. In this house we have four parties and an Independent member. We all have our differences. Some of those are simple. The member for Macedon and I would have arguments on little things, like who has the better electorate in terms of the most beautiful area. We could have our differences about mobile phones. We could have differences about what is good and wrong in campaigning. We could have so many different arguments in this chamber that are political. What I say on the record first is the way today's debate has been handled by all in the house is very appropriate to what this bill is.

Everybody in this chamber has one thing at the forefront of their mind — that is, achieving the best outcomes for young people, for children in the future and in particular for our most vulnerable. We have different views about what they are and about how to achieve them. That is really important. It gives respect

back to this place when you can have a debate like this that is so open and in which people are putting their views on the table. From the outset, that is a fantastic thing to have in this chamber — everybody having the opportunity to put their views forward.

In relation to the bill before us, this is a reversal of what was put in place by the Honourable Mary Wooldridge, the then Minister for Community Services who is now a member for Eastern Metropolitan Region in the other place. I put on the record early that Mary Wooldridge did a fantastic job as Minister for Community Services. She had a huge task in front of her, and one of the things she put in place was to get Philip Cummins in to do some research and get a report out of that. It was a pretty in-depth report that came back with lots of recommendations on how community services could change, how we deal with young people and particularly how we deal with those who are most vulnerable.

One of the suggestions of the Cummins report was not just from the interviews he did in Victoria but from research around the world — that is, that one of the issues in place is around stability and having a stable environment for young people to develop, grow and mature. Creating that stable environment can be quite difficult in certain circumstances. Drugs are a big problem, particularly at the moment although the problem has been around for a long time with various drugs. There are also mental health issues and family violence to consider. These things are not new in our community, but the way we have to work with them to try to get the best outcomes for young people is new. A stable environment gives young people the best opportunities going forward. They need to know where they are going to wake up in the morning. They do not need to worry about people coming to the door, taking them away and moving them to a new house.

I think that was the original intention behind the provision in the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014, which set a time frame of two years within which to establish permanent arrangements for the care of children. It was not due to come into effect until next year, so we are withdrawing something that has not been trialled. These sorts of things need to be trialled to ensure that we can create the necessary stability.

I speak from experience. In my time with Victoria Police, working with the then Department of Human Services, I saw children removed from homes. No person in their right mind would ever turn around and say, ‘That was an enjoyable day’. Even when you know you are making the right decision, even when you are doing it to protect a child from the circumstances in that home, you feel guilty. You walk out of that house knowing you have taken a child away from their biological parent or parents. Even if those biological parents have abused their children, even when there are drugs involved, it is still very difficult. Our community workers have to face these challenges and make these decisions every day.

It is vital that the courts have some guidelines in place for making these decisions. My view is that a time limit of two years to settle the care arrangements for a child is adequate. That time line was put in place solely because we do not want young people going in and out of youth hostels and care for five years or longer without the opportunity to settle. It is really important that we do not put the word ‘permanent’ in this, because it is not permanent; if circumstances change in the future, any court order can be reviewed. But the first six months after a child’s removal are the most important. Most children are reunited with their biological family within that six months where it is possible and appropriate. A few reunifications happen between 6 and 12 months. Very few happen between 12 months and 2 years. Post that, the success rate is very limited. It puts undue pressure on a young person who is trying to learn about themselves and develop.

Acting Speaker, I know you were involved in the education system. You would know how difficult it is during the secondary school years just to be, if you will excuse the term, a normal kid in a normal society. It is hard enough without being removed from your home and then returned, being unsure whether you are going to be with your biological or foster parents on any given night. The state-run system in place at the moment to care for these children is not perfect. I have been inside some of those houses, and they are not the ideal setting in which to raise young people. However, the decision to put them there is based on the belief that it is better for that child than their remaining in circumstances of violence, drugs or anything else that could affect their upbringing.

When these matters go to the court and the court has to make an order, someone is going to make this decision. They will consider, as they should, the child’s interests first and foremost. The interests of the parents should be a secondary concern. The best outcome for the child is ensuring that they can stay in their own home with their biological parents. If possible, that is the decision that should be reached. But there are circumstances where a child should not be returned to that environment.

I have talked before about research from around the world in relation to parents affected by drugs, particularly from the US and UK. It shows how often parents affected by drugs end up in violent relationships with their children. Over a long period of time children who end up in a stable environment — and that stable environment could be outside their biological family — have better outcomes. They have better outcomes with mental health and are less likely to get involved in the criminal justice system. Children who go in and out of different living situations end up with the worst outcomes possible. They are the ones we need to take into consideration.

As I said, my view, and the view of the coalition, is that the two-year time line is an adequate one. It has not been trialled in Victoria. I believe the repeal of this bill will be detrimental to the future of young people who are being moved in and out of different environments. My belief is that the two-year time line should stay, and that is why I oppose this bill.

Mr J. BULL (Sunbury) — I acknowledge the comments made by the member for Gembrook on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I agree with him that these are very delicate, important and serious matters. I also agree with the member for Caulfield in relation to his comments on ice. Ice is a great threat to all communities. I know that in the Sunbury electorate there is great concern around the use of ice. I know it is a common theme dealt with by all members across the house. In addressing the issue we need to realise that the problem will get worse before it gets better, but I am very confident in and proud of the government's commitment to tackling the use of ice and the dangers that come with it.

I rise today to speak in support of the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I just want to note the important contributions made by the Minister for Women, who is also the Minister for the Prevention of Family Violence, and the members for Macedon, Broadmeadows and Wendouree.

This bill fulfils the promise made by Labor while in opposition to reinstate in the legislation the legal test that the Children's Court must be satisfied that all reasonable steps have been taken by the Secretary of the Department of Health and Human Services to provide the services necessary in the best interests of the child. Obviously there has already been great debate about 'the best interests of the child'.

The bill also refers to 'all reasonable services'. The critical element for me is that the government must be satisfied that the Department of Health and Human Services has taken all reasonable steps to ensure that all reasonable services are provided to families.

We intend to reinstate the rules so that before a child is put into permanent care, which is similar to adoption, the courts require the Department of Health and Human Services to prove that it has provided families with all the support services that they have needed in the best interests of the child.

Currently out of the 1.25 million children in the state, 7000 are placed in out-of-home care, and these include around 2100 children who are subject to permanent care orders. In 2013–14, 295 permanent care orders were made that placed children who could not safely return home permanently in the care of another family. We know that currently in Victoria children can only be removed from the care of their parents if the department makes a protection application to the Children's Court. We are saying that the court in each case must decide whether that child needs protection and if so whether that child needs to be placed in out-of-home care. Under this bill the court processes remain unchanged. The reforms will not lead to more children entering out-of-home care. Instead, what they will do is reduce the amount of time that children who do come into care have to wait before they return home or, where necessary, are found another family to care for them until they are 18.

This bill helps to reduce the harm suffered by children who currently spend lengthy periods of time in out-of-home care, which we know often comes with anxieties and stresses about their future. Some really heartfelt contributions have been made by members on both sides of the house. Currently too many children develop behavioural problems as a result of lengthy periods of uncertainty, which makes life extremely difficult for them. I think it is very tough for many members — and I actually hope it is tough for them — to relate to these children. Quite often the children come from broken and disadvantaged homes, where they are not loved or cared for, where they are not given the services and support they need to thrive in our society and community, where they are not looked after in the way we know they should be.

It should be the aim of this and every government to enhance and strengthen family units. The family unit is, above all, the most important thing that a person has. I can only reflect on my own experiences. I am the youngest of four.

Mr Pearson interjected.

Mr J. BULL — The member for Essendon says, by interjection, 'Four's for quitters'. My parents may disagree with that. As the youngest of four, I know each of us was given the love, care and support we all needed. My older brother and sister were adopted, and it was wonderful to grow up in a family like that. Both Mum and Dad gave us every opportunity to succeed in life, and I think for a parent that is — —

Ms Edwards interjected.

Mr J. BULL — Others may disagree on whether or not I have succeeded; that is probably for others to comment on.

This bill certainly goes to the heart of these critical family issues. If we are to look at the budget and the government's contribution in this area, we know we need to do more, not less, in child protection. That is why this budget includes $257 million over four years for child protection, out-of-home care and family services. This represents new funding of at least 17 per cent for child protection and family services compared to the previous year's budget. There is also funding of $615 million over five years for the families and children portfolio, and 110 new child protection staff will be appointed.

This budget addresses the immediate demand and the gaps in the system and services that we have discussed in the debate today. Those gaps affect the most vulnerable families. The government does not want to see those gaps widening. We want to close the gaps. We do not want to see young people who are without protection left on their own and not cared for.

This budget also provides $65.4 million for child protection services and much-needed additional capacity to respond to that demand. It includes 88 additional frontline child protection practitioners. We will also employ four specialised child protection workers to target the sexual exploitation of children in state care.

I am very proud to be supporting this bill. As I said, it has to be the objective of every government to ensure that the number of young people entering residential care is as low as possible. I commend the bill to the house.

Mr CRISP (Mildura) — I rise on behalf of The Nationals to make a contribution to the debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. We are opposing this bill, and I will go through the reasons for that. In 2014 the coalition introduced a bill that related to permanent care orders. It provided what we believed were timely and permanent arrangements for the care of vulnerable children. The child protection system was leaving vulnerable children in limbo for an average of 5 years before they had a stable home, and in some cases over 10 years.

As we all know, with child protection we are messing with children's futures. The report of the Protecting Victoria's Vulnerable Children Inquiry, known as the Cummins report, was very clear in its recommendations that children need a stable environment. Leaving children in limbo for five years — and when they are young, five years is a very long time — has a profound effect on those children. In order to implement a different process we introduced our bill. The Children's Court of Victoria was consulted and supported the bill. That legislation would take the Children's Court out of the system and leave it to the professionals to try to provide children with a stable environment as quickly as possible.

The bill responded to a number of issues raised in the 2012 Protecting Victoria's Vulnerable Children Inquiry. We addressed barriers to timely, permanent planning decisions and promoted enduring care arrangements for vulnerable children and young children in out-of-home care. The legislation also simplified the Children's Court orders to align them with the case planning intentions, and increased the penalties for offences relating to protection and exploitation of children, including leaving children unattended.

It also ensured that the cultural needs of Aboriginal children in care were met by requiring that cultural support was addressed in the case plan and providing a cultural plan to each Aboriginal child in out-of-home care. This was very important in my electorate. The electorate of Mildura is one of a handful of electorates across Victoria that has a significant Aboriginal population. I know a lot of work is being done by Mallee District Aboriginal Services to deal with the Aboriginal children who need to be in out-of-home care or kinship care, and to balance all that is important. No-one should underestimate the value of those kinship care programs.

The bill increased diversionary opportunities for young offenders to avoid their further progression into the criminal justice system, and it increased penalties for some child protection-related offences. It also contained a number of minor and technical amendments to

remove unnecessary bureaucratic provisions, because some of those bureaucratic provisions were causing long delays in stabilising a child's life.

When the bill was debated in 2014 the now Minister for Housing, Disability and Ageing told the house that the Labor Party would repeal section 17, and that is exactly what the government is doing here today. This will in effect restore the power of the Children's Court to delay a decision being made on permanent care arrangements for children in out-of-home care through a mechanism that allows it to state it is not satisfied that all necessary services have been provided for parents to get their acts together. I have concerns that if the parents cannot get their acts together in two years — and we know how they value their children — then extending it to five years may mean we are just prolonging the inevitable. The previous coalition speaker, the member for Gembrook, talked about how painful it is to remove children from parents. If they do not get the message, and they cannot get their act together in two years, one wonders how long it is going to take.

If the government is going to extend that time, it is going to have to spend every bit of the $200 million-plus it is adding to child protection merely to put many children in a holding pattern while we wait for their parents to get their acts together. It was the coalition's position that two years is long enough and enough time to end that uncertainty. A number of alternative approaches could have been made by the Labor Party, but it has now brought this bill to the house saying that the government will settle into that five-year situation, and perhaps in some cases longer.

We need to have a clear path for children in out-of-home care, and for their carers and parents. We need to either reunite a family or establish permanent care arrangements. The coalition reforms were put in place to promote timely case planning decision-making regarding a child subject to child protection involvement to optimise their stability and permanency of care. Again, I keep coming back to the fact that so much of the Cummins report looked at the need to provide a stable environment for children. The inquiry has been widely understood as a landmark piece of work, and it has been a guiding light for both sides of this house as we attempt to deal with the difficult issues around vulnerable children.

Along with those concerns, there are a number of questions that need to be asked about this bill and of the government as it manages this issue: Will deferring a decision about a child's future lead to a better outcome for the child? How will the government measure the impact of its decision? How many children will it affect?

The government has made a decision that will have a significant impact on vulnerable children without a lot of consultation with the expert sector. This is very concerning for those children who are in care, for those families who need to make decisions and for those people who are caring for the children and who are attempting to ensure that the children can have a rapid path to a more stable environment before more harm comes to them than they have already experienced. I oppose the bill.

Mr PEARSON (Essendon) — I am delighted to join the debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. As all members know, child protection has been a fraught policy area for decades. Clearly the state has a role in stepping in when parents are placing their children at risk. Members of the government recognise and appreciate that this bill today represents a significant change to the operation of the child protection system.

The nub of this bill is that it will ensure the Children's Court cannot make a protection order unless it is satisfied as to the adequacy of service provision. This will ensure that families and children continue to be given the assistance they need. The reason we have this bill before the house today is that when the child protection bill of the former government was debated in August 2014 the then opposition promised that a bill would be introduced — if the then opposition won the impending election — to repeal section 17. That section relates to tighter time lines for making a decision about future permanent care arrangements for children in out-of-home care either by reuniting the children with their families or by finding an alternative permanent care family for them. That is the key to it. Section 276 will continue to require the Children's Court to be satisfied that reasonable steps have been taken by the Secretary of the Department of Health and Human Services to provide services in the best interests of a child before the court can make a protection order.

It is clearly desirable to make timely decisions and to avoid the harmful drift in and out of care arrangements where children are subjected to lengthy periods of uncertainty about their future care, but again this has to be balanced by a strong emphasis on timely service provision.

In preparing for this debate I wanted to think about the notion of routine and the importance of routine. As

many of us know, I have a large family. Certainly the way we have to function as a family is through having some structure and routine; otherwise, frankly, nothing would get done. In preparing for this debate I looked at a website called www.healthychildren.org, which is the American Academy of Pediatrics website. An article on the site headed 'The importance of family routines' asks the question:

> Why are family routines so important to children?

The article states that:

> Every family needs routines. They help to organise life and keep it from becoming too chaotic. Children do best when routines are regular, predictable, and consistent.
>
> One of a family's greatest challenges is to establish comfortable, effective routines, which should achieve a happy compromise between the disorder and confusion that can occur without them and the rigidity and boredom that can come with too much structure and regimentation, where children are given no choice and little flexibility.
>
> As a parent, review the routines in your household to ensure that they accomplish what you want.

That sounds all fair and reasonable, but the reality is that many households do not have that level of structure and routine and in fact there may be no structure.

A good friend of mine is a midwife and she retold a story — she was not involved but a friend was — of when a welfare check was done on a flat in a public housing estate in my electorate. There was a midwife with a student midwife in attendance. They went to a flat because the mother had recently given birth, knocked on the door and there was a movement behind the door but otherwise silence. They persisted with their knocking and eventually they were let in. The mother was nowhere to be found. The boyfriend was there and there were two children, including the newborn. The newborn baby was fine, but there was a two-year-old girl face down on the floor in front of the television.

The midwife asked the boyfriend, who was not the father of either child, what was going on, and was told that the little girl was just tired because she had had a late night. As they were doing observations on the newborn baby, the boyfriend picked up the child, who was limp, dragged her into the shower and turned the water on, but the child was basically unconscious. The midwife and her student finished the observations with the baby and left. When they got outside they called the police and the police arrived. What had happened was that the two-year-old toddler had apparently been rowdy, noisy and distressed, and the mother and the boyfriend thought it would be a good idea to medicate the child with illicit drugs. As a parent, you cannot fathom what that is like and what such children experience.

As I have advised the house previously, I was on the board of the Early Learning Association Australia, which was previously Kindergarten Parents Victoria, and we had a great focus on making sure that we worked closely and carefully with young children at an early age because of the impact that has in terms of the child's development. Those early years play such a critical role in relation to a child being able to develop and function effectively. I was speaking to one of our board members who now runs a service out of Doveton about a study in the United Kingdom where they are looking at trying to pull children out of dysfunctional households, children who would not necessarily fall within the category of requiring care at the age of two, and to put them into a safe learning, nurturing environment as a way of trying to address that sort of development.

Some of the work in the UK study has been interesting. It recently produced the Effective Provision of Pre-School Education project, which was a major longitudinal study of 3000 children aged between three and seven. It made a really interesting observation. The study talked about the importance of home learning, and again that comes back to having a stable environment. It found that:

> For all children, the quality of the home learning environment is more important for intellectual and social development than parental occupation, education or income.

This is a telling line and one that I like most:

> What parents do is more important than who parents are.

That is really important in a debate such as this one today; just thinking about what sort of environment we want to make sure that vulnerable children have. I have listened to the arguments from those opposite, and this is a really tough policy area, it is a very challenging area, but it is about trying to get that balance right to make sure that these children have the support and the nurturing environment they need while trying to provide a degree of consistency and quality of care.

I come back to my earlier comments, particularly in relation to those early years, that getting the level of engagement right early on is so important, because I daresay that what we are talking about now, when you are looking at a dysfunctional household, in all likelihood was probably a dysfunctional household prior to the child being born. Adverse circumstances can confront any family for any number of reasons, and

that can lead to some poor outcomes, but broadly, if you are a mostly functional household, you will probably maintain that consistency and quality of care.

What we are looking at here, particularly for children who are at risk, is the fact that that level of dysfunctionality starts before the child is born, in all likelihood when the child is in utero. It is about trying to make sure that as a state we get the balance right and provide consistency of care so these children have the very best opportunities and start in life and there are checks and balances in place.

The Children's Court does a wonderful job of ensuring there is that degree of rigour and oversight. You would not want a situation where the Department of Health and Human Services was the sole arbiter in terms of determining whether a child was in a safe environment. You need to make sure there is that level of judicial oversight. This bill seeks to find that happy balance between the two so you have that degree of oversight, rigour and contestability. The long-term social impacts or consequences of getting this wrong are terrifying. We cannot afford to get it wrong. I commend the bill to the house.

Mr T. BULL (Gippsland East) — I rise to make a contribution to the debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. Although we on different sides of the house may have slightly differing opinions on a particular aspect of this bill, it is clear that the members who have spoken in the debate recognise the challenges faced by our vulnerable children. I note some of the examples and instances given by the member for Essendon in his contribution. He outlined what are, in anyone's language, totally unacceptable practices, situations and incidents that have occurred.

The Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 was passed in August 2014. The view of the coalition is that that bill provided better and more timely permanent arrangements for the care of vulnerable children. I know this is an area of conjecture, but it was the view of the coalition then and remains the view of the coalition that this is the case. There have been cases where the child protection system has left vulnerable children in limbo for 5 years, and in some cases up to 10 years, before they have had stable homes. Nobody would argue that in these cases, with kids facing these extraordinary circumstances, 10 years is far too long for that to be ongoing. It would have a long-lasting effect on those individuals.

That bill made a significant change to the Children, Youth and Families Act 2005. At the time various stakeholders within the sector and the Children's Court were consulted, and they supported the legislation. Many of the changes in the amendment bill passed last year responded to the findings and recommendations of the 2012 *Report of the Protecting Victoria's Vulnerable Children Inquiry*. Some of these measures are worth recapping. The bill addressed the barriers to timely permanency planning decisions and promoted enduring care arrangements being made for vulnerable children both at home and in out-of-home care.

The bill simplified Children's Court orders to align with the intentions of case plans. It increased penalties for offences related to the protection and exploitation of children and also offences related to leaving children unattended, particularly vulnerable children. This was very important. It was about making people accountable and responsible for their actions. It made people more than well aware of the responsibilities they have when they are placed in this role. The bill ensured that the cultural needs of Aboriginal children in care were met by requiring that cultural support be addressed in their case plans and by requiring that a cultural plan be made for each Aboriginal child in out-of-home care.

Because my electorate has a high population of Indigenous people, the bill was well received there. One of the issues we have in my electorate is that, because of the lack of kinship options for vulnerable children, we have often had some of our Aboriginal children going into kinship care quite a long way from their place of residence, whether that be Bairnsdale or Lakes Entrance, some hundreds of kilometres away. Among the problems that has produced for those children, aside from their being taken away from their homes — obviously there are issues there — are that a number of Aboriginal children have lost contact with their schools and their school friends. Although those decisions were being made for the benefit of those children, they had additional consequences for them. This is certainly an important consideration in putting in place cultural heritage plans for Aboriginal children.

The 2014 bill also increased diversionary opportunities for young offenders to avoid their further progression into the criminal justice system. It increased penalties for some child protection-related offences. We have had some very successful diversionary programs operating in East Gippsland. These have been undertaken and overseen by Victoria Police in Bairnsdale. Toni Redshaw has been a key driver of that.

We have seen some terrific outcomes from that diversionary program.

Our concern with the change being introduced here is that it will create delays in decisions being made in relation to permanent care arrangements. There was some conjecture around the two-year limit put in place by the previous government and questions about whether that was long enough, but we had situations where kids were in limbo for 5 to 10 years. That was a totally unacceptable scenario. Our position is that two years is a long enough period for a child not to have any certainty about what is happening to them, where they are going to be living or what their plans are for the future. These kids need stability. Two years is a reasonable amount of time to sort out these very important issues for their ongoing welfare.

This amendment bill relates to section 17 of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014. I realise that when in opposition the current government stated that it would overturn the 2014 amendment, but perhaps we could look at keeping the two years in place and also look at how we can work through the myriad processes involved in making that decision within the two-year period rather than extending the time frame. We believe the repeal bill will delay decision-making and add a level of uncertainty for vulnerable children who find themselves in this situation. Perhaps we need to look at some form of ceiling, if not two years, for the benefit of these kids. If this bill is passed, there will be no mechanism to force a decision. While the bill removes the two-year limit, and I understand that is the intention of the government, we do not want to find ourselves getting back into a situation where children have to wait 5 or 10 years for decisions to be made.

Before being elected to Parliament I worked for the Australian Sports Commission. I worked in a program in which 40 primary schools in East Gippsland participated. A lot of those schools were in vulnerable communities. I saw the kids from vulnerable families who were going through this process and I saw the impact it had on them. They would be in the program for four to six weeks, then they would be out of the program for four to six weeks and then they would be back in the program. We had a situation where some children had no stability in their lives. While the intention was to provide them with stability, provide them with a base and provide them with some direction, in many cases it was having the opposite effect as they moved between a number of places of residence.

This is a tough policy area. I know that has been acknowledged by previous speakers on both sides of the house, and I recognise that all those who have spoken on the bill have an appreciation of the fact that it is a difficult policy area and an appreciation of the complex problems it presents. Our views do differ slightly on section 17 of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 in relation to what is an appropriate time frame. We certainly believe it needs a ceiling. We believe that two years is enough time to be able to sort out these issues within the families, and it is on that basis that we will be opposing the bill.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. When preparing for this bill I came across this quote from Frederick Douglass:

> It is easier to build strong children than to repair broken men.

In my view this goes to the heart of why we prioritise and invest in child protection, why we have mechanisms that assist families to care for children, why we try to help struggling parents to improve their skills or better themselves and why we sometimes ultimately support the removal of a child from their family home and the provision of alternative care. In some ways this bill is about improving the way we build strong children. It is about rectifying some changes that were made by the previous government last year. It is about restoring the Children's Court oversight in cases where the welfare of vulnerable children is at stake. To be more specific, this bill seeks to retain oversight of the Children's Court over service provision by the Department of Health and Human Services when considering the making of a protection order.

By way of background, in Victoria children can only be removed from the care of their parents if the Department of Health and Human Services makes a protection application to the Children's Court. The court must decide whether the child is in need of protection and whether or not that child needs to be placed in out-of-home care. In debating this legislation we are therefore talking about children who need protection — our most vulnerable children. We are an affluent nation, but we are not without significant pockets of disadvantage. It is important to note, however, that child welfare is not only an issue in disadvantaged communities. We know that as a community we deal with a number of issues that impact on child welfare that cut across demographic profiles,

the most obvious being domestic violence. The issues that result in an evaluation of a child's care arrangements are many and varied, and I will touch on some of them shortly. I want to give a sense of how many children are in need of protection across Australia and how many children in Victoria are impacted by the legislation before us today. The statistics on children in care can be confronting — for example, as at June 2013 there were more than 40 000 children across Australia in out-of-home care. Currently there are about 7000 children in out-of-home care in Victoria, which includes about 2100 children subject to permanent care orders. This gives some sense of the scale of the issue being discussed.

There are a range of reasons why a child may be removed from their home, but often with services and support the family is able to reunite, which ultimately is the outcome we hope for. A parent with a treatable mental health illness, for example, might benefit greatly from assistance in finding the help he or she needs to overcome or deal with the illness. Other issues and support needed might involve assistance for a parent to acquire better parenting or life skills. I remember speaking recently to a constituent who had been in care as a child herself and who struggled when it came to having her own children. She told me that because she had had no real experience of being parented, she did not know how to be a parent herself. It was not for lack of trying; she was essentially flying blind. Parenting support services were enormously helpful to her. Another important service for families is counselling. For some families this can be vital in achieving a safe, caring environment in which to raise children. It can help them work through issues individually and collectively.

Family violence is another issue that impacts on the safety of children in the home. As members would know, that is a major priority of the Andrews Labor government. Sometimes a parent might require assistance with obtaining an intervention order when violence in the home is a major issue. They may need support in rebuilding a stable family environment after a period of profound disruption or trauma.

The member for Bayswater in her contribution to the debate raised a horrifying example of child abuse, but it is important that we understand that all cases are not as clear-cut as that one. We should not skew the debate by pretending that all cases are black and white and that a decision to remove a child from their family is simple and straightforward on all occasions, because it simply is not. Often parents of a child before the Children's Court or in care have been through the court system, were in care themselves as children or come from disadvantaged backgrounds, resulting in the need for support, sometimes over long periods.

Sometimes it is found that the circumstances surrounding the removal of a child from their home have changed. If it is safe to return a child to their family, and if the child can be adequately cared for in a safe environment, then this might prove to be the best outcome. I think most of us would agree that it is most desirable for a child to remain with their family or be reunited with the family when circumstances allow. I note the member for Gembrook's very heartfelt account of having to remove children and how traumatic that was for the officers involved in that process. I also note that the principle of children being better off with their families is consistent with the United Nations Convention on the Rights of the Child.

All this makes the prioritisation and oversight of support services vital. It is for the safety and wellbeing of vulnerable children that the Children's Court is given oversight of the department's provision of services in the best interests of the child. To this end the Children's Court should be satisfied that all reasonable efforts have been made to put supporting services in place before decisions regarding these protection orders are made.

This brings me in more detail to the legislation at hand. As we have heard from other speakers today, the coalition government's 2014 amendment bill made significant changes to the Children, Youth and Families Act 2005. Many of these amendments have not yet commenced operation, including the amendment that forms the matter of this bill, so we are effectively looking to undo the previous government's change before it formally comes into effect. At the time of the changes last year some concerns were raised about the legislation, in particular the restrictions that were imposed on the Children's Court. Those changes involved introducing new time lines that would compel the court to make a final protection order if a period of 12 months had elapsed, and there was an option of a 12-month extension in some circumstances. Put simply, the parents of a child in care would have to prove within a year that they could properly care for their children or they would risk having their children placed in permanent care with another family. That decision would be made without consideration of the service provision by the Department of Health and Human Services, which is the provider of services that can assist in reuniting a child with their family.

The intention of the amendment was to speed up the process by which children were placed into permanent

care. Given that we have been told the average time taken to make a permanent care order is about five years, the intention was to reduce disruptive delays and the uncertainty that comes with them. We know that this prolonged uncertainty can lead to developmental and behavioural problems, making it more likely that a child will develop mental health or substance abuse problems or come into contact with the justice system as they move through adolescence. Again, this reminds us that we need to build strong children rather than repair broken men. However, speed — and the necessity to speed up this process — must be balanced by proper oversight, and that is all we are talking about today. In particular they must be balanced by the oversight of the Children's Court to ensure the provision of key child and family support services, services that increase the chances of a reunification of a child with their family by actively addressing the issues that may result in a child being placed in out-of-home care.

To this end, the government is seeking to retain section 276 of the Children, Youth and Families Act 2005, which enables the court to examine whether the Secretary of the Department of Health and Human Services has taken reasonable steps to provide the services necessary in the best interests of the child before making a protection order. In doing this, the bill will enable the Children's Court to retain its current discretion as to whether or not to make a final protection order, but that would be only after the court is satisfied that the secretary has taken all reasonable steps. If this legislation is passed, section 17 of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 will be removed. If the former government's section 17 were allowed to commence in March next year the effect would essentially be to weaken the power of the Children's Court to protect the vulnerable children who come before it. We should never go backwards in our efforts to protect and support these the most vulnerable children in our society. Equally we should allow parents a reasonable opportunity to access the help they need.

The services that are needed to support vulnerable children and families are hugely important. If we accept that in most cases it is best for the child to be with their family, we should accept that the services that may safely keep them there are critical. The previous government, by removing this requirement, was going to lessen the importance of services for these children and their families and in so doing potentially reduce efforts to keep children with their families in the longer term. By retaining the current oversight of the Children's Court we keep protection of our vulnerable children strong. By ensuring that every measure has been taken to support these children and their families we further strengthen their protection and preserve family units where it is safe to do so.

The Children's Court must continue to have the ability to oversee the Department of Health and Human Services in its duty to put in place these services, to make sure that a child and their family have the support they need to live in a safe and secure environment, getting the full benefit of a loving family network that many of us in this chamber would take for granted. The best interests of the child must always be at the forefront. I think we all agree on that.

This government will continue to strive for the best chance in life to be given to all children. It will strive for the best possible care and protection to be given to all children. On this score we have put our money where our mouth is and made a record investment in child protection and family services. We know the best way to fight entrenched disadvantage is at its source, and we know early intervention brings the best results for families and children in the long term. That is why our budget includes $257 million over four years for child protection and out-of-home care and family services. This marks an increase of about 17 per cent for child protection and family services, and that is only the tip of the iceberg.

I also note that the Minister for Families and Children has committed to reviewing the implementation of the changes to the Children, Youth and Families Act 2005 after six months, and I commend the minister for this initiative, particularly given its very sensitive nature. I commend the bill to the house.

Ms RYALL (Ringwood) — I rise to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015 and state from the outset that the opposition opposes this bill. In terms of background, in 2014 the former coalition government made some far-reaching changes with its Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014, which amended the Children, Youth and Families Act 2005. Many of those changes were based on the report that came out of that inquiry.

We have heard members on both sides of the house say that children are clearly vulnerable. We have the ability to influence and impact upon their lives at a time when they are highly vulnerable. Those impacts in many cases are fantastic and result in good, strong families,

and we know families are a strong basis for children to grow up into well-adjusted adults who are able to take responsibility for their own lives. However, unfortunately in some cases children are subject to influences, behaviour and actions that are detrimental to their wellbeing and their ability to adjust to life and be normally functioning children and adults as they grow up.

The amendments in the 2014 bill provided for a more timely and better outcome for permanent care arrangements. That legislation was specifically focused on those vulnerable children. It was about children not being left in limbo for an indefinite period, that period of time being an average of five years at that point. That is an awfully long time for a child to be impacted upon. We know that the longer they are exposed to dysfunction and sometimes abuse the more difficult it is to put them on a straight and orderly path that can help pave the way for a future that is not dysfunctional but is one in which they can have strong relationships and be not only responsible for themselves but able to care for others.

In terms of the 2014 bill, both the child protection sector and the Children's Court were consulted, and there was support for the legislation. As a result of the Protecting Victoria's Vulnerable Children Inquiry we saw those permanency barriers and enduring care arrangements for vulnerable children and young people in out-of-home care being addressed. The 2014 bill enabled the process in the Children's Court to be simplified in relation to those planning intentions. It also meant that penalties for offences relating to the protection of children, the exploitation of children and leaving children unattended were increased. In relation to Aboriginal children in care, the bill made sure that their cultural needs were met in their case planning. That is obviously very important to Aboriginal children. That bill also included diversionary programs that are important in putting young offenders back on the right path and preventing them from re-entering the criminal justice system while making sure offences are penalised accordingly.

In a situation where it is important to protect vulnerable children, the last thing you want is bureaucracy holding things up and coming before the importance of protecting the child and making sure the child's interests are paramount. In August 2014, when that bill was debated, the member for Albert Park committed that section 17 would be repealed, and Jenny Mikakos, now the Minister for Families and Children, made it an election commitment.

There are significant difficulties with this. My concern is first and foremost for the children. I know of a situation where a child was in an out-of-home care arrangement and over the years that child moved to and fro in the system, going back and forth from a dysfunctional and difficult situation in which the single parent with many children was a drug user. The child would come out to a stable and nurturing environment and, just when things were going well, go back to the single parent with all the other children. Each time the child came back to the stable family environment the child had difficulty readjusting from what was an erratic, unordered and, in a way, abused life to a normal, well-functioning life.

There was the possibility of adoption, but it fell through after years of toing and froing. I expect that within two years it would have been clear the best situation for that child was to be adopted by the family who was able to give the child the best opportunities in life, given there was no chance of reform or resolution of the drug addiction of the biological mother. However, in this instance it was not the child's interests that were first and foremost. I wonder — and I see the possibility in these changes — whether we are going back to that again.

My greatest concern, and I believe it is our greatest concern in the coalition, is that the extra time will add to the dysfunction and the inability to put the child on a path that is in their best interests. It is nearly always in the best interests of the child to be with their biological family — and everybody wants that — but there are certain circumstances where it does not and cannot happen. Within two years those support services are available. I would have thought it was in the best interests of the government to invest in assisting parents with rehabilitation in those two years so that support can be given, rather than just extending the time frame such that the child is exposed to toing and froing between order and disorder, the structured and unstructured, and they can have a normal process of establishing a life and a future. Along with my coalition colleagues, I oppose the bill.

Ms BLANDTHORN (Pascoe Vale) — I appreciate the opportunity to make a contribution to the debate on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. It is very important, and people's contributions to the debate speak somewhat to that. In my inaugural speech in February I said the measure of a civil society is how we treat that which is most vulnerable, and today I refer to our most vulnerable children and their families.

The bill is important because it retains the Children's Court oversight of service provision and it commits to a review of the 2014 and 2015 changes to the Children, Youth and Families Act 2005. While the bill retains the oversight by the Children's Court, a number of other elements of the 2014 changes need to be reviewed, so I am pleased to see the review in the bill. Those two things fulfil a Labor election commitment, which is what this government is doing. We are getting on with it and making sure we fulfil our election commitments.

The intention of the bill is to ensure that the best interests of the child are provided for and the rights of the child are paramount. This is a moral imperative, but it is also the obligation of the state. Australia is a signatory to the Convention on the Rights of the Child, adopted by the United Nations, and I quote directly from the preamble to the convention:

> Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,
>
> Convinced that the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,
>
> Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,
>
> …
>
> Bearing in mind that, as indicated in the Declaration of the Rights of the Child, 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth' …

In considering that the bill seeks to ensure that the best interests of the child are provided for and that the rights of the child are paramount, it is important to note that a decision about what is in a person's best interests, including what is in a child's best interests, will be subjective. Such a decision will, despite the best of intentions, be subject to a range of prejudicial assumptions about what is good and bad, right and wrong. In child protection this is particularly the case, and in the examples given and generalisations made by a number of members of this house today, it is clear that prejudicial assumptions are often at the forefront of this debate.

The rights of the child, however, are inalienable. A number of articles of the Convention on the Rights of the Child must be at the forefront of any past, current and future discussion on the act, and a number of articles of the convention must be at the forefront of any subsequent regulation, policy and practice arising from the bill.

In particular I draw to the attention of the house a few of those articles. Article 6 provides that children have the right to live a full life and that governments should ensure that children survive and develop healthily. Article 7 provides that children have the right to a legally registered name and nationality and also to know their parents and, as far as possible, be cared for by them. Article 8 provides that governments should respect a child's right to a name, a nationality and family ties. Article 19 provides that governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents or anyone else who looks after them. Importantly, article 25 provides that children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

The objectives of the bill are clearly compatible with our international obligations insofar as supporting families to stay safely and happily together remains the preferred outcome, insofar as oversight is retained by the Children's Court in making sure this is achieved and insofar as the bill commits to review the implications of the 2014 changes and any successful 2015 changes.

The debate on child protection and the reforms we are talking about go back to the Labor reforms of 2005, and we must consider where we have come from. At that time there was a wideranging debate regarding the complexities of the child protection system. The end result was a relatively fair and flexible system that aimed to support families in staying together but also acknowledged the need for permanency in care arrangements for children. It was recognised that totally inflexible rules could not provide for the breadth and complexity of situations that arise.

When the 2005 debate was happening there was an article in the *Age* that gave two examples, and we have heard lots of sad stories today of particular child protection cases in members' electorates. There are always two sides. There are always different perspectives. An article published in the *Age* in 2005, headed 'When to take the children away', compared two cases from different perspectives. It says:

> Consider the case of Paul. Born to an intellectually impaired mother, in the first three years of his life he stayed with six different foster carers. He has also been in and out of the care of his mother, his father, grandparents and an aunt. Then there

> are the periods of 'lost' time when it is not clear who was looking after him.
>
> These days he lives with a foster carer, but is so indiscriminate with strangers that he calls many women 'mum'.

The article continues:

> But consider the case of a struggling young mother such as Alice … Realising she couldn't cope with her difficult five-month-old, she sought help from local support services. The waiting lists were long, so she contacted the Department of Human Services. As a consequence, her child was removed and placed with a foster carer.
>
> Still, she visited three times a week Mother and child formed a bond, and Alice even enrolled in parenting courses in a bid to win her child back. Despite resistance from the department — and a legal stoush in the Children's Court — she won. Four years after parting, mother and child are once again living under the same roof.
>
> The human stories of Paul and Alice — each cited by protagonists in a debate over the new child welfare laws — typify the complexities of the issue.

When we move on to the 2014 bill, which was put through not long before the caretaker provisions commenced and which was supposedly designed to provide children with greater continuity in care, we get to the new 12-month/24-month rule. There seems to be some confusion in the house today. The 12-month/24-month rule is not being taken out of the bill. All that is being put back into the bill is the oversight of the Children's Court. Notably the statistics seem to show that the majority of children who return to parental care do so within two years, but as my previous example shows, it is not always the case, and not everybody fits the rule.

Indeed to remove the role of the Children's Court leaves little room for dealing with those cases that do not fit into the box. The 2014 amendments did not strike the right balance between the desirability for continuity and permanency in the life of the child and the extent to which the child and/or his or her parents can enjoy the protections they have under the United Nations Convention on the Rights of the Child. Labor believes children need permanency and security. They have a right to it, and they have a right to a stable and loving home environment, secure health care and stable education opportunities — a right to permanency. I think both sides of the chamber recognise that.

The bill supports families staying safely and happily together, and our budget initiatives also support that. Labor believes in putting people first. The bill returns oversight to the Children's Court, and this is particularly important. In effect the 2014 bill left in the hands of the department the provision and support of family and children services but also the final assessment of that same service and support. This is fraught with problems and open to error at best. The bill commits to monitoring the implications of this bill and the previous bill, and it fulfils an election commitment to restore the important oversight of the Children's Court.

I will mention two particular factors before my time runs out. The review is particularly important in terms of the 12-month/24-month fixed time period. It is also important for reviewing an aspect of the 2014 bill which is not mentioned in the 2015 bill — that is, the hierarchy of the permanency objectives, which are as follows: family preservation, family reunification and adoption, which is the third level of the hierarchy. Earlier this afternoon I noted that in the gallery there were members from the relinquishing mothers groups, to whom we made the apology last year.

We need to be very careful about what we do in the name of child protection. It is very important to reconsider the hierarchy of the permanency objectives and where we place adoption in that hierarchy of objectives. Ultimately the United Nations Convention on the Rights of the Child acknowledges that children have the right to know their biological parents and to know where they come from and where their family ties are. In reviewing this bill it is very important to make sure that we review the 12-month/24-month provision and the adoption provision.

Mr DIMOPOULOS (Oakleigh) — That was a hard act to follow. The member for Pascoe Vale's knowledge and contribution to the debate on this bill was very good, and I agree with her remarks.

It is a pleasure to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I am proud that this bill not only fulfils a Labor commitment but that it also retains the Children's Court's oversight of service provision by the Secretary of the Department of Health and Human Services (DHHS), as contained in section 276 of the Children Youth and Families Act 2005.

The bill fulfils this commitment and enables the court to retain its current discretion as to whether or not to make a final protection order based on the services provided by DHHS, which is vital. I am also proud more broadly of Labor's commitment and delivery in this budget of a whole range of services for vulnerable

children and families. The budget includes $257 million over four years in child protection, out-of-home care and family services. There is a 17 per cent increase for child protection and family services compared to the previous year's budget. In total, additional funding for the families and children portfolio is $615 million over five years and 110 new child protection staff. These are vital reforms. A wonderful organisation in my electorate, Waverley Emergency Adolescent Care, along with others, keeps me abreast of the pointy end of service provision in this portfolio, and I know that money will be put to very good use.

It is reprehensible that the previous government even moved into the space where it moved these provisions, particularly after such a high-profile case was brought to light. Members have heard a bit about that case, but I want to refer to an article by James Campbell in the *Herald Sun* in relation to it:

> The case concerned a brother and sister aged under 10 who were taken into care in 2011 after allegedly suffering physical abuse at the hands of their mother.
>
> The children were placed in two residential units run by community agencies on behalf of DHS. According to a news report, the Children's Court later heard that while in these 'resi units', as these houses are known, 'the girl was sexually assaulted by a boy six years older than her on at least two occasions … and she and other children were also allegedly sexually abused on numerous occasions by another boy, while the boy 'was allegedly groomed and raped by an older boy and also witnessed a girl living in the unit having sex with older men outside the unit'.

This was all happening under the aegis of the department. The article continues:

> The abuse came to light after the children's mother went to court to fight a bid by the DHS to keep them permanently.
>
> In refusing the DHS's application, the court found the department's secretary, Gill Callister, was in 'fundamental breach of her duty of care'.

There is no doubt that the Department of Health and Human Services has a very difficult job. This bill is not about the department; it is about what is right and what oversight exists over the executive arm of government, whether it is represented by DHHS or any other department. After news of this case broke, the previous government moved to restrict the power of the Children's Court to have that kind of oversight, which is absolutely reprehensible. Today we are seeking to address one of the worst aspects of the former government's legislation. This bill requires DHHS to provide services to vulnerable families before orders and arrangements are made to remove their children for good. That is a very good outcome.

Like the member for Pascoe Vale, I am encouraged by the commitment of the Minister for Families and Children to hold a review about elements of the earlier bill — I have a range of concerns — which will come into force in March 2016. In her contribution the member for Pascoe Vale did an excellent job of explaining the rationale or hierarchy of the inalienable rights of the child.

We need to go back to the Children, Youth and Families Act 2005. The best interests principles of the child is enshrined in that act, as are some other provisions about what constitutes best practice. Section 10(3) in division 2 states in part:

> … in determining what decisions to make or action to take in the best interests of the child, consideration must be given to …
>
> (a) the need to give the widest possible protection and assistance to the parent and child as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child …

These are really important points:

> (b) the need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and persons of significance to the child …

As the act also states, there are obviously things like:

> (f) the desirability of continuity and stability in a child's care …

I understand that was the stated motivation behind the previous government's moves to change this area of the law. It is important to bear those principles in mind because they guide implementation of policy in this space.

To be frank, other aspects of the earlier bill are also offensive. I want reconsideration of those aspects to be in the review that the government has proudly committed to undertake next year. Those issues revolve around the role and integrity of the Children's Court of Victoria, the rights of biological parents in relation to their children and the new permanent care order arrangements that have been spoken about. They are the arrangements that will operate to provide permanent non-parental care arrangements for the child up until the age of 18, and they may include conditions that the child have contact with the parent up to a maximum of four times per year. Additional contact is only to occur with the approval of the permanent carer. The child's parent can only make an application to vary or revoke

the permanent care order in the initial 12 months and then the door effectively closes. There is a small proportion of parents who can make a request after the first 12 months, but after two years there are can be no more requests.

Despite the Department of Health and Human Services now offering assistance with our government's changes, it is not good enough to say to our most disadvantaged families that the door will close on them and their children after 12 months. That absolutely needs to be reviewed next year, and I look forward to that. I want to see consideration in that review of that specific limitation, but I also want to see other elements covered off — for example, the family reunification orders that last for 24 months. We should not be sitting here in the Parliament believing we have the capacity to predict every eventual context or situation. As the member for Pascoe Vale said, 'Every situation is different and let us be careful what we do in the name of child protection'. It is my fundamental view that in any civil democratic society the courts are the final arbiters. Anything that starts hinting at restricting the court's ability to make decisions based on the facts it has before it is of grave concern. That is why I would like to see a review of the integrity of the oversight provided by the Children's Court on DHHS. In this context it is DHHS, but it could be any department, or any executive arm of government.

In the upcoming review the Children's Court should have the ability to extend those reunification orders for longer than 12 months, up to 24 months depending on the context. There is a range of things I would like to see in the review. Also raised has been the issue of adoption in the hierarchy of permanency arrangements ahead of what are more sensible options. I want to be clear that this bill is not about DHHS. DHHS has many hardworking staff who do a terrific job under very difficult circumstances. This bill is about we as a government, through the authority of the Parliament, not telling parents and children that we will make decisions about removing them from each other's lives ahead of the actual circumstances of a case based on what we think might be true at this point in time. That is where I want to head with the review we undertake next year.

I am proud of this bill, and I am proud of the fact that we addressed the most negative features of last year's bill. The sector and the community rightfully applaud this approach. I would like to see next year's review consider other negative elements of the earlier bill. It has given me pleasure to speak on the bill, and I commend it to the house.

Ms GRALEY (Narre Warren South) — It is a privilege to rise to speak on the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. One thing that we as elected representatives in the Parliament of Victoria can all agree on is that one of the biggest responsibilities we have as legislators and as representatives of our communities is to put children first. That should be at the forefront of all our decision-making.

We are debating this bill in a week when we have spoken on a condolence motion for the first and only woman Premier of Victoria, Joan Kirner, in which we referred to her desire to always have children at the forefront of public policymaking and the fact that she was able to achieve that in so many respects. I recall that in his speech the Premier commented on a sign at the gates of the Robina Scott Kindergarten in Williamstown that said:

> Joan, thank you for your passion and dedication to our education.

Imagine if we, as legislators and policymakers, were to get right a child protection system that made our children safer, and we walked outside and saw a sign saying, 'Thank you for making our futures safer', we would all feel good about it. I am sure that was at the forefront of the thinking behind this bill.

I recall the debate on the 2014 legislation. Some members who are no longer here reiterated that they wanted us all to focus on what was good for the child. I recall also that some people were concerned about the 2014 legislation. Some people in the gallery were quite upset, as were some members of Parliament. At the time members of the Labor Party called it for what it was. Labor went to the electorate with a policy that said we would review the legislation. Not even seven months into our term we are back here doing that, and that sends a very good message to the community that we are actually delivering on our promises and, more importantly, that we are focusing on areas that we said are of great concern to us.

I draw the attention of members to some comments of Ms Mikakos, who is now the Minister for Families and Children. In 2014 she said:

> In a recent case, the Children's Court found that the Victorian government department breached its duty of care. Under the new laws, the court will have its hands tied in similar situations.

These were exactly the concerns of members of Parliament and many members of the community at the

time. She got really worked up about it, as she should have, and said:

> Why is the government trying to dodge its responsibility for our most vulnerable kids?

She said also:

> The Napthine government failed to protect children in out-of-home care; now they want to hide from the court's scrutiny.

I refer to comments made by the member for Oakleigh. I think most of us in this chamber have a great deal of respect, indeed reverence, for the court system. We have a very stable court system that is respected by not just ourselves but also the general community. The courts are highly regarded and their members are very well-qualified people who hear a lot of cases, and that empowers them to make wise and good decisions. It is very good that wherever possible the courts are the final arbiter in the land, and that they are not changed by political circumstances or even heavy lobbying but are independent. In cases involving children they are independent and very concerned about the welfare of children in the future.

I recall also that at the time the Law Institute of Victoria expressed its concerns about the 2014 legislation, which included that it would result in:

> … the diminishment of the ability of the court to exercise its statutory functions and to review the decision-making of Department of Human Services …

Many members who have spoken before me have said that this is not an attack on what is now the Department of Health and Human Services. We know that many people who work in the department have huge caseloads that include some onerous cases and that they work very hard to try to solve the precarious and often violent situations children find themselves in. The fact that the law institute made that point said a lot to many of us in this Parliament.

One of the favoured commentators of those opposite is James Campbell, who writes for the *Herald Sun*. He has been very busy this week running a line for them. At the time of the debate on the 2014 legislation, under a heading 'Bill is bad news for vulnerable children', he wrote:

> Thanks to Wooldridge's bill, which passed the Legislative Assembly yesterday, the interference in a department, which the court found allowed two children in its care to be raped, will be substantially weakened in the future.

I am sure none of us want that to happen. In fact we are all concerned about reports in the media about the circumstances in which children find themselves when in out-of-home care. That is one of the reasons it is very good that we have revisions such as that reflected in the bill before the house. Labor promised to make amendments to the legislation, and that is what it is doing. We promised to fix the problem, and that is what we are doing.

As members know, this amending bill tightens the time lines for making a decision about future permanent care arrangements for children in out-of-home care, either by reuniting the children with their families or by finding an alternative permanent care family for them. That is a good thing. Having worked in the area as a student welfare coordinator, I know that one of the worst things you want to see is a child being taken away from their family. You want to try to make that family unit work, to get them to stay together and to bring resources to the table to support them. That is not always possible. Where it is not possible, we want to make sure that when a child is removed from their family they are given the best possible care that can be provided by the Department of Health and Human Services and other agencies.

I am pleased that while the bill makes changes to legislation the Labor government is about to walk the talk as well. We have committed $275 million over four years to child protection, out-of-home care and family services. That represents an increase of at least 17 per cent in new funding for child protection and families, compared to the previous year's budget. I draw the attention of members to the fact that there are specific measures in the child protection area. We know that the child protection system has faced significant demand pressures. The *Herald Sun* gets its figures right occasionally, and it is right in drawing our attention to the fact that there is significant demand and a significant number of children need our support. That is why it is important that the recent budget provides $65.4 million for child protection services and much-needed additional capacity to respond to that demand.

I want to emphasise that irrespective of where the money is spent, there is no doubt that we need additional child protection practitioners. We need at the coalface people who understand the issue and will have at the front of their minds looking after children — that is, putting children first. That is why the government has included the delivery of 88 additional frontline child protection practitioners. The government will provide 19 additional after-hours workers to extend after-hours outreach capacity, which is being done for the very first time in Victoria. That is a marvellous

addition to the funding as it will provide some of the additional services that are so much needed to make sure that Victoria is a good place to live, work and raise a family for all families, irrespective of where they live.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

STATUTE LAW REVISION BILL 2014

Second reading

Debate resumed from 27 May; motion of Ms ALLAN (Minister for Public Transport).

Mr PESUTTO (Hawthorn) — It is good to see you in the chair, Acting Speaker. I am pleased to be able to rise and speak on the Statute Law Revision Bill 2014, which is a bill that has come to this place from the Council and which the coalition does not oppose. The Statute Law Revision Bill amends 68 individual acts of Parliament, largely with the purpose of correcting grammatical and typographical errors, and making punctuation, spelling and other changes.

This important bill is a regular mechanism for updating and maintaining the accuracy of Victoria's statute law. It ensures that Victoria's laws remain clear, relevant and accurate. As I indicated earlier, the bill corrects a number of errors, ambiguities and omissions found in legislation to ensure that the meaning of acts is clear and reflects Parliament's intentions.

Over time, and certainly in recent decades with the proliferation of regulations and legislation, it is not uncommon for the consequences of changes to be missed and for the draftspeople — as talented as they are — to not always be able to anticipate the consequential changes that are necessary with the introduction of new laws and regulations. It is necessary on a reasonably regular basis to revise the statute books. An omnibus bill like this is an important way of doing that.

The bill also repeals amending provisions of acts that are redundant. Many acts are brought in and serve their purpose but previously the draftspeople did not consider them in terms of ensuring that amending acts contained self-executing provisions that would see those acts repealed without the need to include them in revision bills.

By correcting references and fixing errors this bill will help ensure that Victoria's statutes are updated, clear and maintained in a regular and orderly manner so they remain relevant and accessible to the Victorian community. This is important because while we are familiar with and often consult legislation, and we often read through detailed regulations, for members of the public who have access to Victoria's statutes and subordinate instruments it is not always clear how to reconcile varying provisions, particularly when a piece of legislation has been amended on a number of occasions.

It is important to note that a statute law revision bill should not introduce substantive changes to legislation, and we are satisfied this bill does not do that. We understand that the chief parliamentary counsel, Ms Gemma Varley, has provided a certificate indicating that the Statute Law Revision Bill 2014 only effects minor corrections, changes of the nature I described earlier, and does not make any substantive changes to Victoria's statutes. As I said, we have no reason to oppose this bill.

I want to address 2 of the 68 acts that are being amended by the Statute Law Revision Bill, and they are the Sentencing Act 1991 and the Victoria Police Act 2013. The Sentencing Act is addressed in item 47 of schedule 1 of the bill. I renew calls I have made publicly for the government to consider and embrace changes that the coalition proposed prior to the last election. We think there is justification for looking at the Sentencing Act with a view to ensuring community safety, which is one of the prescribed purposes of the sentencing function that is the responsibility of our courts. The act should be amended to ensure that the safety of our community is a mandatory requirement in all sentencing decisions.

At the moment it is a matter for the sentencing judge as to which factors are to be considered, and the change we would propose is that community safety should always be considered. The compulsory consideration the sentencing judge would be required to give to community protection would not mean that sentencing discretion was fettered in any way to require a certain outcome but would ensure that it was always considered. In an environment where, in our view, it is very clear that members of the public want community safety to be elevated in that way, we think it is important that the government give serious consideration to that.

I have raised this several times in the public arena. I am not aware of whether the government is considering it, and if so, whether it takes a favourable view of it. We think there should be bipartisanship on this. I think we all agree that community protection ought to be paramount. What we are proposing would not unduly

impose upon the sentencing discretion. The court would be free to make a decision in terms of the mix of purposes for which the sentencing discretion is conferred in any given case, taking into account the circumstances of the case.

It is very important that further consideration be given to this, particularly at a time when we are facing a number of threats. We know from public information — information I would not want to openly include in my remarks here — that we are seeing a range of threats from terrorism-related activities in parts of our community. That is very worrying and means that community protection in all aspects should be elevated in the way I have described. We are also all concerned to ensure that we as a community meet the challenge of family violence, and we think elevating community protection in this way would serve that purpose.

A further risk we face as a community, and it affects us in many ways, is the scourge of ice and like nefarious activities in our community. That is being driven by several sources, but one of the most important and troubling is organised crime, in particular outlaw motorcycle gangs. The more we can do to crack down and take on these very well-organised syndicates, the better. They are well resourced in terms of money obtained from illegal activities, well staffed in terms of operatives on the ground and well equipped in terms of access to and possession of illegal weapons, including firearms. We should be very concerned to meet that challenge as well. Elevating community safety as a factor in sentencing is part of a very complex mix of challenges we face, but I renew my call, as I said earlier, for the government to consider it. We would welcome a favourable response to that.

I want to talk about the Victoria Police Act 2013, which is amended by item 61 in schedule 1 of this revision bill. All I wish to say is that despite the recent state budget, which I hope to address on another occasion, I think the government needs to look at the resources Victoria Police has at the moment. We know the Victoria Police Association is very concerned about the level of resourcing Victoria Police has. Although it would not say so publicly, I would imagine Victoria Police would welcome the addition of resources to the efforts it has to undertake on behalf of us all to protect our community and ensure that those engaging in dangerous and illegal activities are brought to justice.

There are three aspects in particular, which I have already mentioned in the sentencing context, which I would ask the government to reconsider in terms of Victoria Police. They are the challenges of domestic violence, the sources of the threats that are coming from terrorism-related activities and the very troubling signs we are seeing that outlaw motorcycle gangs and like organised criminal activity is taking place in Victoria.

I am convinced Victoria Police needs more resources in order to address those challenges. I think we would all welcome Victoria Police being supported in that way. We do not want to respond only once the risks have materialised. We want to ensure that Victoria Police is given the support it needs now so that it is in the best possible position to anticipate these threats. They are serious, and we on this side of the house would be very willing to collaborate with the government on these sorts of things if it wanted. As I said, we would all share a commitment to meeting these very serious challenges.

I do not propose to address any other of the 68 acts amended by this bill. Although many of those opposite are pleading with me to go through and address the remaining 66, I am convinced that I do not need to. My colleague the honourable member for Mildura will do that on my behalf. I am happy to advise that the coalition does not oppose this bill, and I wish it a speedy passage.

Mr CARROLL (Niddrie) — It is my pleasure to rise this afternoon to make a contribution on the Statute Law Revision Bill 2014, a bill that corrects a number of ambiguities, minor omissions and errors in acts to ensure that the meaning of those acts is clear and reflects the intention of Parliament. The bill will also repeal amending provisions of acts that are spent and have no further operation.

I want to begin where the member for Hawthorn left off. Out of the 68 pieces of legislation that are being amended, he highlighted a couple. I want to talk about the Crime Statistics Act 2014. We have established the Crime Statistics Agency, for which there has been general support. I notice the former police minister, the member for Rowville, is in the chamber, and I welcome him.

I want to get to the heart of an editorial that came out recently. The — —

Mr Pesutto — Not by James Campbell!

Mr CARROLL — It was not by James Campbell. It was in the *Age*. The former Minister for Crime Prevention, Mr O'Donohue, a member for Eastern Victoria Region in the Council, got himself into a little bit of hot water, let us say. The headline of the article published on 9 May was 'Why our crowded jails have revolving doors'. The first paragraph states:

> When politicians are banished from the government benches to opposition, they tend to spend some time sulking and bemoaning their fate. Letting go of the reins can be hard. The most effective opposition teams, though, take the time to pause and reconsider their suite of policies. They recast their strategies, they learn to embrace the important role that oppositions should play in probing and challenging government policies, while taking time to develop coherent policies that one day might win them the support of the electorate.

The article says, 'Recidivism rates are on the rise', and goes on:

> Three years ago, 35 per cent of prisoners returned to jail within two years. That rose to almost 40 per cent in 2013–14, the last year of the Napthine government, when the jails on average hosted —

approximately —

> 5800 prisoners a day …

Unfortunately that figure now has a '6' in it — 6000 prisoners. I think both sides of politics would say that is not the trend we want to see. The article goes on:

> What did Mr O'Donohue have to say about the recidivism rates? He suggested the real issue was 'whether [Premier] Daniel Andrews wants to go soft on crime and wants to back the welfare of criminals instead of safety in our community'. Welfare? So that's what Mr O'Donohue thinks of rehabilitation strategies: that they amount to welfare …

It then goes on to say:

> What an extraordinarily doltish response by someone whose primary task until November was oversight of the state's prisons and crime prevention strategies. Mr O'Donohue … still believes that the former government's tough-on-crime policy was a winner, and that the lock-'em-up-and-leave-'em … strategy is beneficial to Victorians. It's not.
>
> …
>
> Victoria is not in the grip of a crime spree. It is not riddled with gangsters, thieves, thugs and fraudsters. It has been, until last year, in the grip of a clutch of conservative politicians who, like Mr O'Donohue, prefer to play populist politics rather than understand and implement the most effective strategies to improve our community and make it safer.

The member for Hawthorn also discussed the issue of the drug ice. Last year I sat on the parliamentary inquiry into the use of crystal methamphetamine, which was chaired by a member of the then government. That government basically sat on its hands. It did nothing. The Premier, who was then the Leader of the Opposition, was the one who was leading the debate on ice in this state. I must say Prime Minister Tony Abbott is not going to make the same mistakes as the former Victorian Premier, the member for South-West Coast. Mr Abbott has already been out setting up a task force, which I welcome as well, and has appointed Mr Ken Lay as the chairperson.

The current Premier said that within 100 days of coming to government he would establish an ice action plan. He set up a task force, and he now has over $45 million committed to rehabilitation, because rehabilitation works. He also has more money going into booze and drug buses. He is committed. He conducts roundtable meetings with all the stakeholders. He has a joined-up, whole-of-government approach to tackling the problem. You could not even compare the way this Premier has taken on the issue compared with that of the former Premier. Members on this side of the chamber have a lot to be proud of.

Before concluding my remarks I want to say this is important legislation. When I was doing a bit of research before coming into the chamber, I was interested to find a bit of history. I know the member for Hawthorn is a former lawyer, as is the member for Dandenong. We all dreaded the old statutory interpretation, and the textbook in particular. The people in the Office of the Chief Parliamentary Counsel within the Department of Premier and Cabinet do a fine job. Their professionalism and commitment to their tasks are simply fantastic. I congratulate chief parliamentary counsel Gemma Varley, first deputy chief parliamentary counsel John Butera and deputy chief parliamentary counsel Jayne Atkins on their work.

The legislation.vic.gov.au website is something we all look at, and the public has access to it as well. I came across a report on a statute law revision bill introduced in 1980–81. The document has been scanned onto that website. The report states:

> The Statute Law Revision Committee, appointed pursuant to the provisions of the Parliamentary Committees Act 1968, has the honour to report as follows:
>
> … On 1 April 1981, the Statute Law Revision Bill — a bill to revise the statute law — was initiated and read a first time in the Legislative Council. On 7 April, debate on the second reading was adjourned and the proposals contained in the bill were referred to the Statute Law Revision Committee for examination and report.
>
> …
>
> … The object of a statute law revision bill is not to deal with matters of policy but simply to ensure that the patent intention of Parliament will be given effect to. It is recognised that the bill should be confined to matters such as the correction of references, spelling, printing, drafting and grammatical errors and amendments which should have been made as consequential amendments simultaneously … In examining the bill the committee endeavoured to ensure that the items were not of a substantive nature and therefore were within the ambit of a statute law revision bill.

I do not want to go through the 68 amendments that the principal legislation is missing. I have put into this contribution my little editorial on the former Minister for Crime Prevention and the government's plans on the drug ice. The bill was introduced in the Legislative Council. It is nice to note that members on both sides support it. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Statute Law Revision Bill 2014. The bill takes care of some omissions and corrections and the removal of redundancies. In particular I note, firstly, that it is now late on a Thursday, so from now on, having read this bill, the word 'schedule' should attract a triple word score in the game of Scrabble, because it is on the verge of extinction; for its crimes it has been fairly substantially removed from this legislation.

As we work through the number of acts amended by the bill, I notice item 4 to schedule 1 amends the Agricultural Industry Development Act 1990. All I can say is: upstairs, K Room, wine tasting happening now, folks!

Honourable members interjecting.

Mr CRISP — No, it is not redundant at all. Let us move through. Item 22 to schedule 1 amends the Fire Services Property Levy Act 2012, effectively correcting a punctuation error. I think there will be a few more errors coming under this government's administration, so watch this space.

I probably should talk about the little things. Item 26 to schedule 1 amends the Imperial Acts Application Act 1980. I see mention of Edward I in there. However, it corrects the words 'State of Westminster' to 'Statute of Westminster'. I say to the lawyers in the house, please do not tell me later what that means.

On a slightly more serious note, item 27 amends the Improving Cancer Outcomes Act 2014. I make a suggestion that the private floor down at the cancer centre would probably have helped there.

Item 37 amends something that all of us will certainly appreciate, the Parliamentary Committees Act 2003. It inserts the word 'given' in a certain section. Nothing is given in a parliamentary inquiry, not by any quarter and not to any witness, and a fair bit is given back from the witnesses to those who sit on the committees.

I could talk about item 44 and the Mildura rail line, but at this time of the week I would probably be repeating what I said earlier on. Certainly I can say in terms of rail safety operations that unless we get on and spend some money on that line, there will be an awful lot of safety issues along the way. Similarly item 46 deals with road management.

Item 49 is interesting. It deals with the Sex Work Act 1994 to correct an error where the word 'police' appears twice. In supporting this legislation I hope the police will attend to this more than twice.

Item 60 raises a question. It is an amendment to the Vexatious Proceedings Act 2014, correcting a grammatical error where the word 'a' appears instead of 'an'. I am sure that this was pointed out by a litigant at some stage in pursuit of a matter under this act.

Item 63 amends the Victorian College of Agriculture and Horticulture Act 1982. Here I make my second reference to K Room, where again those drinks are going fast, fellow members, unless we get on with this.

Similarly, item 64 amends the Victorian Commission for Gambling and Liquor Regulation Act 2011. That subject matter is of concern to some of my Nationals colleagues, particularly since members of The Nationals are in possession of a racehorse that has never troubled a bookmaker with any gambling success at all in its long career.

With those words of observation, I will finish by mentioning an item that is a little more serious, item 24 to schedule 1, which amends the Honorary Justices Act 2014. I would like to pay tribute to all those people who make the time available to be honorary justices. They undertake work that is vital to the machinery of our community, just as this bill is vital to the machinery of government in order to ensure that the statutes we are responsible for are kept up-to-date and are correct. In my community nothing is more important than the Mildura signing centre, where justices of the peace voluntarily give their time to sit next to the counter at the police station and take care of all the things that justices of the peace do, like witnessing documents and taking statutory declarations in order to relieve the work done by our police force. I think this is valuable enough to put in a plug to the new government and to the Attorney-General to maintain the number of honorary justices that are available in our community by continuing to add to that list and actively appoint more honorary justices. With those words, I commend the bill to the house.

Mr PEARSON (Essendon) — As has been outlined to date, the Statute Law Revision Bill 2014 revises the statute law of Victoria. As the member for Hawthorn so eloquently indicated, the bill makes a number of amendments to a number of acts to correct grammatical

and typographical errors, to update references and for other similar purposes. As the famous German philosopher, Ludwig Wittgenstein, said:

> Uttering a word is like striking a note on the keyboard of the imagination.

It is clear that grammar is important, as I am sure all members would agree. Constance Hale said:

> The flesh of prose gets its shape and strength from the bones of grammar.

An anonymous writer once said:

> Grammar makes the difference between feeling you're nuts and feeling your nuts.

I thought that was particularly important, Acting Speaker! The American writer, Artemas Ward, wrote:

> Why care for grammar as long as we are good?

Bills like this are important because we need to make sure that legislation reflects the times in which we operate. We need to do this progressively; otherwise you end up with outdated legislation and you need to do a major upgrade. I remember thinking about 1958 as a particularly important year, because that was the year — —

Mr Nardella — Good year!

Mr PEARSON — It was a very good year. Parliament passed 319 bills, and it did so because it needed to as there had been a blockage. In 1959 only 117 bills were passed, and in 1960 the number of bills passed was only 129. Partly that was related to the great work of Henry Bolte and Arthur Rylah. Arthur Rylah, who was the Chief Secretary, did a lot of that work. I have heard a story that Bolte and Rylah basically ran the government for 15 years, and the way in which they went about their decision-making processes was that they tended to avoid cabinet. They would actually go to Sir Henry Winneke's home in South Melbourne. Both would present their arguments, and Sir Henry Winneke would then determine on any given day whether Bolte or Rylah was right. They would then report back to cabinet and say, 'This is our view and our position'. That was how legislation was conducted in those days, I am reliably informed.

The member for Mildura made an error in his presentation. He referred to item 26 in the amendment of acts schedule in the bill as relating to the statute of Windsor. It is actually the Statute of Westminster. The Statute of Westminster was an act of Parliament passed in the United Kingdom in 1931, but it was not adopted in Australia until 1942 by the great Prime Minister John Curtin. The Statute of Westminster Adoption Act 1942 formally adopted the Statute of Westminster 1931 from the United Kingdom which related to self-governing dominions of the British Empire.

I am very pleased that someone like John Curtin was in federal Parliament and was able to do such a thing, because I know the member for Kew currently has a picture of the Queen on the wall of his office. When Ms Shing, a member for Eastern Victoria Region in the other place, was advised of this during the recent Public Accounts and Estimates Committee hearings, she asked whether it was a photo of RuPaul. The member for Kew responded by saying, 'Our Queen and head of state'. I am grateful that the member for Kew is a member of this Parliament and was not the Prime Minister of Australia in 1942, because we would not have adopted the Statute of Westminster.

There are a couple of other things I wish to mention, but I am conscious of time.

Honourable members interjecting.

Mr PEARSON — I am concerned by the interjections from those opposite.

Items 47.2 and 47.3 of schedule 1 to the bill, which relate to the Sentencing Act 1991, substitute the redundant term 'member of the police force' with 'police officer'. I think that is important as it recognises there are many unsworn officers at Victoria Police who do great work. The legislation must reflect that. Similarly, item 61 replaces 'Commissioner for Law Enforcement Data Security' with a reference to the 'Commissioner for Privacy and Data Protection'. On those notes — —

The SPEAKER — Order! The time set down for consideration of items on the government business program has expired. I am required to interrupt business. I apologise to the member.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

JUDICIAL ENTITLEMENTS BILL 2015

Second reading

Debate resumed from 10 June; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

The SPEAKER — Order! I advise the house that I am of the opinion that the third reading of this bill must be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015

Second reading

Debate resumed from earlier this day; motion of Mr WYNNE (Minister for Planning).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

VICTORIA POLICE AMENDMENT (VALIDATION) BILL 2015

Second reading

Debate resumed from earlier this day; motion of Mr NOONAN (Minister for Police).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (RESTRICTIONS ON THE MAKING OF PROTECTION ORDERS) BILL 2015

Second reading

Debate resumed from earlier this day; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

The SPEAKER — Order! The question is:

That this bill be now read a second and a third time.

House divided on question:

Ayes, 47

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Brooks, Mr	Merlino, Mr
Bull, Mr J.	Nardella, Mr
Carbines, Mr	Noonan, Mr
Carroll, Mr	Pakula, Mr
Couzens, Ms	Pallas, Mr
D'Ambrosio, Ms	Pearson, Mr
Dimopoulos, Mr	Perera, Mr
Donnellan, Mr	Richardson, Mr
Edbrooke, Mr	Richardson, Ms
Edwards, Ms	Sandell, Ms
Foley, Mr	Scott, Mr
Garrett, Ms	Sheed, Ms
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Ward, Ms
Hutchins, Ms	Williams, Ms
Kairouz, Ms	Wynne, Mr
Kilkenny, Ms	

Noes, 35

Angus, Mr	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Bull, Mr T.	Pesutto, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Katos, Mr	Thompson, Mr
Kealy, Ms	Tilley, Mr
McCurdy, Mr	Victoria, Ms
McLeish, Ms	Wakeling, Mr

Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

North Road, Ormond, level crossing

Mr SOUTHWICK (Caulfield) — My adjournment matter is for the Minister for Public Transport. The matter I raise is in regard to the North Road, Ormond, level crossing removal. This is an important project that was committed to and funded by the Victorian coalition government. The action I seek is for the minister to inform the house of what arrangements will be made to accommodate the needs of sporting tenants at E. E. Gunn Reserve in Ormond while the project is taking place. While in government I facilitated meetings for tenants with the City of Glen Eira and VicRoads. Those tenants included the Ormond Amateur Football Club, the Ormond Cricket Club and the Ormond Glenhuntly Baseball Club.

The major concern for tenants was that the ovals at E. E. Gunn Reserve would be required to store the dirt from the excavation for the grade separation and that the clubs would be out of action for up to two years. It is important that these clubs are not made homeless and are not severely disadvantaged during the works, and at the end an allowance should be provided to remediate the grounds and pavilions.

We are now six months into the term of this government, and these stakeholders have not had one meeting to discuss the project. Three meetings have been proposed but all have been cancelled. Last month the government announced that a construction contract has been awarded for three level crossings: North Road, Centre Road in Bentleigh and McKinnon Road in McKinnon. Major construction will start in late 2015 and is estimated to be completed in 2018.

There is great concern over the lack of consultation with major sporting clubs. This project could affect the more than 1000 kids who use these facilities. Glen Eira has the lowest amount of open space of any municipality in Victoria. How long will the E. E. Gunn Reserve be out of action? Will the reserve be required to store dirt now that the additional level crossing projects are going to be undertaken? Where will these clubs play while the grounds are out of action? What will happen to remediate the grounds and pavilions? Currently there is confusion and a severe lack of transparency on what should be a great and important project for our community.

These level crossing removals are very important, and I acknowledge the work that is being done, but we need to ensure that members of the community are consulted and that there is minimal disruption to their lives. It is important that the minister act properly to work with local residents and sporting clubs to get the best results for everybody.

Watsonia North ambulance station

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Ambulance Services, and the action I seek from the minister is that she order a review of the decision by Ambulance Victoria to locate an ambulance station at 24 Trist Street, Watsonia North.

On Friday, 29 May, I became aware that Ambulance Victoria intended to construct a new ambulance station at the location I have mentioned. The majority of residents in that neighbourhood found out about it at about the same time. We were alerted to the decision by an application for a planning permit sign being erected on the site by the local council. The sign indicated that Ambulance Victoria was applying for the permit.

I understand that the ambulance unit intended to be located at the station is already operational in the area and is currently based temporarily at the Bundoora ambulance station. In my view the site that has been identified by Ambulance Victoria is completely inappropriate for an ambulance station. It is located on a quiet residential street on quite a nasty bend that residents have identified as a potential traffic concern. The site in question is used by locals as a neighbourhood park and has a swing set, playground equipment and a number of trees located on it. The park is valued by local residents, who certainly do not want to lose it for any form of development.

While all the people in my community support improvements to our ambulance services, I support my

local residents in their contention that this is the wrong site, and I ask that Ambulance Victoria look at its operational data and its needs and work to find a much better location for this ambulance station. Yesterday 50 to 80 people from the local area gathered on site for a public meeting and rally to make their voices heard. This is a group of people who have bought in and live in a wonderful part of Melbourne. It is a quiet suburb, and these are good people who simply do not want the intrusion of this proposed facility on their amenity.

I would be very keen for the minister to help out with having a look at where the station might be better located not only from an operational perspective but also from an amenity perspective for these local residents.

Euroa electorate police numbers

Ms RYAN (Euroa) — My adjournment matter is for the Minister for Police. The action I seek is that he provide additional resources to ensure that police stations across the Euroa electorate can meet recent operational changes made by Victoria Police.

The policy requiring police to work two up as a result of concerns about terrorism has stretched resources across my electorate. I have been contacted by constituents who have noticed a reduction in the level of policing in our communities since the rule was applied. Police officers have told me that the changes are unworkable and have said that the needs of country communities have not been considered. Victoria Police has since acknowledged that the requirements do not appreciate the nature of country policing, and that has been a relief to many. The minister's guarantee that no station will close is also very welcome, and it is one to which I will certainly hold him.

These operational changes have served to put a spotlight on Labor's failure to properly resource our police force. A lack of police numbers meant that one-member police stations were forced to dramatically scale back their hours, even locking their doors, when this policy was implemented. There are four one-member police stations in the Euroa electorate — at Pyalong, Stanhope, Murchison and Violet Town — and each plays a crucial role in ensuring the safety of those communities. A number of other one-member stations are located just outside of my electorate but do service it, including Glenrowan, Elmore, Lancefield and Dookie. Officers from these stations were also required to work in other communities in situations where medium-sized stations could not meet requirements. This issue is not just about one-member stations. My constituents also have concerns about larger stations where six or eight police officers might be working on a roster.

The requirement to work two up has left police units stretched and communities exposed. Victoria Police has an obligation to provide the safest workplace it can for its officers, and I wholeheartedly support that endeavour. Equally, however, it is the government's obligation to ensure that the force is resourced to do its job. During the coalition's four years in government 1900 additional police officers were put on the beat. Daniel Andrews has made provision for just 15 new police officers, with all 15 of them to be stationed on the Bellarine Peninsula. Labor's failure to adequately invest in employing new police officers means that country communities are exposed each time operational changes are made. The government's failure to keep pace with population growth risks police being pulled out of country areas to plug other gaps.

In country communities our police officers are much more than just law enforcers; they are part of the community. The government must invest in putting more police on the beat to meet these operational changes and keep pace with population growth. I urge the minister to properly resource the force, and I ask that he does not cut country coppers.

Family violence

Ms KILKENNY (Carrum) — My adjournment matter is for the Minister for Women, who is also the Minister for the Prevention of Family Violence. The action I seek is that the minister join me in hosting a community forum addressing family violence in my electorate. Tragically we know too well the terrible statistics. Recent figures show that in Australia two women are killed almost every week by a partner or ex-partner. Over the past five years reported family violence incidents have increased by 70 per cent to over 68 000, and sadly there are significant numbers of unreported cases.

In my electorate of Carrum there has been a steady increase in family violence. Incidents recorded by Victoria Police in the city of Kingston increased from 770 in 2010 to 1313 in 2014. In the city of Frankston recorded incidents almost doubled from 1488 in 2010 to 2483 in 2014. Frankston council is one of only two Melbourne councils with a family violence rate higher than 1500 incidents per 100 000.

The Andrews Labor government is taking action to address family violence with an $81.3 million package in the 2015–16 Victorian budget. The package includes funding for the Royal Commission into Family

Violence for its investigation into this national emergency.

There are also women and men in my electorate who are taking steps to address this issue. One of my constituents, a volunteer and a mum, recently helped convene a local community forum on family and domestic violence which more than 500 people attended. Women in my electorate, survivors of domestic violence, have volunteered to assist me to arrange a forum on family violence, and I welcome their assistance. I also welcome the opportunity to have the minister attend that forum in my electorate of Carrum and hear firsthand the challenges my community is facing. As well, I want the opportunity for my community to hear from the minister what action is being taken by the Andrews Labor government to address the issue of family violence in Carrum and across the state.

Boronia K–12 College Mount View campus

Ms VICTORIA (Bayswater) — Today I rise to ask the Minister for Education to review the current situation of the now unoccupied Mount View campus of Boronia K–12 College and report back to me and the Boronia community. All students were relocated from the Mount View campus by the end of last year. At that stage the old site reverted back to the care of the Department of Education and Training. The new Boronia K–12 Rangeview campus was established in 2012 after Boronia Heights College, Boronia Primary School and the Allandale Kindergarten were merged.

The newly consolidated school, with its beautiful and modern buildings and grounds, was proudly realised under the former Liberal-Nationals government. Unfortunately the old vacant site has now become a breeding ground for vandalism and antisocial behaviour. Local residents constantly make reports to police and my office regarding the unlawful behaviour occurring there. Media reports frequently detail the extent of the graffiti, arson and destruction of property. Earlier this week Channel 9 did a news story illustrating the dangerous and derelict condition of the site left after acts of vandalism.

Constituents have stated that nearly all the windows in the buildings have been smashed, and lots of equipment has been left behind, including library shelving, stoves, ovens and fridges, which could have been relocated and used at other schools — something the department should have facilitated immediately. Instead this equipment has been destroyed or damaged, amounting to a waste of precious departmental resources and taxpayers money. Locals also expressed concern for their homes, due to the potential risk of fire, with abandoned gas bottles still at the site. The school oval used to be a sporting haven for families; now most avoid the area due to safety fears. Local police also report they have added the site to their regular patrols. This is a drain on their resourcing. We all know how crucial police resourcing is to the community, and this issue is potentially taking the police away from assisting the community at times when police are needed elsewhere. Just last Monday there were two arrests. Two individuals were attempting to steal copper wiring from the ceilings. They will be dealt with, I trust, by the courts.

Media reports also state that the site is being advertised online for trash hunters and explorers to visit. Considering the number of potential dangers present at the site, perhaps the minister can explain why there is no fencing around the buildings and why the power was disconnected in December, disabling the alarm system. A statement from the education department to Channel 9 says that demolition works are anticipated to commence next month. Generally this extreme measure does not occur until after wide consultation with other government departments and the local council and community has been held to establish the future use of the site. Regrettably, none of this due process has happened. Again, I ask the Minister for Education to review the current situation of the now unoccupied Mount View campus of Boronia K–12 College, to take the views of the local community into consideration and to protect the nearby residents and a valuable state asset.

Chelsea State Emergency Service unit

Mr RICHARDSON (Mordialloc) — I raise a matter for the Minister for Emergency Services. The action I seek is for the minister to visit the Chelsea unit of the State Emergency Service (SES) to discuss its long-term needs and future plans to support our local community. Chelsea SES has been serving and protecting our community for over 60 years and is a vital part of our local community. Its members epitomise the spirit of volunteerism and of community service and connectedness and are well supported by a dedicated group of locals who are highly trained and experienced in managing challenging emergency events. In times of storms, in times of floods and in times of emergencies, local volunteers drop everything to ensure the safety of our community and our region. It is a challenging job that can start after a member is called upon in the middle of the night and can run for many hours into the next day.

It is worth reflecting on the circumstances these volunteers face in the work they do. It might be storm events, where they are confronting the safe management of falling trees; flood events; or other emergency incidents. They are there to support families in times of need and help them in the immediate aftermath to manage a difficult situation. It might be at the scene of transport accidents and of the tragedies that come with these incidents. It might be in support of Victoria Police investigations and evidence gathering relating to a crime. Volunteers were there last year after a tragic accident when a plane crash-landed in Chelsea after leaving Moorabbin Airport. These are sometimes challenging and emotive circumstances, and they are handled with the highest degree of professionalism and care.

The members of Chelsea SES not only serve our community in the city of Kingston, but in times of need or in times of natural disaster will travel in support of other communities. Whether it was during Black Saturday in 2009, when our state faced the worst bushfires in our recent history, or during the devastating floods of recent years that crippled communities in New South Wales and Queensland, Chelsea SES volunteers have gone far and wide to help others. SES volunteers across Victoria form an integral part of our umbrella of emergency services. Chelsea SES continues to grow, with many volunteers getting involved or expressing interest in joining this wonderful team. The unit's current premises cannot house all its emergency response vehicles or accommodate all volunteers during meetings. With a growing turnout and growing demand for the unit's services as our community expands, we need to consider its long-term needs and how it is best placed to meet the demands of our community into the future.

Finally, I would also like to acknowledge the work of two local champions who have served Chelsea SES and served across a range of other areas in our community. They are unit controller Ron Finch and communications manager Phil Wall, who have collectively served Chelsea SES for decades and who are absolute stalwarts of our region. In conclusion, the action I seek is for the Minister for Emergency Services to visit Chelsea State Emergency Service unit to discuss its long-term needs.

Docklands primary school

Ms SANDELL (Melbourne) — I raise a matter for the Minister for Education relating to the need for a new school in Docklands. The action I seek is that the minister immediately release the results of the feasibility study, first commissioned in 2010, and any other analysis relating to the building of a primary school in Docklands. Docklands is one of the fastest growing areas in the whole of Australia. When Docklands is completed in 2025 it is expected to cover an area twice the size of the CBD and be home to 20 000 people, including families. It is estimated that 850 children aged under 14 years will live in Docklands by 2017, yet there are no plans for a primary school in the suburb.

Currently parents are coping by sending their kids to schools which are already oversubscribed in Carlton and North Melbourne, with some sending them further afield to schools in Hawthorn and other eastern suburbs. This is the no. 1 issue for the Docklands Community Forum and is a significant barrier to families creating a life for themselves in Docklands. State governments seem happy to grab the cash from big apartment developments in the city but have often been less keen to hold up their end of the bargain, which is to ensure that there is properly planned community infrastructure like schools, parks and childcare facilities.

The Labor government has promised to release the feasibility study it undertook in 2010 but has not yet done so. I am calling on the minister to immediately release this study, if it exists, and begin the planning process for a school in the Docklands in order to meet the needs of the community and give parents some peace of mind about their children's future education.

Women's Friendship Café

Ms GRALEY (Narre Warren South) — My adjournment matter is for the Minister for Multicultural Affairs and concerns the Hampton Park Women's Friendship Café. The action I seek is for the minister to visit the cafe to discuss the many challenges this wonderful organisation faces in its efforts to ease social isolation and bring our community closer together.

I have had the great pleasure of visiting this group on many occasions to see the fine work it does for so many local families and particularly women. Through a partnership with River Gum Primary School and the Chisholm Institute, the Hampton Park Women's Friendship Café provides playgroup and educational opportunities for children and parents alike. It also provides a much-needed opportunity for women who would otherwise be isolated to socialise, make friends and acquire the confidence, skills and knowledge they need to secure further education and employment.

Many of these women are new to Australia, speak little or no English and have very few opportunities to

interact with our local community. Through the friendship cafe they can take English lessons, learn to drive, access counselling, attend information sessions on their legal rights, health or family issues and so much more.

Elaine Smith and her wonderful team have also played an integral role in establishing the Hampton Park Girls Friendship Club. The club provides young women with a safe place to socialise with friends, engage with mentors and take part in activities they may otherwise miss out on. It is a great way to provide often isolated young women with the opportunity to thrive and gain the self-belief and confidence they need to achieve their goals.

Unfortunately the friendship cafe is constantly struggling to secure funding and an appropriate venue. Currently it is able to use a small portable room at River Gum Primary School; however, it can do so only once a week. The school and the friendship cafe are currently investigating the possibility of converting an unused indoor swimming pool on school grounds into a playgroup and preschool facility. It is a fantastic initiative and one I wholeheartedly support.

I know the minister and the Andrews Labor government is committed to strengthening our diverse community and supporting organisations just like this one. In the fantastic state budget we provided $13.2 million to enhance community capacity and participation for people of culturally and linguistically diverse backgrounds.

There is much that needs to be done to ensure that people from culturally diverse backgrounds are given the support they need to thrive. These include women who continue to face adversity that many of us could barely comprehend, young men who feel isolated and disengaged from their families, school and the local community; and older people who struggle to perform the day-to-day activities that many of us take for granted.

Organisations just like the Hampton Park Women's Friendship Café are out there right now doing the hard yards, providing the support and assistance these people so dearly need. I ask the minister to join me in visiting the Hampton Park Women's Friendship Café to see the wonderful work it does within the local community.

South Barwon electorate police numbers

Mr KATOS (South Barwon) — My adjournment matter is for the Minister for Police. The action I seek is for the minister to allocate more police to the South Barwon electorate. Over the last 10 years the electorate has experienced significant growth, particularly in Torquay, Grovedale and Waurn Ponds. Construction of the new suburb of Armstrong Creek has commenced and it will house 55 000 residents over the next 25 years. There are already about 3500 people living there.

The coalition recognised this growth and in 2010 committed to building a new Waurn Ponds police station. That commitment was honoured, and the station opened last year. We also put on an additional 1900 police officers around Victoria. Despite the new Waurn Ponds police station having been built, there is still more work that needs to be done. The problem is that over the next four years only 15 additional police officers will be allocated in Victoria.

I have been contacted on numerous occasions by constituents who are concerned about the lack of police numbers. I will recount one story from a constituent in Torquay. There was a break-in at a home, and police attended to file a report. Among the items stolen by the perpetrator were the keys to the resident's car. Whilst the police were inside the home filling out a report — on the kitchen table, I believe — the thieves stole the car from the driveway.

Break-ins, thefts and stolen vehicles are of particular concern. Today's *Geelong Advertiser* raises this issue in an article headed 'Woman, 74, finds burglar in her home as crime spree hits Surf Coast and Bellarine Peninsula'. The article reports:

> Detective Sergeant Craig Blunt said the Torquay woman had challenged the burglar, who then ran from the scene.

It quotes the police officer as saying:

> One 74-year-old victim confronted her offender, she was home, it was at 9.30 p.m. … They've forced entry via a rear door before fleeing on foot.

The article goes on to say:

> Overnight on Tuesday thieves also smashed their way into Tiger Moth World and the Torquay Bowling Club while two bakeries, a hair salon and numerous homes have also been broken into since Friday.

The South Barwon community certainly expects action from the minister on police numbers. Residents, particularly from Torquay, are fed up with the lack of police numbers. The minister directed the Chief Commissioner of Police to allocate an additional 15 police to three stations on the Bellarine Peninsula in this year's budget, which is quite unusual. They are Drysdale, Portarlington and Queenscliff. This has changed the longstanding convention that it is the role

of the chief commissioner to allocate police resources. It is evident that this Minister for Police is able to do that now, so I call on the minister to allocate more police numbers to the South Barwon electorate.

Sunbury rail services

Mr J. BULL (Sunbury) — My adjournment matter is for the Minister for Public Transport. The action I seek is for the minister to commit to additional train services for Sunbury commuters. Due to patronage growth in regional areas, the new V/Line timetable no longer includes pick-up and drop-off services for Sunbury commuters. This has caused great concern for the community. I have received a number of calls and emails this week regarding this matter.

I ask the minister to urgently intervene in this matter by increasing services. It is my hope and wish that Sunbury passengers will be given services equivalent to those provided for people living in Watergardens, who have 20-minute train frequency. In fact half of the trains that come from the CBD terminate at Watergardens. It is vital that the minister provide an update on this matter, and the action I seek is for her to increase services to Sunbury as a matter of absolute priority.

Responses

Ms HENNESSY (Minister for Ambulance Services) — I thank the member for Bundoora for his advocacy on behalf of his local community, particularly in relation to the location of the Watsonia-Greensborough ambulance station. I will take on board the views of the local community that the member for Bundoora has advised me of, and I will be following up with my department to see what steps can be taken to look at alternative locations that will ensure the safety and wellbeing of the local community without compromising community amenity.

Ms RICHARDSON (Minister for the Prevention of Family Violence) — It is a great pleasure to respond to the member for Carrum's matter, and I take this opportunity to thank and congratulate her for her advocacy and dedication to her local community on this important issue. Her unwavering advocacy on this issue will no doubt play a significant part in our overall efforts to end the harm of family violence. I also congratulate her constituent, a mum who organised a well-attended forum, which I understand went extremely well and was dedicated to addressing this harm.

As the member outlined, the incidence of family violence in the cities of Kingston and Frankston has increased considerably, and this is consistent with what is happening across the state. Sadly, while we are only at the beginning of June, 43 women across Australia have lost their lives as a consequence of violence this year. In Victoria there were over 24 000 breaches of family violence intervention orders in 2014, which was a 30 per cent increase on the 2013 figures. Tragically, we know that despite community and government attention to this issue family violence remains a significantly under-reported crime.

There is no community across the state that is immune from this harm, which is why community engagement, such as that being proposed by the member for Carrum, is critically important. It will provide the community with an opportunity to collectively challenge the harm of family violence, which for too long has stayed in the shadows. It will also enable those who are willing to share their experiences to do so in a safe environment. I thank the member for the opportunity to attend this forum, and I am sure it will be a great success under her leadership. I very much look forward to the event and to continuing to work with the member for Carrum, whose dedication to her local community and to this issue knows no bounds.

Ms ALLAN (Minister for Public Transport) — The member for Caulfield raised a matter to do with the construction work involved with the North Road, Ormond, level crossing removal. It is terrific that the member for Caulfield can raise this issue as a demonstration of how the Andrews Labor government has quickly moved to deliver its program to remove 50 level crossings, and I welcome the member's belated support for that policy approach. This is one of 50 level crossings the Andrews Labor government has committed to removing across Melbourne, and I know the member for Bentleigh is keen on the package that was announced recently.

I appreciate that the level crossing construction work will cause disruption for local communities. I and the government understand that, and I am sure the member for Caulfield does as well. Local communities accept that with progress comes some pain along the way, and we have established the Level Crossing Removal Authority so that as much as possible we minimise community disruption. Some public space will be used while the works are underway, and we understand there needs to be appropriate accommodation for the users of particular sites during the work and then some assistance to return those sites post the works.

I have been advised that a representative from the Glen Eira council responsible for local sporting clubs and recreation reserves — in this case, the E. E. Gunn

Reserve — will be invited to be part of the stakeholder liaison group to be chaired by the member for Bentleigh, and as part of this I will ensure that there is broader consultation with the particular users of the reserve, which I think was the heart of the matter raised by the member for Caulfield. I have also been advised that the level crossing authority has met and continues to meet with the Glen Eira council on this issue of addressing how the impact can be minimised and determining interim arrangements for the clubs that are affected during the works. I hope that satisfies the member for Caulfield.

The member for Sunbury raised a matter regarding additional train services for the Sunbury community, and I thank the member for raising this issue and for the strong and vigorous representations he has made to me over the past couple of weeks in particular. By way of brief context, when the government announced the timetable for regional communities as a result of the opening of the regional rail link in a couple of weeks, the arrangements for train stopping patterns at Sunbury and Pakenham stations were brought into line with those at all other stations across the network where there are both V/Line and Metro Trains Melbourne services.

Steps needed to be taken at those stations because patronage across the V/Line system has doubled in the past decade and we need to make sure we provide additional capacity. We have taken a very different approach to that of the former government, which took a head-in-the-sand approach. It delayed the purchase of additional regional rolling stock, cut V/Line's budget and had a secret plan to cut 100 jobs from V/Line. We understood we needed to take action, but as a result this is causing concern for members of the Sunbury community.

I say to the people in the Sunbury community that their concerns have well and truly been communicated to me through the strong advocacy of the local member, who has worked hard to impress upon me that this timetable change has affected his community. He is seeking additional services. I am pleased to inform the member for Sunbury that the community will receive an additional 10 peak metropolitan services per week within the next six to eight weeks. Those additional Metro services will see an extra morning peak city-bound service and an extra evening peak service terminating at Sunbury.

We are also looking at — and the member for Sunbury has impressed upon me clearly that he wants to see — a Metro-style service with a metropolitan timetable for the Sunbury community. I share that aspiration of the member. We are also investigating the provision of extra off-peak services for Sunbury that can be introduced with other timetable changes scheduled to be made to the metropolitan system later this year so we can provide more trains and more services for the Sunbury community.

I advise the member for Sunbury and in turn his community that the changes to the pick-up and set-down rules will not be enforced until 1 January 2016, when these additional services are fully implemented, and that in the interim period of the next six months the focus will be on implementing the additional services and encouraging people to make the necessary adjustments to their travel patterns. Once again, I thank the member for his strong representation of the Sunbury community, and I hope this assists the Sunbury community with an improvement in train services, which is what the Andrews Labor government wants to see across the system.

All remaining matters raised by members will be referred to the relevant ministers for their attention and action.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.43 p.m. until Tuesday, 23 June.