



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Tuesday 18 February 2025**



# Members of the Legislative Council

## 60th Parliament

### President

Shaun Leane

### Deputy President

Wendy Lovell

### Leader of the Government in the Legislative Council

Jaclyn Symes

### Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

### Leader of the Opposition in the Legislative Council

David Davis (from 27 December 2024)

Georgie Crozier (to 27 December 2024)

### Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew <sup>1</sup>	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaele	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira <sup>2</sup>	Western Metropolitan	Lib	Ratnam, Samantha <sup>5</sup>	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem <sup>6</sup>	Northern Metropolitan	Ind
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina <sup>3</sup>	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David <sup>4</sup>	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard <sup>7</sup>	North-Eastern Metropolitan	Lib

<sup>1</sup> Resigned 7 December 2023

<sup>2</sup> IndLib from 28 March 2023 until 27 December 2024

<sup>3</sup> Appointed 14 November 2024

<sup>4</sup> LDP until 26 July 2023

<sup>5</sup> Resigned 8 November 2024

<sup>6</sup> DLP until 25 March 2024

<sup>7</sup> Appointed 7 February 2024

### Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;  
Greens – Australian Greens; Ind – independent; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;  
LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;  
Nat – National Party of Australia; PHON – Pauline Hanson’s One Nation; SFFP – Shooters, Fishers and Farmers Party



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**Tuesday 18 February 2025**

**The PRESIDENT (Shaun Leane) took the chair at 12:02 pm, read the prayer and made an acknowledgement of country.**

*Bills*

**Drugs, Poisons and Controlled Substances Amendment (Paramedic Practitioners) Bill 2024**

**Education and Training Reform Amendment Bill 2024**

**Statute Law Repeals Bill 2024**

*Royal assent*

**The PRESIDENT (12:04):** I have a message from the Governor, dated 11 February:

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

**1/2025** Drugs, Poisons and Controlled Substances Amendment (Paramedic Practitioners) Act 2025

**2/2025** Education and Training Reform Amendment Act 2025

**3/2025** Statute Law Repeals Act 2025

*Committees*

**Integrity and Oversight Committee**

*Membership*

**The PRESIDENT (12:05):** I advise the house I have received a letter from Dylan Wight, the member for Tarneit, resigning from the Integrity and Oversight Committee, effective 18 February 2025.

*Questions without notice and ministers statements*

**Health funding**

**Georgie CROZIER** (Southern Metropolitan) (12:05): (797) My question is for the Treasurer. Treasurer, will you rule out the government applying a private health insurance levy or tax on hardworking Victorians to pay for shortfalls in the state health budget – yes or no?

**Jaclyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:06): I thank Ms Crozier for the question and the opportunity to talk about the unprecedented investment in the Victorian health system under the Labor government. The people will recall in last year's budget the budget speech, for example, calls out the number of doctors that have increased under this government, the support for nurses and the support for all hospitals coming out of the pandemic. We are a government that back our health workforce again and again to ensure that Victorians can get the health care that they need where they need it. Just this morning the Premier and the Minister for Health were out at the Royal Melbourne Hospital talking about nurse-to-patient ratios in the sector and talking to emergency department nurses about the support that they need to do what is just one of the hardest jobs that you could possibly do. Ms Crozier, our government will always support the health sector. We will always fund hospitals. I will have more to say about specifics of the budget as we unveil the budget.

**Georgie CROZIER** (Southern Metropolitan) (12:07): I note the minister refused to answer that very simple question about ruling out another levy or tax to hardworking Victorians. Treasurer, given the dire state of the Victorian budget and the lack of detail around how the government's hospital mergers and networks will be funded, will Victorians see an increase to the more than 50 new or increased taxes applied under Labor to fund the hospital amalgamations and new networks that are being formed?

**Jaclyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:07): Ms Crozier, I can confirm my answer that I gave you previously. This is a government that will always fund health. We will always put the priorities of the Victorian community first, and they have spoken: health is the number one priority for many, many Victorians, and we back that with continued investment.

**Georgie Crozier** interjected.

**Jaclyn SYMES**: I am not going to stand here every question time ruling in and ruling out things that you are putting to me. The budget process is underway. It is my core focus. I will not be preparing the budget in this chamber.

### **Mental health workforce**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:08): (798) My question today is to the Minister for Mental Health. Minister, as you would know, Victorian mental health workers are today taking protected industrial action after negotiations over their enterprise bargaining agreement have stalled. These workers, as I am sure you will agree, deserve good pay and decent conditions. They are the ones on the front line supporting people while wrangling a broken and underfunded system. It is tough out there right now, and they are holding on for dear life. The Victorian government needs to come to the table with an offer that combats acute and persistent wage inequality, unworkable conditions and dangerous understaffing and provides interventions to reduce the severe escalation of occupational violence and aggression. Minister, will you step in to resolve these stalled EBA negotiations?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:09): I thank the member for his question. I will say that there were quite a few inaccuracies in his preamble. I have been speaking for months and months now about the critical role that our mental health workforce play in delivering the care that Victorians need, and you will never hear a bad word out of my mouth about the workers in the mental health sector. They do incredibly challenging work and they have my full support. We have as a government invested over \$600 million in the mental health workforce since the royal commission's report was handed down, and we have increased the mental health workforce by 25 per cent – that is over 2500 roles that were commissioned between 2021 and 2024. That is a record uplift in the number of workers in this sector, so I would take issue with the member's preamble about the workforce. That is not to say that it is not incredibly challenging, working in particularly our acute mental health services. But when it comes to bargaining, we will continue to bargain in good faith through the Victorian Hospitals Industrial Association with the industrial parties HACSU and the ANMF, and those negotiations are ongoing.

There was an offer made in December. That offer has been rejected by the industrial parties, as is their right, and we will continue to bargain in good faith. But let us not make any mistake here: our government will continue to back our mental health workforce, we will continue to invest in attraction and retention, and we understand on this side of the house how important it is to recognise the skills that they bring. I would point you to other bargaining outcomes across the health sector as evidence of that, including the nurses agreement.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:11): Thank you, Minister, for that response. From my perspective, that sounded like a refusal to answer whether you would personally step in, given that those negotiations have stalled. That is why there is a protected action taking place today. The Health and Community Services Union has been negotiating a new enterprise agreement for seven months. All their claims are structured around the recommendations of the royal commission to ensure the reform makes meaningful change. We cannot keep leaving these workers hanging. Mental health workers are receiving less pay and allowances and worse conditions compared to the general medical and allied health workforce. What will it take for you to step in personally and support mental health workers to get a good deal?



**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:12): Again, I completely reject the premise of that supplementary question. The government will continue to negotiate in good faith with unions who represent the mental health workforce. I meet with those unions regularly, as I meet with other representatives and peak bodies right across the sector. My department is closely involved in that bargaining, and they will continue to be so. I expect that all of the parties will continue to negotiate in good faith until we reach a conclusion and until we reach a position where all parties are in agreement.

**Ministers statements: Australian Corrections Medal**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:12): I rise today to celebrate the achievements of three fantastic, outstanding individuals within our corrections system who have been awarded the Australian Corrections Medal in the recent Australia Day awards. The corrections medal is a national award that recognises the efforts of staff that provide distinguished service in our corrections system.

First, I would like to congratulate Mark Nestor, who has dedicated more than 36 years to Corrections Victoria. As the vocational services manager at Barwon Prison, he has assisted many staff in transforming the prisoner education programs and rehabilitation programs there. His approach has revolutionised case management practices and has delivered targeted programs that address criminogenic needs.

Next, I would like to recognise Rebecca Linnett, whose 25 years of service in community corrections has been marked by exceptional leadership and innovation. As the regional supervisor for court assessment and prosecution services in the Hume region, Rebecca has played a pivotal role in enhancing the role that community corrections plays across the eight regional courts. Her efforts in developing training programs, regional court list registers and court report vetting workshops have made a big difference to the staff and the overall efficiency in our systems, delivering better safety outcomes for the community.

Finally, I would like to acknowledge Tanya Zita for her 19 years of service in various offender-facing roles. Tanya is the manager of court practices at Broadmeadows Justice Service Centre and is known for her proactive approach to staff development, incident response and workplace safety.

Thank you, Mark, Rebecca and Tanya, for your ongoing contributions to the corrections system and your commitment to keeping Victorians safe from crime.

*Members interjecting.*

**The PRESIDENT:** Order! The minister was not being provocative. He was actually acknowledging some people I think we would all agree can be acknowledged. Minister, I am going to ask you to start from the start, and if you get interrupted again, I am going to ask you to start from the start again. Could we reset the clock.

**Enver ERDOGAN:** Thank you, President. I rise today to celebrate the achievements of three outstanding individuals within our corrections system that have been awarded the Australian Corrections Medal in the recent Australia Day awards. The corrections medal is a national award that recognises the efforts of staff who have provided distinguished service in the corrections system.

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Finally, I would like to acknowledge Tanya Zita for her 19 years of service in a number of offender-facing roles. Tanya is the manager of the court practice at Broadmeadows Justice Service Centre and is known for her proactive approach to staff development, incident response and workplace safety.

Thank you, Mark, Rebecca and Tanya, for your ongoing contributions to the corrections system and your commitment to keeping Victorians safe. Your achievements are a testament to the incredible work done by corrections staff right across our state. I am sure everyone in this place joins me in recognising your efforts. I say thank you.

### Suburban Rail Loop

**Evan MULHOLLAND** (Northern Metropolitan) (12:16): (799) My question is to the Minister for the Suburban Rail Loop. Minister, federal infrastructure minister Catherine King said that there were still hurdles for additional Commonwealth contributions to the Suburban Rail Loop East:

Particularly, the costing around value capture, before the Commonwealth can make another investment.

What were the issues that the Commonwealth identified with your value capture model?

**Harriet SHING** (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:17): Thank you, Mr Mulholland. It is a good opportunity for me in answering this question to perhaps address a number of the challenges that your current leader has in understanding the release of the funding from the Commonwealth last week, that \$2.2 billion that was allocated following receipt of an Infrastructure Australia report on what this release of funding can do. When we talk about additional components of work that need to be done, that is beyond the work that was announced last week by Minister King, which sits very squarely within the election promise that was made by the Albanese government to fund \$2.2 billion to deliver a project which the Prime Minister, the infrastructure minister, the Premier and this government have time and time again underscored as the most significant infrastructure project we have to deliver housing and connection and to alleviate some of the issues, Mr Mulholland, that you have spoken about at length in terms of congestion, the challenges to livability, the time that people are spending in traffic and people's desire to live closer to where they grew up. If you had listened carefully to the comments that were made by Minister King and to the work that I have set out very clearly in this chamber and that has been discussed elsewhere, you would know that the \$2.2 billion is being set aside very clearly per the Infrastructure Australia decision and advice for the purpose of further geotechnical work, early site acquisition work and voluntary purchase.

**Evan Mulholland:** On a point of order, President, on relevance, I asked what issues the Commonwealth identified with the value capture model, and I am yet to hear it.

**The PRESIDENT:** I believe the minister was being relevant. I thought she was getting to the crux of the answer just before you called the point of order.

**Harriet SHING:** With the 1 minute and 28 seconds that I have remaining for the question itself, I just want to make it clear that the work that we have been doing with the Commonwealth includes a discussion around value capture, around a funding and finance strategy and on further work to make sure that, with the developers and industry that benefit from the investment that is delivered across SRL to catalyse housing and to make sure that we have precincts developed and planning that occurs hand in glove with partnerships and communities, that is actually something that they make a contribution to. This is something that I will continue to work on.

Mr Mulholland, if you are saying that this is not a model that you support, then you need to stand up and say that you do not intend to deliver on the Suburban Rail Loop. We will continue, as I have indicated on a number of occasions, to work with Infrastructure Australia, to have discussions through DTP, to continue to talk with infrastructure minister Catherine King and to continue to work on what these opportunities mean for Victorians. Again, Mr Mulholland, this is your part of the world. You would understand full well from people's concerns and priorities as they have articulated them that congestion – the challenges around being able to move around and live closer to where you work, closer to health services, early child care, public transport and open space – is one of the things driving this. We intend to continue the work to deliver it.

**Evan MULHOLLAND** (Northern Metropolitan) (12:20): On a supplementary, when does the government expect the entirety of the value capture taxes to be collected to fund one-third of the SRL East?

**Harriet SHING** (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:21): Thank you, Mr Mulholland. We are working on a value capture model that ensures that we can have delivery of investment from development and from industry as we work toward the first trains being able to run between Cheltenham and Box Hill by 2035. We want to make sure that as we deliver this 26-kilometre dual-tunnel project we are working to catalyse the value capture that exists there. I will continue to work alongside Infrastructure Australia. I will continue to work alongside the developers and industry to make sure that as we realise precinct, planning and development opportunities we are working alongside industry to deliver that value capture.

**Evan Mulholland**: On a point of order, President, I asked when the government expects the entirety of the value capture taxes to be collected to fund the SRL East. I still have not heard that.

**The PRESIDENT**: The minister is to continue her answer.

**Harriet SHING**: I will continue to work progressively and collaboratively not just with the Commonwealth but with industry and developers. The question, Mr Mulholland, is: what will you do? Will you scrap this project? Because that is certainly what your leader appears to be saying.

**David Davis**: President, my point of order is that the minister should answer the question rather than attack the opposition.

**The PRESIDENT**: The minister has completed her answer.

### Police conduct

**Rachel PAYNE** (South-Eastern Metropolitan) (12:22): (800) My question is for the Minister for Police, and I will direct it towards Mr Erdogan. Alarming reports emerged earlier this year that more than 680 police officers have been investigated by Victoria Police's sexual offences and family violence unit between January 2019 and June 2024. This unit investigates allegations made against Victoria Police employees relating to family violence, sexual offences, serious sexual harassment or predatory behaviour. The number of investigations was described by former chief commissioner Shane Patton as 'a significant concern'. Disturbingly, the majority of those investigated were uniformed police officers. Given the importance of the sexual offences and family violence unit, what will the minister do to ensure they are sufficiently resourced to stamp out this abhorrent behaviour?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:23): I thank Ms Payne for asking a question on what is a really important issue in our community. I will pass that on to the police minister in the Assembly, and I am sure that he will respond in accordance with the standing orders.

**Rachel PAYNE** (South-Eastern Metropolitan) (12:24): I thank the minister for referring that on. By way of supplementary, according to the Engage Victoria website, the systemic review of police

oversight is still conducting stakeholder consultation. As I raised last year, this review is much needed to address the many shortcomings of internal investigations by Victoria Police. It is important that units like Victoria Police's sexual offences and family violence unit have the public's trust when they conduct thorough and meaningful investigations, yet it has been over two years since this review began, with no end in sight. So I ask: will the minister commit to reforming police oversight as a matter of urgency?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:24): I thank Ms Payne for that supplementary question. I think police oversight is an issue that was raised with a number of justice ministers before. I might preface by saying some of that falls under the Attorney-General's remit, but I will forward it on to the police minister, who I am sure will be able to provide a response.

#### **Ministers statements: Victorian Mosque Open Day**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:25): On Saturday it was my great pleasure to participate in Victoria's open mosque day. Open mosque day is a symbolic day where Victorian Muslim communities generously open their doors to every Victorian to share their religion, learn about their culture and celebrate the diversity that makes Victoria so great. 'Open mosque day' is a little bit of a misnomer, because as any Muslim will tell you, mosques are open to anybody in the community 365 days of the year. I am very proud that the Allan Labor government continues to support multifaith events such as this. We have provided \$400,000 in funding to support this event over four years. It is more important than ever to show our support to our faith communities in Victoria. Just yesterday I spoke with the Board of Imams Victoria about a disturbing attack on two Muslim women in Epping. Let me be very clear: I condemn this in the strongest possible way. It should be said that Muslim women should not have to fear for their safety when going about their daily lives – at the shops, walking down the street or working their jobs. Racism and Islamophobia have no place in our society. It is why our anti-violence and social cohesion laws are so important, and it is why we will always stand against hatred right across the Victorian community.

#### **Suburban Rail Loop**

**Evan MULHOLLAND** (Northern Metropolitan) (12:26): (801) My question is to the Minister for the Suburban Rail Loop. Minister, your government says the SRL East will create 70,000 new homes. In order to achieve a one-third contribution from value capture, that would require taxes of between \$140,000 and \$160,000 per home. Will the government release the full modelling on how the value capture taxes will be charged?

**Harriet SHING** (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:27): Again, Mr Mulholland, one of the challenges that you have in reading out questions that have perhaps been prepared for you by somebody else is that you are missing the point around the way in which value capture will operate. In seeking to create a connection between homes and development as the only link between a value capture model for the purpose of funding, you are missing the point about all of the other work that is taking place around precinct development, around industry and around the work that we are doing in commercial and other parts of the land use.

Mr Mulholland, what I will take you to, for example, is the work that is happening in and around Monash University. With the delivery of an underground rail station at Australia's largest university we are in a position to be able to supercharge the precinct around it. And if you ask anybody who lives out in that part of the world who is looking forward to being able to access everything that comes along with precinct development, you will know that housing is one part of what it means to activate precincts. As I have said in previous answers to you in this place and as I have said publicly on a number of occasions, this is about making sure that we are building houses but that we are building them in locations that are proximate to public transport, jobs, open spaces, health care and education.

When we do that, Mr Mulholland, there is an entire spectrum of opportunity that exists – in partnership with developers and in partnership with industry.

Mr Mulholland, I would really encourage you, again – I have got another copy of it here just in case you still have not read it from the last sitting week – to read the business case, which talks to activating sites in a way that brings additional housing and investment across the board.

One of the examples on this, Mr Mulholland, that I just want to give you is in the context of what is happening across another precinct. Arden will activate 34,000 jobs. It will have 20,000 people living in it. This is because of a range of partnerships. This is what we will do across the Suburban Rail Loop. It is what we will do when and as we continue to send strong messages of support for the purpose of investment across the middle ring. Mr Mulholland, again, if you do not support this work to make sure that people can live closer to where they grew up, can live closer to where they work and can live closer to where their jobs are, then you and the current members of the opposition need to come clean with people who are just looking for an answer around how we can grow the city in a way that people need and will need for decades to come.

**Evan MULHOLLAND** (Northern Metropolitan) (12:30): Minister, the Premier failed to rule out new taxes, levies or charges on Monash University and Deakin University given they stand to supposedly benefit from the SRL East. Will you rule out any levies, taxes or charges on Monash University and Deakin University that they may be asked to contribute to fill your \$20 billion black hole on the SRL East?

**Harriet SHING** (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:30): Thanks, Mr Mulholland. Here we are again. When we talk about the development in and around the stations, in and around the precincts, the focus that I have about funding and finance strategies – again, which were referred to extensively by Minister Catherine King when she confirmed delivery of that \$2.2 billion – is about making sure that we are catalysing investment from developers and industry where that benefit will be conferred. Mr Mulholland, again, what I would invite you to do is to have some conversations perhaps yourself and directly with Monash University and with Deakin on the work that we are doing with them. They both roundly support this project, and the reason that they do is because of the benefit that it will deliver, not just –

**Evan Mulholland**: On a point of order, President, I have waited patiently to see if the minister would answer my question ruling out whether Monash University or Deakin University will be asked to pay extra taxes, and I have not heard an answer as such.

**The PRESIDENT**: The minister has finished her answer. I believe she was being relevant to the question.

### Emergency Services and Volunteers Fund

**Bev McARTHUR** (Western Victoria) (12:32): (802) My question is for the Treasurer. While Minister for Emergency Services you oversaw the introduction of the new Emergency Services and Volunteers Fund levy, which will increase the financial strain on ratepayers during a cost-of-living crisis, particularly in rural and regional communities. Now as Treasurer you expect local government to bear a significant administrative and financial burden, collecting the funds to prop up your budget. As one regional mayor wrote to me, the levy is effectively a state-imposed tax disguised as a local charge. Why should local councils be expected to be the unpaid tax collectors and administrators of a state government tax?

**Jaclyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:33): I thank Mrs McArthur for her question. I will not spend too much time correcting the errors in it, Mrs McArthur, but first of all it has not been introduced yet, and it would be the Treasurer's responsibility for introducing the legislation, not the Minister for Emergency

Services. I talked about the levy because of the benefit for emergency services in my former role as the Minister for Emergency Services, because this levy is about supporting our frontline response to the increased frequency and seriousness of natural disasters for the community.

Off the back of a really significant fire season, SES have responded to more calls than ever before, and they are the ones that have certainly advocated for sustainable funding measures, which is what we are delivering in the Emergency Services and Volunteers Fund. As many people would be aware, the current fire services property levy is already collected by local governments, so it would be a small change in relation to that, because they already have the infrastructure to ensure that people are notified of their obligations as a home owner to contribute to this fund via their rates notices. So yes, I accept that no-one likes paying more for things – I get it – but when you want to rely on a response, when you want a fire truck to rock up to your house, when you want a tarp on your roof because a tree has fallen on it, people are very grateful for the emergency services response that they receive.

**A member** interjected.

**Jaclyn SYMES:** I will take you up on your interjection. People expect the phone to be answered when they call 000, and this is what is happening with constant investment and support for our emergency services. The Emergency Services and Volunteers Fund is going to ensure that the responses remain up to date and to the standard that Victorians expect. We also have an ongoing measure to respond to the needs of our volunteers – including a rolling pipeline of new investment for trucks, infrastructure and equipment – to do what they do best, and that is respond to the needs of the Victorian community at their very worst.

**Bev McARTHUR** (Western Victoria) (12:35): I am so pleased, Minister, you have gone to the needs of volunteers, because rural and regional communities disproportionately supply the volunteers required to support the emergency services. They also disproportionately bear the brunt of this tax, some paying a 400 per cent increase with the levy. Farmers face at least a 70 per cent hike in their tax. One rural brigade in my electorate have done the sums. The rates their shire will have to collect are \$2 million for their brigade area alone, yet they still have a 32-year-old truck. So why is the money not being spent on desperately needed frontline services when the people who are paying this tax are paying a disproportionate amount?

**Jaclyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:36): Mrs McArthur, there is a little bit in that. First of all, in relation to the impact on farmers, it does remain significantly lower than commercial and industrial properties. What we did was listen to the farmers that are fighting fires. I know many of them; I live in the region. What they wanted was an acknowledgement of the work they do in turning out, and in doing that we have responded by proposing an exemption to active members and volunteers. Active volunteers and life members of brigades and units of the SES and CFA will be exempt from the levy, Mrs McArthur. I am not sure if you picked that up, because it did not sound like you did in your question. As I indicated in my previous answer, the collection of this fund will go to vital equipment such as trucks.

#### **Ministers statements: TAFE sector**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:37): It was my pleasure to officially open the Health and Community Centre of Excellence at Broadmeadows TAFE last week. This \$60 million state-funded TAFE centre of excellence will offer the most in-demand courses to the local community, delivering the opportunity not just to get a job but to start a rewarding and fulfilling career in the care and community sectors. I could spend hours talking about how these facilities blew us away, but I would like to share some of the stories told by TAFE students to the Premier, local member Kathleen Matthews-Ward and me. One student, Elias, came to Australia from Syria, where he was working on the relief effort. This work led him to finding his passion in community services. He told us how excited he is to complete his qualifications over the next three months at this new centre. Another, Liz, was looking at changing careers to become qualified in early childhood education. She found that completing a certificate III and a diploma would

cost her \$16,000. Needless to say, that was a lot of money, but then Liz found the link to free TAFE and realised, ‘Hang on, I can do this.’ So 20 years after completing a diploma of administration at the same campus, she was thrilled to be back in the same place but with a new facility. TAFE offers her a flexible learning environment so that she can balance her caring responsibilities as well. These stories just reaffirm what this government already knows: TAFE changes lives and free TAFE opens doors by removing financial barriers.

### **Emergency Services and Volunteers Fund**

**David DAVIS** (Southern Metropolitan) (12:39): (803) My question is also to the Treasurer. I ask very simply: will the Treasurer guarantee every cent – all the money – collected by the new Emergency Services and Volunteers Fund levy will be spent on frontline fire services rather than sloshing around in consolidated revenue?

**Jaelyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:39): Mr Davis, I really, really wanted to be able to say yes to your question, but you have phrased it wrong. Yes, I can guarantee that every cent raised from the Emergency Services and Volunteers Fund will go to emergency services. You asked if it would go to fire and fire alone. I can confirm that this is about the broader emergency services family. This is about the personnel who turn out day in, day out not just to fires but also to floods, to storms et cetera. Unfortunately, you phrased your question wrong. I would love to say yes. If I were you and I asked myself the question, ‘Will every cent be spent on emergency services?’, I could answer yes.

**David DAVIS** (Southern Metropolitan) (12:40): Further to this point, I note that the budget update says that \$2.1 billion will be collected over four years of the forward estimates by this tax, and I therefore ask the Treasurer: will she guarantee that the existing fire services levy will be abolished in full to prevent any double dipping and there will be no changes to the funding formula for the Emergency Services and Volunteers Fund levy over the forward estimates?

**Jaelyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:41): A lot of this was explained at the announcement, so I will be sure to send you a copy of the media release, Mr Davis. The Emergency Services and Volunteers Fund will come in as legislation and will fully replace the fire services property levy. In relation to some of the settings, I will make that very clear in the legislation.

### **Early intervention investment framework**

**Sarah MANSFIELD** (Western Victoria) (12:41): (804) My question is for the Treasurer. In 2021 the government took the nation-leading step to embed early intervention into its budget processes through the early intervention investment framework. Early intervention is essential if we want to reduce the human and financial costs of issues that are left unaddressed. This includes prevalent social harms, from chronic disease to crime and from parental neglect to poor youth mental health. This framework is a key legacy not only of your government but also of your predecessor Tim Pallas. Treasurer, are you committed to continuing support for the early intervention investment framework?

**Jaelyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:42): I really welcome the question from Dr Mansfield and obviously her interest in the benefits of the EEIF, the early intervention investment framework, for the topics that she ran through. This is certainly about identifying opportunities to make early investments for social good, and it has the added benefit of being good for the economy and the state budget in terms of avoiding future costs when things get harder in a lot of the cohorts that you have mentioned. It has been in place for five years. I do thank the former Treasurer for his leadership in his role in creating the EEIF. It is something that treasurers from around the rest of the country have expressed an interest in learning more about, and it is something that they have asked me to present on at a future meeting when we come together. When it comes to the investment, we have invested \$2.7 billion through EEIF to date, generating over \$3 billion of economic and financial benefits in its high-impact initiatives. It

is something that I am committed to keeping going, and you will see features of that in the upcoming budget.

**Sarah MANSFIELD** (Western Victoria) (12:43): I thank the Treasurer for her response. Investment in early intervention initiatives that are culturally safe is particularly important for Victoria's First Nations communities. As we have seen from the latest federal Closing the Gap report, our governments have a long journey ahead before achieving true reconciliation of social and health outcomes for Aboriginal and Torres Strait Islander communities. Treasurer, are you committed to the early intervention and investment framework maintaining cultural safety as a key pillar, including the direct funding of our Aboriginal-controlled health services for their self-determined purposes?

**Jaelyn SYMES** (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:44): I thank Dr Mansfield for her supplementary question, and it would touch on similar issues that Yoorrook have been exploring in relation to ministers and departments that have appeared before them and also in relation to treaty negotiations. In terms of EIIF initiatives that support First Peoples' outcomes, there was \$94 million in EIIF initiatives in the last budget. ACCOs contributed to an estimated \$200 million of that EIIF funding. DTF did partner with VACCA to develop the EIIF cultural safety framework in consultation with a range of ACCOs. I say that and it sounds good, but I acknowledge that we have got more to do. The department has started the partnership, and I am really excited about the opportunities in relation to cultural safety and outcomes for Aboriginal Victorians. I think it is a really exciting area; my commitment to it is strong. It is just the beginning of the process. We will continue meaningful engagement with the stakeholders and Aboriginal communities and ACCOs as we really grow our understanding about the benefits that this process can produce.

#### **Ministers statements: early childhood education and care**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:45): I rise to update the house on the first four government owned and operated early learning and childcare centres that have opened their doors this term. Last week I was delighted to attend Moomba Park Primary School to officially open Early Learning Victoria Wimbi, our early learning and childcare centre in Fawkner, alongside the Premier Jacinta Allan and the member for Broadmeadows from the other place. It was great to meet and speak with some of the families and their children who will be benefiting from this centre. It has up to 130 local children each day who can attend, offering long day care as well as free three- and four-year-old kinder programs.

The Commonwealth has the responsibility for child care, but we are stepping in. We are opening another three Early Learning Victoria centres – at Sunshine Primary School, Murtoa College and Eaglehawk North Primary School – and they have opened their doors this year just as we said they would. These centres are all in areas that need extra childcare places the most and are making child care more affordable and helping parents to return to work or study with free kinder provided at each of these centres. All four of these centres are located on school sites, making life easier for busy families, removing the double drop-off. It also makes the transition for children from kinder to school much smoother, and we are integrating our universal services in these centres with space for other supports like maternal and child health, playgroup and allied health services. All of these services can be delivered in each of these four centres. Co-locating these crucial services for families improves access and brings benefits to parents, carers and children.

From next year 18 Early Learning Victoria locations will deliver more than 1800 licensed places for local children and families as part of our nation-leading Best Start, Best Life reforms. But there are alternatives. We all remember last year when those opposite moved a reasoned amendment to prevent us from opening these centres. Whether it be writing to me to oppose free kinder or moving reasoned amendments, those opposite are not committed to the delivery of these 50 early learning and childcare centres. Victorians know it is only this side of the house that will support our littlest learners.



**Written responses**

**The PRESIDENT** (12:47): Can I thank Minister Erdogan, who is going to get responses from the Minister for Police for both of Ms Payne's questions.

*Constituency questions*

**South-Eastern Metropolitan Region**

**Michael GALEA** (South-Eastern Metropolitan) (12:47): (1363) My constituency question is for Minister Spence in her capacity as the Minister for Carers and Volunteers. Men's sheds are safe and practical places for men to meet, make social connections and actively participate in their local communities. In the Berwick electorate Akoonah Park Men's Shed Inc received more than \$3000 as one of the 29 men's sheds right across Victoria that received funding through the 2024–25 men's shed funding program. This particular men's shed provides a variety of activities, including metalwork and woodwork, photography, music, cooking, blacksmithing, pool, golf, caravanning, computers, walking, bike riding, models and community projects. The funding is aimed to ensure that local men's sheds such as Akoonah Park have welcoming and well-equipped spaces to work on projects, make friends and access support. Minister, how is this government supporting men's sheds and the important work they do for my constituents in the south-east?

**Northern Victoria Region**

**Wendy LOVELL** (Northern Victoria) (12:48): (1364) My constituency question is for the Minister for Agriculture. Will the minister commit to funding the Queensland fruit fly management program in Northern Victoria beyond 2025? The fruit fly management program has been incredibly successful in the Goulburn Murray Valley region, reducing fruit fly numbers by 95 per cent in its first year and 60 per cent in its second year, but since this government reduced the funding in 2020 fruit fly numbers have started to rise, and the initial success is now at serious risk because the Allan Labor government plans to end all funding for the program by June this year. Fruit fly expert and specialist Andrew Jessup has warned that if the program ends fruit fly numbers are expected to increase by 200 per cent in the best-case scenario and over 600 per cent in the worst-case scenario. Growers invest significantly in managing fruit fly risk on orchards, but the real threat is from backyard fruit trees that will go unmanaged and unmonitored without this program. Horticulture in the Goulburn Murray Valley region generates over \$1.6 billion in gross regional product, and all the industry is asking for is an ongoing commitment of \$1 million annually from the government to protect our region from Queensland fruit fly.

**Western Metropolitan Region**

**David ETTERSANK** (Western Metropolitan) (12:49): (1365) My constituency question is directed to the Minister for Transport Infrastructure. My constituent resides in Yarraville, and her primary school age son has had multiple medical visits over the last year due to severe asthma. He is not alone. Hospital admissions for young people with respiratory illnesses in the City of Maribyrnong are 171 per cent higher than the national average. This issue may not have been as prominent when the decision was made in 2017 not to install filtration on the West Gate Tunnel stacks. However, recent evidence now clearly shows the serious health risks from air pollution, especially ultrafine particles and nitrogen dioxide. My constituent asks: given the scientific evidence, will the minister act to protect the health of kids in Yarraville, Newport, Williamstown and surrounding suburbs by installing filters on the tunnel vent stacks?

**Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (12:50): (1366) My constituency question for the Minister for Emergency Services concerns the Bellbrae CFA station. Bellbrae's volunteer brigade protects local residents, but they are also a key staging area for the Otway Ranges in the event of a catastrophic fire. Yet, shockingly, they do not have access to mains water. They have to drive kilometres away to

Torquay to fill up their fire trucks. It is bad enough for training but inconceivable in an emergency. It is a fact of life that at some point another major bushfire will happen in the Otways, yet the unacceptable reality is that fire trucks will return from all across western Victoria to a staging point which does not have onsite water. Close by, Bellbrae Primary School has water, the hall next door has water and the Bellbrae recreation reserve maintains its oval with mains water. So, Minister, when will you act to ensure safety and peace of mind for the community?

#### **Northern Metropolitan Region**

**Anasina GRAY-BARBERIO** (Northern Metropolitan) (12:52): (1367) My question is for the Minister for Roads and Road Safety. At 8:10 am on Thursday 6 February a Coburg High School student was nearly hit by a car running a red light at speed in the bus lane. This is an ongoing issue on Coburg's Bell Street at Alva Grove despite recent reductions in the speed limit. This dangerous near miss incident highlights serious safety concerns for pedestrians, particularly the young students of Coburg High School. Unfortunately, the reduction in speed has not reduced the risk-taking and dangerous driving of road users. This change in the speed limit needs to be more visible and installed urgently for the safety of our students. Can the minister advise when an electric 40-kilometre school zone sign will be installed at this location to prevent a near miss becoming a tragedy?

#### **Western Metropolitan Region**

**Trung LUU** (Western Metropolitan) (12:53): (1368) My constituency question is for the Minister for Public and Active Transport and relates to the bus route S4566 from Manor Lakes to MacKillop College. The question I have for the minister is: can she inform my constituents how the recent amalgamation of three bus routes into one benefits the school community? I recently received correspondence from my constituent Shane, who lives in Werribee. His son catches this service to MacKillop daily; however, he has been left stranded two days in the past week due to overcapacity of the bus before it reaches his stop. My constituent has raised this issue directly with PTV – Public Transport Victoria – and his wife has also made a representation directly to the minister and is patiently waiting for a response. As I am sure the minister would appreciate, this causes significant concern for Shane and his family about the safety and welfare of their son.

#### **Northern Victoria Region**

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:54): (1369) My constituency question today is for the Minister for Roads and Road Safety, and my constituents ask: when will the Labuan Road and Murray Valley Highway intersection be upgraded for the safety of all road users? This week my constituents woke to the news of yet another multivehicle incident at the notorious Labuan Road–Murray Valley Highway intersection. In the last two years this intersection has caused the deaths of six people. My constituents are concerned that nothing has been done to improve the safety of this intersection. The rumble strips are worn, the trees are not trimmed back from the corner and the signage is not obvious enough. The rise leading up to the intersection hides the fact that a major intersection is ahead. How many crashes must happen at this intersection before a practical and effective solution is found? Lowering the speed limit along Labuan Road has done nothing but cause annoyance and delay to locals who frequently travel this road. My constituents ask: when will the Labuan Road and Murray Valley Highway intersection be upgraded for the safety of all road users?

#### **Southern Metropolitan Region**

**Georgie CROZIER** (Southern Metropolitan) (12:55): (1370) My question is for the attention of the Minister for Education, because it relates to the Victorian School Building Authority. As the mayor of Glen Eira has written to him, it is in relation to preserving tree canopy around school developments. At Bentleigh West Primary School, where there is a need to have increased capacity and they are putting in portable classrooms, seven mature trees have been moved. As the mayor has pointed out, those trees provided great amenity not only to the area but also importantly to that school community and those children, who need to have a proper canopy. This particular city council, Glen Eira City

Council, have the lowest amount of open space per capita in metropolitan Melbourne, and now they are removing these trees. So the question I ask is: what is the government doing to get a more balanced approach that prioritises tree retention in school development planning?

#### **Western Victoria Region**

**Sarah MANSFIELD** (Western Victoria) (12:56): (1371) My question is for the Minister for Planning. Community members in the Wimmera Mallee have approached me with concerns about the recent approval of the WIM Resource environment effects statement, or EES, for the proposed Avonbank mine. Specifically, the minister has approved a 250-metre buffer zone between the mine pit boundary and the Dooen freight hub, which transports 15,000 containers of wheat, hay and legumes per year. Concerningly, the buffer intersects this freight-loading facility, the Adelaide to Melbourne rail line and the Wimmera Highway, where school buses travel. The updated EPA *Separation Distance Guideline* 2024 states that 250 metres is often inadequate to address human health and amenity impacts, particularly those involving dust, even when a site is operating at best practice. This is consistent with observations from other jurisdictions, both nationally and internationally. Minister, will you review the 250-metre buffer zone to ensure safe distances between the mining boundary and industrial infrastructure, as per the EPA guidelines?

#### **Eastern Victoria Region**

**Melina BATH** (Eastern Victoria) (12:57): (1372) My constituents understand that Bass Coast is a fantastic place to live, work and raise a family, and my constituency issue is for the Minister for Roads and Road Safety. There is a road intersection at Lynnes Road and Inverloch-Kongwak Road at Wattle Bank. Indeed not far from that intersection is a new housing development that is going to make it much busier. Unfortunately, in terms of road incidents there have been two very serious crashes during the summer, and it is a cause for grave concern for my residents. Indeed they are saying there needs to be an assessment. So my question to the minister is: will you conduct a safety review to improve that area to ensure that this busy intersection is safer for road users, pedestrians and people who live there?

#### **South-Eastern Metropolitan Region**

**David LIMBRICK** (South-Eastern Metropolitan) (12:58): (1373) My question is for the Minister for Local Government. There is significant concern amongst residents of Casey council at the moment regarding both the content and the enforcement of their local laws. Despite reassurances that enforcement would be appropriate and proportionate, last week a Casey resident heard noises down the back of their property and discovered the council had sent people to seize three of their unregistered vehicles. There was no notice provided and no paperwork was given to the residents. Residents are rightly wondering: if people acting on behalf of a local authority can come onto your land and seize your private property without prior notice, warrant or receipt, what does 'private property' even mean? My question for the minister is: what powers under the local government act or other legislation empower councils to take this kind of action?

#### **Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (12:59): (1374) My constituency question today is for the attention of the Minister for Children, and it concerns the Windsor Community Children's Centre in Windsor, a centre that the state government seems determined to close. It was interesting during the campaign for Prahran that there were people from all political parties other than Labor who were prepared to meet at the Windsor centre and to campaign and push heavily for that centre to be kept open. What I am asking the minister to do is to meet with the new member for Prahran Rachel Westaway, who will no doubt be declared in coming days, down at the site of the Windsor Community Children's Centre and to actually listen to the community to understand what is so important about retaining that childcare centre. The minister in this chamber has not shown a capacity to listen on these matters, but I think the election result shows very clearly that Rachel and the community will be prepared to work with her to save the centre.

### Northern Victoria Region

**Georgie PURCELL** (Northern Victoria) (13:00): (1375) My constituency question is for the Minister for Agriculture. Rodeos have been held across the summer in Northern Victoria, with each event sparking an outcry from my constituents over the horrific cruelty and blatant breaches of rodeo regulations. Whittlesea rodeo will be taking place this weekend on Crown land, with Shepparton following on 8 March. The ACT has already completely banned rodeos due to their unjustifiable cruelty, the inability to effectively regulate these events and the lack of public support. I wrote to the minister on 15 January requesting that inspectorate officers attend the Bundalong rodeo on 26 January following reports received by my office of alleged breaches of animal welfare, weight requirements of steers and drug dealing and use at the event. I never received a reply. Can my constituents expect there to be inspectorate officers attending these upcoming rodeos in my electorate of Northern Victoria?

### Western Victoria Region

**Joe McCracken** (Western Victoria) (13:01): (1376) My constituency matter is for the Minister for Police. Formosa Gardens, located in Leith Street in Redan, has served the Ballarat community for over 47 years and is a well-regarded nursery in the region. At the end of January a break-in occurred where offenders broke down the fence of the nursery and proceeded to steal multiple loads of stock. Thousands of dollars of plants, including bonsais, were stolen, along with wall art, a garden bed and even the CCTV cameras. Owner Katie said the family business is devastated. She actually said:

It's deflating. As a small business owner you take hits enough as it is

You work so hard for the business. It's a violation

Staff spent the morning after cleaning up and assessing the damage, which could take weeks. My question to the minister is: what assurance can you give to small businesses like Formosa Gardens in Redan that brazen criminal activity like this will not happen again under your watch?

### North-Eastern Metropolitan Region

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (13:02): (1377) My constituency question today is to the Minister for Youth. I have recently been contacted by a constituent who is concerned about a reported rise in criminal activity in the vicinity of the Forest Hill Chase shopping centre. Some of those reports do allege a range of behaviours of younger people. I pose to the minister that I think we would agree that if young people feel connected to their community, if they are in school, if they have hobbies and if they have supportive friends and families in their lives, we know they are much less likely to be getting caught up in antisocial behaviour, let alone criminal activity. Minister, I ask: what are you doing to support young people in the area to keep them in school and to keep them connected with their community?

### *Petitions*

#### Silverleaves Beach, Cowes

**Melina BATH** (Eastern Victoria) presented a petition bearing 34 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the concerns of the Silverleaves community at the lack of State Government funding for emergency coastal erosion mitigation works to prevent homes, public infrastructure and public land from being undermined and lost.

**The petitioners therefore request the Legislative Council to call on the Allan Government to:**

**Urgently fund and implement DEECA's proposed geotextile revetment to protect homes, public infrastructure and public land in the short term, and work collaboratively with the community to plan and fund long term solutions to mitigate and manage coastal erosion.**

### Waste and recycling management

**Ann-Marie HERMANS** (South-Eastern Metropolitan) presented a petition bearing 1415 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council to the granting of planning permit application PA23/0694 for Veolia Recycling & Recovery Pty Ltd (Veolia) by the City of Casey. The planning permit application is to construct a waste transfer station at 290 Hallam Road, Hampton Park. Planning permission was granted before Councilors had been elected and sworn in, before the zoning has been approved by the Minister for Planning and while there is current litigation by the Environment Protection Authority (EPA) against Veolia for serious breaches. The proposed facility is within 250 metres of family homes and in the middle of densely populated areas. Residents of surrounding suburbs have not been properly informed, and those who have are extremely concerned about the serious, adverse environmental and social impacts that will result from processing 550,000 tones of putrescible and inert waste per annum. Over 1,000 objections were received but largely ignored by Casey Council and Administrators. On 12 August 2024, the EPA introduced new buffer and separation distance guidelines to protect the health and safety of residents which the City of Casey override with permit conditions.

**The petitioners therefore request that the Legislative Council call on the Government to ensure that a waste transfer station is not constructed in the South-Eastern Metropolitan region by overturning approval of planning permit application PA23/0694, rejecting development license application APP032219, and investigating the processes which have led to the planning permit application being approved by the City of Casey.**

### *Committees*

#### Scrutiny of Acts and Regulations Committee

##### *Alert Digest No. 2*

**Sonja TERPSTRA** (North-Eastern Metropolitan) (13:05): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest No. 2* of 2025, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

**Motion agreed to.**

### *Papers*

#### **Papers**

#### **Tabled by Clerk:**

Education and Care Services National Law Act 2010 – Education and Care Services National Amendment (Transitional Provisions) Regulations 2024, under section 303 of the Act.

Land Acquisition and Compensation Act 1986 – Minister’s certificate of 10 February 2025 to not require the service of a notice of intention to acquire land, under section 7 of the Act.

Ombudsman – Support when children are sexually abused at school: The Department of Education’s response to abuse in a Victorian primary school, February 2025 (*released on 13 February 2025 – a non-sitting day*).

Planning and Environment Act 1987 – Notices of approval of the –

Greater Geelong Planning Scheme – Amendment C452.

Mitchell and Strathbogie Planning Schemes – Amendment GC234.

Mount Alexander Planning Scheme – Amendment C94.

Statutory Rule under the Food Act 1984 – No. 1.

Proclamation of the Governor in Council fixing an operative date for the following act:

Melbourne Convention and Exhibition Trust Amendment Act 2024 – Whole Act – 5 February 2025 (*Gazette S29, 4 February 2025*).

***Business of the house*****Notices****Notices of motion given.****General business**

**David DAVIS** (Southern Metropolitan) (13:22): I move, by leave:

That the following general business take precedence on Wednesday 19 February 2025:

- (1) notice of motion given this day by me on a new sessional order relating to the order of business on Wednesday;
- (2) notice of motion 790 standing in Georgie Crozier's name on Victoria's health system;
- (3) notice of motion given this day by Bev McArthur on the colorectal and pelvic reconstruction service; and
- (4) notice of motion given this day by me on the Victorian debt ceiling.

**Motion agreed to.**

**David Davis:** On a point of order, President, just by leave, prior to that first one, the short-form documents motion given by Mr Mulholland should precede the existing list. It just slipped off.

**The PRESIDENT:** Mr Davis, I think we automatically put that on the next day of business, so thank you for that.

***Committees*****Legal and Social Issues Committee*****Membership***

**David DAVIS** (Southern Metropolitan) (13:24): I move, by leave:

That Wendy Lovell be discharged as a participating member of the Legal and Social Issues Standing Committee.

**Motion agreed to.*****Members statements*****Ashburton Primary School**

**John BERGER** (Southern Metropolitan) (13:24): I have three matters to briefly touch on today. First, I had the pleasure of speaking to Ashburton Primary School students on their tour of Parliament House with my good friend and colleague in the other place the member for Ashwood Matt Fregon MP. We recently resurfaced the netball court at Ashburton Primary, thanks to the \$676,000 upgrade and modernisation allocation from the Allan Labor government. It is great to see local schools in our community be supported.

**St Michael's Grammar School**

**John BERGER** (Southern Metropolitan) (13:25): On a second matter, I also had the chance to speak to our St Michael's Grammar School students, my second time speaking to them in Parliament. Last year I visited their school to celebrate their win in the Campus Infrastructure and Operations School of the Year category at Sustainability Victoria's ResourceSmart Schools Awards. It is a great local school delivering nation-leading education and support.

**Royal Australian Corps of Signals**

**John BERGER** (Southern Metropolitan) (13:25): Finally, I had the honour of representing the Minister for Veterans at the Royal Australian Corps of Signals commemorative service on Thursday. Almost 500 people gathered at the Shrine to mark the 100th anniversary of the corps, formed to provide communications, electronic warfare and cyber-capability support for the Australian Defence

Force. More than 100,000 signallers have served since the First World War, and I thank and honour them for their service.

### **Lunar New Year**

**Trung LUU** (Western Metropolitan) (13:25): In recent weeks many communities in South-East Asia have celebrated the Lunar New Year. This year, 2025, marks the Year of the Snake, a symbol of philosophy and intelligence. Initially this year is a significant year for the Vietnamese community as it marks and commemorates 50 years of Vietnamese refugee resettlements and 50 years of freedom in Australia. Over the weekend my colleague Mr Brad Battin, the member for Berwick, Mr Evan Mulholland from this house and I attended the festival hosted by the Vietnamese Community in Australia – Victoria Chapter. I thank Mr Nguyen Quang Duy, the president; his committee; and all the volunteers for putting on a wonderful show. The festival honours the journey and reflects the success, courage, gratitude, achievement and contribution of the Vietnamese Australians as presented to their new country. In Victoria numerous celebrations and events are planned to mark this special occasion, and I had the opportunity to attend several of these events in the western suburbs in my electorate. I would like to express my gratitude and congratulate Peter Nguyen, president of the Footscray Asian Business Association, and his committee for putting on the East Meets West Lunar New Year event. I also want to congratulate Sebastian Agricola, president of the St Albans Business Group Association, for hosting an amazing event in St Albans.

### **Community safety**

**Katherine COPSEY** (Southern Metropolitan) (13:27): I rise to speak on the blatant public gathering of white supremacists in Elwood this weekend. For years the Greens have been sounding the alarm on the rise of far-right extremism in this state and across the country, and in 2022 there was a parliamentary inquiry, which the Greens were instrumental in pushing for, looking at how to counter this threat of far-right extremism in Victoria. The inquiry heard credible evidence of the ways that far-right groups recruit, indoctrinate and manipulate particularly young people, seeking to desensitise and then normalise extreme and bigoted views. Far-right extremists exploit fractures in our community like rising levels of social isolation, distrust and suspicion of institutions like the government and the media, and of course growing economic inequity.

We do not – none of us in this place, I am sure – want far-right extremist networks seeding hate and misinformation in our communities. I reiterate the calls my colleagues have made in this place, notably Dr Ratnam, who has previously asked this place to ‘take this threat seriously’ and to do and fund the things that:

... we know can inoculate our communities from these threats and keep us safe. It involves doing the work of anti-racism. Three years since the consultation we still do not have our anti-racism strategy. We need dedicated community-building and social connection programs that build the bonds of trust and cohesion between people in the community and break down fears, stereotypes and distance between people.

More time has elapsed, and those calls have only become more urgent.

### **Child sexual abuse**

**Jacinta ERMACORA** (Western Victoria) (13:29): On this day I want to mark, or recognise, the survivors of paedophile priest Gerald Ridsdale, who died in jail today. I want to acknowledge the victim-survivors whose lives have been impacted so terribly by his abuse of power over them, and in particular those survivors who were able to come forward publicly during court hearings, which resulted in a guilty verdict and his incarceration. I want to also thank Victoria Police, particularly the former criminal investigation branch in Warrnambool, who worked so tirelessly to bring justice to survivors. I also want to acknowledge his survivors and indeed all sexual assault survivors across our community. We hear you, we believe you and you have a right to be safe and feel safe.

**Prahran and Werribee by-elections**

**Wendy LOVELL** (Northern Victoria) (13:30): I wish to congratulate Rachel Westaway, the new Liberal member for Prahran, and Steve Murphy, the Liberal candidate for the seat of Werribee, for their stunning results in the recent by-elections. Rachel is a long-term resident who understands the Prahran electorate and how it has been let down by both the Greens and Labor parties. She will work hard, listen to the locals and make an excellent representative. Steve Murphy was an excellent candidate who went very close to winning a safe Labor seat. It is in an area that has been safe Labor for almost 50 years, but Labor has taken the west for granted and ignored the residents' needs. Those same people who have voted Labor for so long were saying 'never again' to Labor as they took the Liberal card. Labor are literally hanging on by their fingernails, with a 0.75 per cent margin in a seat that was once held by almost 16 per cent.

It is time Labor and the Greens realised their policies are making it harder for Victorians. The housing policies of both parties are killing the private rental market. What Labor and the Greens do not realise is that we need a strong private rental market, but their policies of stripping owners' rights and imposing huge tax grabs only restrict the market and drive the cost of rent up. The energy policies of both the Greens and Labor are driving up the cost of utilities and hurting the average household, but instead of recognising their own failures these two parties continue to blame others rather than look at their own mistakes. It is time they looked in the mirror.

**Field & Game Australia**

**Rikkie-Lee TYRRELL** (Northern Victoria) (13:32): My members statement today is dedicated to highlighting Field & Game Australia Inc. Last week I was joined by a healthy handful of my colleagues here from the Parliament of Victoria, their staff and even some of our family members at the Melbourne Gun Club in the Yarra Valley. We were split up into several teams and competed in a series of clay target shooting events. The targets moved in different directions, imitating the nature of specific species of game. Personally my favourites were the ducks, where they fly towards you. Having never touched a firearm of any sort, let alone fired one, this was all new to me. I would like to personally thank Emily and Robert for all of their patience and professional instruction for the day, ensuring I felt safe, confident and successful in the use of a shotgun to hit the targets. Field & Game Australia have over 50 branches here in Victoria alone and provide weekly events to their 16,000-plus members. Their aim is to provide conservation and habitat preservation to ensure ethical and sustainable hunting practices. With strict regulations in place, this ensures game species are managed successfully and enhances balanced ecosystems. Another bonus of their work is providing pest control services to our agricultural industries, helping to reduce crop losses and protecting livestock. This is a community of wonderful people who participate in an outdoor recreation that benefits their physical and mental health and creates lifelong friendships along the way.

**Prahran and Werribee by-elections**

**Bev McARTHUR** (Western Victoria) (13:33): Today I congratulate two outstanding locals who stepped up for their communities, long neglected by Labor and the Greens. Rachel Westaway claimed a historic victory in Prahran, where the Greens had held the seat for over a decade. Former Labor MP Tony Lupton had to run as an independent because Labor could not even muster the courage to represent Prahran. It is clear Labor were terrified of Rachel's strong momentum and focused all their resources on Werribee. Former Treasurer Tim Pallas should be embarrassed. His once safe seat of Werribee is now marginal, narrowly held by a former Pallas staffer. Our great candidate Steve Murphy dominated the primary vote and clearly beat Labor, who relied on the intimidation tactics of Trades Hall unionists and socialists on polling day. What was once an 11 per cent safe seat is now slashed to just 0.75 per cent. Premier Allan and Labor must be shaking after this thumping defeat in both Prahran and Werribee. Well done, Rachel and Steve.



### **Murdoch Children's Research Institute**

**Sarah MANSFIELD** (Western Victoria) (13:34): Last week I had the pleasure of visiting the Murdoch Children's Research Institute. The work they do is absolutely fantastic, such as groundbreaking genetic and stem cell research, capacity-building initiatives to improve paediatric access across rural Victoria and the world-leading cohort study Generation Victoria, or GenV. Recently data from the ABS showed a slight dip in life expectancy for babies born between 2021 and 2023. In other words, life expectancy for a child born today is going backwards. Whilst the decrease was quite small – around one month for males and just over two for females – the data has researchers concerned because it reflects broad trends around growing inequities in the early experiences of children. Adverse childhood experiences in the early years is linked to chronic disease, poor mental health and developmental delays that follow children into adolescence and ultimately adulthood. But there is plenty we can do and should be doing to reduce these inequities and ensure that our children have long but also good lives – adequate housing, equitable access to services like child and family health nursing, family income support and childcare subsidies and community-wide initiatives to bring down the cost of living. It was inspiring to hear of the work that the dedicated team at the Murdoch Children's Institute are doing every day, and it is our job in this place to ensure that families and children are properly supported to do the rest.

### **Prahran by-election**

**Georgie CROZIER** (Southern Metropolitan) (13:36): I would also like to extend my congratulations to Rachel Westaway, the newly elected Liberal member for Prahran. I have worked closely with Rachel over the many weeks that we campaigned in Prahran, and I know many of my colleagues were there too. They would have heard what we heard: that there were significant issues around cost-of-living pressures, health and education but importantly crime. In the last sitting week there was a crime forum held in Prahran, which I went to. The member for Malvern and Ms Westaway also attended. What was so alarming was the number of women who openly expressed how they did not feel safe – that they would not go for a walk after dinner at night. But it was not only women; it was men too. That is the extent of the concern about the crime crisis that we have in Victoria. Yet we have got this unbelievable situation at the moment with the chief commissioner, who was backed last week and sacked on Friday. The Premier and minister responsible were nowhere to be seen over the weekend, just for Victorians to be informed at 10 o'clock on a Sunday night that he had resigned. This is chaotic. This is dysfunctional. It is extremely concerning for every single Victorian to see how this government operates. It is a government just mired in controversy, incompetence and a spiralling debt that is going to set us back further. But worst of all – *(Time expired)*

### **Prahran by-election**

**David DAVIS** (Southern Metropolitan) (13:38): I want to raise a couple of issues today. The first is the remarkable success of Rachel Westaway, and my colleagues have mentioned this. We welcome her to the Parliament. She will be a very fine addition. Cost of living, crime and antisemitism were very much a part of the campaign too – the pushback against them – and I pay tribute to Tony Lupton and his determination to ensure that preferences were sent against the Greens in this case. Planning was also a very important issue in this electorate as well, particularly around Hawksburn and Toorak stations. There were very many people who were frightened by the government's plans to put 20-storey towers as of right into those areas. Rachel will be a great addition to the Parliament. We welcome her and we thank all of those who were part of the campaign.

### **Community safety**

**David DAVIS** (Southern Metropolitan) (13:39): I also want to draw attention today to the extraordinary situation of those New South Wales nurses who clearly were very openly antisemitic and threatening to people of Jewish background. I am a former healthcare practitioner. I find it just absolutely intolerable that people would behave in this way, and a half-baked response by the government, federal and state, is not good enough.

**Prahran and Werribee by-elections**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (13:39): I congratulate Rachel Westaway for her incredible win in Prahran. Winning that seat has just been wonderful. I also wish to congratulate Steve Murphy on the fantastic work that he did in Werribee to make it a marginal seat.

**Zionism Victoria**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (13:39): I want to acknowledge Zionism Victoria, which yesterday marked 500 days since Israel was subjected to the atrocities that occurred on 7 October 2023, and I acknowledge any constituents and Victorians and their family and friends who have been impacted by antisemitic behaviour. Zionism Victoria is a key organisation combining 56 affiliate organisations. Its mission is to foster a deep connection between the Victorian Jewish community and Israel as well as facilitating a bridge between the Jewish community and the extended Victorian community to actively engage and facilitate a way to explain and promote Israel's situational circumstances. It is a free service offered to all Victorian schools and community organisations, aiming to foster cross-cultural awareness by educating and informing students and their teachers. Zionism Victoria enriches their understanding of Jewish culture and history and the Jewish connection to Israel and helps cultivate the values of tolerance and respect. I want to reinforce that hate speech aimed at any people, group or individuals is simply not acceptable in Australia.

**Afghan Youth Association of Australia**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (13:41): I was also delighted to congratulate year 12 graduates at the Afghan Youth Association of Australia at their graduate awards, and I congratulate all the graduates on their new journey ahead.

**Lunar New Year**

**Richard WELCH** (North-Eastern Metropolitan) (13:41): Happy Chinese New Year and Lunar New Year. It was great to attend the celebrations at the lantern festival in Glen Waverley with our fantastic Liberal candidate for Chisholm Katie Allen and the Consul General of China. It was fantastic to see the community come together and welcome the Year of the Snake with a vibrant set of performances, delicious food and festive spirit. So a huge thankyou to the Monash Chinese Events Organising Committee for putting on such a great event yet again.

**Box Hill United Football Club**

**Richard WELCH** (North-Eastern Metropolitan) (13:41): Also on a very cheerful note, it was my absolute pleasure and a lot of fun to attend the Box Hill United Football Club's season launch last week. The club is booming. It is loaded with talent, including their coaching panel, which they have boosted up, and very strong women's teams. I was proud to be able to sponsor two young players, and I was rather chuffed with my retro Box Hill United soccer club T-shirt, which was very good as well. I wish them every success for the year.

**Surrey Park north-west oval**

**Richard WELCH** (North-Eastern Metropolitan) (13:42): In a final inspiring bit of good news, the Surrey Park north-west oval is finally under repair after the debacle of the Level Crossing Removal Project failed handover for over a year. We have diggers in the ground. I want to congratulate Whitehorse council and in particular Cr Peter Allan and Cr Kirsten Langford for their exceptional work in getting us across the line and work underway. We hope to have that park back to the public by late this year.

*Business of the house***Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (13:42): I move:

That the consideration of notices of motion, government business, 278 to 806, be postponed until later this day.

**Motion agreed to.**

*Bills***Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024***Second reading***Debate resumed on motion of Gayle Tierney:**

That the bill be now read a second time.

**Melina BATH** (Eastern Victoria) (13:43): I am pleased to rise to speak on behalf of the Liberals and Nationals today as the fairly newly minted Shadow Minister for Aboriginal Affairs and to speak on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. This bill amends the Inquiries Act 2014 and the Public Records Act 1973, and its aim is to regulate the management, access and preservation of records relating to the Yoorrook Justice Commission. Indeed the Yoorrook Justice Commission came into being in terms of its operation in 2021 to collect evidence and testimonies from natural person authors. Of course we also know that the Yoorrook Justice Commission was bestowed the same powers that a royal commission has and collected records in terms of transcripts, witness statements, submissions and audio and video recordings of evidence. But I want to put on record that the Liberals and Nationals oppose this bill, the inquiries amendment bill of 2024.

I say that with a sense of severity about my contribution and the concern that not only the Liberals and Nationals but so many of the stakeholders that we have listened to and spoken with hold. I want to put on record my thanks to the former and longstanding shadow minister for the Liberals and Nationals, the Honourable Peter Walsh, for his exemplary work in this space and the respect he has out in Victoria through various stakeholders and people that he has met over that time. I understand that this role is one I take on most sincerely, and I look forward to very much getting out into communities and listening to perspectives.

It has been clear over the course of time that we have certainly come to the understanding that this bill does not serve the greater Victorian population. We know that at the heart of our democracy – this democracy – there needs to be a fundamental principle of equity before the law. This means that the laws we pass in this place must apply to people fairly and equally, without favouring one group over another. This bill undermines that principle. It does not seek to protect all Victorians equally, it seeks to divide us. It creates two different classes of citizens and it is unnecessary. I want to in my contribution unpack the safeguards that exist now in our legislation that support all Victorians who provide critical information, personal information, vital information and sensitive information in the course of public hearings, royal commissions and, in this case, this commission.

This bill proposes a 99-year secrecy order, overrides the Freedom of Information Act 1982 and gives a particular group of people control over public records that no other set of Victorians has. I want to address that in the sense that it is important to provide that context, to provide information, to learn from mistakes and to recognise and understand errors – and they are long and varied. I was born some 50-plus years ago. We have to stand up on the feet that we have now. We have to look forward and we have to walk together in a positive direction, acknowledging our past but looking to positive outcomes for all Victorians. The language of this bill implies a division based on race, which is not only counterproductive but fundamentally unjust. As I have said, our aim should be to unite our communities, not further divide them. While it is essential to respect and uphold the rights of First

Nations people, we must be cautious about establishing systems that foster division. We need to ensure that there is respect and dignity for all Victorians.

Let us have a look now at how our current legislation, our current laws, protect all of us who make contributions in these sorts of forums. We have legal safeguards, we have clear timeframes and we have defined decision-making powers. We have them under the Public Records Act 1973, under the Freedom of Information Act 1982 and under the Inquiries Act 2014. In the Public Records Act the primary decision-maker, the Minister for Government Services, is responsible for overseeing record access and the decisions around that. The keeper of public records, otherwise known as the director of the Public Record Office Victoria, has delegated authority to classify records and manage access. Key restrictions and timeframes – this is the nub of why we do not need this bill. Under section 9 the minister can declare records private or personal and restrict access for a time period specified in the declaration. Under section 10 the minister can withhold records for up to 30 years after they are transferred to the Public Record Office Victoria and a declaration under subsection (1) may not be varied or revoked. These are the current laws that we have in place for all Victorians.

In the Freedom of Information Act 1982 the primary decision-maker is the Attorney-General, and the Attorney-General is responsible for administering FOI laws. The decisions on those requests are made by individual ministers for their departments and agencies and by the Freedom of Information Commissioner. I will not go through all of these restrictions but some of them. Under section 28 cabinet documents are protected for 10 years. Won't it be interesting when the 10 years are up on this particular set of governance structures of the Labor government of the last 10 years? Law enforcement records can be withheld indefinitely, but under section 33, personal and private protections allow withholding sensitive and personal information – again, there are protections.

In the Inquiries Act 2014 the primary decision-maker is again the Attorney-General, and they are responsible for this act. The Governor in Council, upon recommendation of the Premier, can establish a royal commission and boards of inquiry. The chair of an inquiry, the commissioner, has the authority to restrict publication of evidence in order for confidentiality to be implemented where necessary. Key restrictions and timeframes – section 124 requires that the records must be transferred over to the public records. There is a line of sight and there is good governance in this state.

Under the Public Records Act there are clear provisions about declaring documents, including those personal testimonies from the Yoorrook Justice Commission investigations. They can be deemed sensitive and they can be sealed. Witnesses or the commission can request that the minister use these sections – 9 and 10, as I said – to protect sensitive information. It strikes a balance that we have now between individual privacy and ensuring public accountability and transparency. We need to learn from past mistakes, we need to learn from past injustices, we need to learn from past systemic issues and we need a level of transparency that supports that while protecting the rights of the individual. That is what we have now. The main provisions in this bill, however, apply specifically to evidence provided by Aboriginal individuals, and the duration of orders is for up to 99 years. No other Victorian will have that provision, and we believe that that is unfair.

If we look at the history of various issues and various royal commissions, I note the nationwide Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, which provided critical insights into our systematic failures across the nation. It highlighted the importance of making informed information accessible to the public and allowing community scrutiny to ensure that lessons are learned. If we look at our own Mr Andrews inspired Royal Commission into Victoria's Mental Health System, that report was tabled back in 2021, various recommendations have fallen out of that. I am sure this house will understand that our Shadow Minister for Mental Health has been absolutely at the forefront of identifying what recommendations have not been forthcoming under this government, though recommended some four years ago. If we look at that information, the final report highlighted the need for transparency and community scrutiny – again, it is about lessons learned – but it also wanted to ensure that it built trust within the community and in the mental health system around that accountability. It also suggested amendments to enhance protections for individuals

providing evidence. We are not seeing that in this piece of legislation today. Those recommendations and requests are still sitting on the table some four years later. I make no analysis on the merits of those, but we have a bill that is before us today – what about those recommendations that were made by the mental health royal commission?

If we look at what we want to see moving forward, if we let this bill pass – and I am assuming that there will be crossbench support and it will pass – it will set an incredibly dangerous precedent in terms of future inquiries. Labor should be protecting all Victorians and all of them equally. Every individual who provides evidence should be treated with respect and dignity.

When we look also at some of the important issues that need to be addressed, one of the key issues that is identified in our nation and our state and agreed on at a nationwide level is the Closing the Gap targets. The Closing the Gap framework certainly looks at disparities in health of our First Nations people and in education, in employment and in housing. It is focused on lowering incarceration rates and reducing the number of children in out-of-home care, and yet we find ourselves in this state under this Labor government failing on many fronts. These are not my words; they are those of the Productivity Commission in its recent review on that.

The Productivity Commission has identified that while this Victorian government is allocating resources in terms of treaty and in terms of the Yoorrook Justice Commission, it is delaying progress on Closing the Gap initiatives. It is delaying the very core grassroots level positive outcomes that can happen in each and every one of our communities. This is not on. The Productivity Commission has said that the Victorian government must ensure that the prioritisation of treaty negotiation and the administration of the Yoorrook Justice Commission does not delay. It said that immediate action is required to meet the Closing the Gap targets and that balancing long-term initiatives and urgent needs are essential to achieving meaningful progress. So the report card is in. This government is focused not on those core issues that improve the lives of our First Nations Victorians.

In my time in the last 10 years I have had the opportunity to speak and listen to many wonderful First Nations people both in my electorate and further afield, and there is much to learn; there is no doubt about that. One of the most wise, forceful, passionate, understanding and positive people in my community that I have met is Aunty Cheryl Drayton, a Kurnai elder and farmer from Labertouche. Hers are the wise conversations that I so enjoy listening to. The work that she is doing and the Kurnai elders have been doing is instrumental in promoting grassroots programs for those Closing the Gap targets – things like cultural programs in schools, language, artwork, bush foods and medicines – working right in our local kindergartens, our local primary schools and our secondary schools. As she said, these things can benefit everybody – all of those children – and promote healthy outcomes for those children. Koori parents and early years engagement with parents are also very important, and she is working on initiatives through that.

To give credit where it is due, the education system is encouraging and working with Aunty Cheryl Drayton. We need to see more of this, and we need to fund those programs that benefit our youngest First Nations people but also all Victorians. We want to see more collaboration in those spaces. We want to see health outcomes and health initiatives. Indeed again the Kurnai community has focused on integrating traditional and modern health practices through some of their initiatives, networking with the West Gippsland Healthcare Group and other service providers to promote health and wellbeing and to ensure that for new mothers and the elderly there are programs that support them. Also in terms of career initiatives, we want to see greater focus on vocational career pathways for our First Nations, in addition to all those who need that support. There have been many very good programs, and some of them are stunted by a lack of resources and a lack of funding. These are the sorts of initiatives that the Liberals and Nationals want to see coming to fruition, not being delayed because of other activities that are the focus of this government. The Kurnai gave recommendations to local, state and federal government, and I use this as a case study for our argument. There needs to be formal recognition of Aboriginal-led initiatives, and that formal recognition needs to be integrated

within local government, state government and federal government policies. Put the funding where it can have the maximum benefit.

We also need to see a dedicated advisory group – as Aunty Cheryl, a passionate and wise person, informs me – again at that grassroots level, making local decisions, not being told from on high. Indeed we often talk about a root-and-branch approach; a tree grows from the roots, and these grassroot programs can deliver healthy outcomes. There are a multitude of examples across our state, and I will just raise one that my colleague the member for Mildura outlined in her contribution in the lower house about the Clontarf Foundation, a wonderful foundation that changes the lives of First Nations young men and students in terms of career pathways, giving a good foundation during education and post school life, including by being able to get around by getting your drivers licence. These are the sorts of programs that we supported back in 2010 when we were in government. The Liberals and Nationals funded that. Can you believe that it has not had any funding increase in the last 10 years? It still has the same funding, which compromises the ability of that foundation, that great initiative, to continue its good work and expand. It is being hobbled.

Instead of prioritising these real changes, this government is focusing on sealing records for 99 years, a measure that does nothing to address First Nations people's disadvantage. Our current laws are sufficient. Our current laws are what are needed. How does closing up an FOI document for 99 years help to close the gap in health, education and employment, the incarceration rate and those troubling and very concerning figures in terms of out-of-home care numbers? We are all here to support people to ensure that their voices are heard, but we must not, should not and cannot create two sets in society. For this reason I urge the crossbenchers to contemplate this argument and to vote against this bill. It is legally unnecessary; we have the provisions already. Our existing laws do provide protection for sensitive information and records. It is divisive, it creates two separate legal systems, it undermines legal equity and it fragments our FOI laws. For those reasons the Liberals and Nationals will be opposing this bill.

**Anasina GRAY-BARBERIO** (Northern Metropolitan) (14:04): I will also speak on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. As Ellen Sandell outlined in the lower house, the Greens will support this bill to embed the principles of Indigenous data sovereignty within Victorian law. These are important issues, and the bill rights one of many historical wrongs following colonisation, ensuring the principle that our First Peoples' information is stored, accessed, used and maintained once the Yoorrook Justice Commission has concluded its inquiry. At the heart of this important legislation lies a simple and indisputable truth: First Peoples can only thrive when they have the power to determine their own futures. While this is not a new idea, governments across Australia are still struggling to put it into practice, despite the persistent calls from Aboriginal communities and experts.

This bill brings the principles of self-determination to life by ensuring First Peoples have control over their own stories and the evidence they share with the Yoorrook Justice Commission. It marks a decisive step towards Victoria's treaty era, where First Peoples, as the true experts in their own lives, are placed firmly in the driver's seat to make decisions on issues that matter most to them. This moment, the treaty era, is such an important historical time for First Nations rights within Victoria. The Greens proudly offer the government our bipartisan support for treaty – or treaties, in Victoria's case. Outrageously, the Liberals and Nationals last year reversed their decision to support the treaty. But the Liberals have a new leadership team, and we call on the new opposition leader to come to the table and cement treaty with tripartisan support. This is far too important to let party politics stand in the way.

We commend the government on their consultation process with the Yoorrook Justice Commission, along with stakeholders like the First Peoples' Assembly of Victoria, Public Record Office Victoria and the Office of the Victorian Information Commissioner. As the Greens outlined in the lower house, we cannot praise a bill based on a Yoorrook recommendation without mentioning the dozens of other recommendations that remain unaddressed, because as important as Indigenous data sovereignty is, it

is only one of six Yoorrook recommendations Labor has accepted in full – just six of 46 recommendations from the *Yoorrook for Justice* report. That is less than 15 per cent. By rejecting these reforms the government is not just failing First Nations people, it is complicit in the continued criminalisation, overincarceration and systemic oppression of our Aboriginal communities in Victoria.

The *Yoorrook for Justice* report called for significant reforms across child protection and criminal justice systems to address systemic injustices faced by First Nations people. To truly support self-determination we must follow First Nations led solutions to the crises we see in child protection, criminal justice, health care and fundamental human rights. Yoorrook's recommendations are not optional extras, they are the bare minimum required to uphold First Peoples' rights to make decisions for their own communities. Sadly, it is the same level of inaction from the three Yoorrook recommendations this Labor government has rejected, namely the umpteenth expert recommendation that Victoria raise the minimum age of criminal responsibility to 14 years without exceptions and prohibit the detention of any child under the age of 16 years. Last year Premier Allan refused to recommit Labor to enacting this longstanding demand from First Peoples to finally stop imprisoning their kids. It was a devastating betrayal of a previous Labor promise under Dan Andrews. This betrayal puts the government at odds with First Peoples, criminal lawyers, human rights groups – really anyone who can perceive cause and effect. Back in 2021 that included the new Leader of the Opposition Brad Battin. Before becoming leader Mr Battin was a backbencher, and before that he was a police officer who would engage weekly with kids involved in shoplifting and burglaries. In a moment of honesty he told the *Age* that:

... almost without fail, if you looked at their history, you could identify them as high risk at a very young age because they had a parent in jail or with addiction problems, a lack of family support, had been in and out of care – a whole range of things.

With the right services in place, Mr Battin said:

... we will save a fortune in the long term for not putting these kids in jail.

We appreciate his common sense even if the opposition has yet to update their policies to reflect this, because whether or not this Labor government admits it to the *Herald Sun*, everyone in this chamber knows that imprisoning children at the key developmental stage only continues that cycle of trauma. Forcing kids into criminal justice increases not only their chances of reoffending but tragically their rates of depression, self-harm and suicide. That remains true even for adults in prison. Regardless of their level of offending, prison fails to rehabilitate the people it institutionalises, yet Labor has rejected Yoorrook's meaningful and self-determined recommendation to create a presumption in favour of bail for all offences except for murder, terrorism and similarly extreme offences. That is even though punitive, reactionary changes to bail laws in 2013 and 2018 directly led to a shockingly disproportionate surge of First Peoples imprisoned on remand waiting for either their trial or sentence.

By May 2023 almost 50 per cent of Aboriginal adults in Victorian prisons and a massive 82 per cent of Aboriginal children and young people in detention were there on remand. To quote *Yoorrook for Justice* directly, the commission:

... heard that Aboriginal women were hardest hit by these changes and were often denied bail and imprisoned for repeat low level non-violent offending.

Yoorrook received evidence that government ignored First Peoples' concerns about its bail reforms, undermining commitments to self-determination and reducing overimprisonment and eroding trust built through justice-related consultations with Aboriginal communities.

Tragically it took yet another preventable death in custody – Veronica Nelson, a 37-year-old Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman – for Labor to admit that they 'got the balance wrong'. Veronica was a woman with a strong spiritual connection to her culture. In the Fitzroy Aboriginal community she was known for her deep empathy and care for others. It should not have taken until the unequivocal coroners report into Veronica's death was published for Labor to

admit any wrongdoing. Last year the Greens supported the unwinding of the more extreme elements of the Bail Act 1977 that Labor introduced in 2018. Now, 10 months later, the Premier has been spooked by some bad polling and announced yet another review into bail laws. The Greens join Yoorrook in acknowledging that bail is a fundamental human right and presumption against it, just like prison itself, must only be reserved as absolute last resort for extremely violent offences.

Lastly, Labor has rejected Yoorrook's call to strengthen human rights and cultural rights through the Charter of Human Rights and Responsibilities Act 2006. While Victoria's human rights charter acknowledges human rights and cultural rights, it lacks strong enforcement measures to ensure public authorities follow them or provide victims of human rights violations with ways to seek justice. Instead, the commission called on the government to draw on a 2015 review of the charter and then work with the First Peoples' Assembly of Victoria and other First Peoples organisations to strengthen and clarify the charter. That would mean two things: (1) public authorities would be required to act in ways that genuinely respect human rights, including Aboriginal cultural rights, and (2) public authorities could be held accountable if they fail to do so. But yet again Labor has put these extensive, evidence-based recommendations in the too-hard basket.

We need to listen and respect the wishes of our First Nations communities. The government has done something historic in finally negotiating treaty, but the job does not stop there. We need to continue to act and build trust with our First Peoples at every opportunity.

**John BERGER** (Southern Metropolitan) (14:14): Thank you for the opportunity to speak on this bill today. I want to commend the work of the commission, and I also want to thank Lauren Scott from my office for their work in compiling some of the thoughts for me today. Lauren is a young person from the Arabana and Southern Arrernte land, and I know from them how much this bill will make a difference. The Yoorrook Justice Commission was established with a principle of truth-telling, but it is to be done on and with the Indigenous community in Victoria so Indigenous people in Victoria can determine how their information is reported on and used. This commitment to Indigenous data sovereignty and protection is crucial to understanding the challenges Indigenous communities across Victoria face today. The commission has empowered Indigenous people across the state to have unwavering rights over their data, giving them ownership, control, access and total possession over their data. It has also adhered to the governance framework which supports Indigenous decision-making on how data is controlled, collected, interpreted, accessed, stored and used. I make a point to highlight these pillars to show how seriously the Allan Labor government is taking our state's efforts to push for self-determination. This is very important, for many reasons. It is very important to build that trust and respect among our communities, and this bill is part of that. If we want to have positive outcomes for Indigenous peoples in Victoria, it is important that we discuss these matters in their terms, and upholding data sovereignty and guarantees for these communities does just that.

The commission has done incredible work over the past few years. Since beginning their work in July 2020 they have done a lot of work, and many of you in this place will be quite familiar with some of it. The commission delivered an interim report in June 2022 and a critical issues report in August 2023, and it is now preparing to deliver the final report in 2025. Prior to the release of the completed two reports, the commission engaged in an extensive, multiphased process to draft their terms of reference and to gain clarity on what First Nations people expect from the commission in terms of forms of reporting, availability of information on the commission itself and how information would be managed, including expectations of confidentiality, with a focus on cultural safety. With much of this preliminary work occurring during the COVID-19 pandemic, I would like to commend the commission for their innovative and comprehensive work throughout that time.

The commission's hard work over the past five years will be vital in allowing for the establishment of treaty in Victoria, which acknowledges and addresses the historical injustices that First Peoples have faced since colonisation. The commission already provides participants with significant support in engaging with reporting in a culturally and legally safe manner, providing support for making submissions and attending hearings, and wellbeing support and legal support through promoting



organisations independent from the commission itself, namely Lotjpa Independent Legal Service. It is critical for the Allan Labor government to support and engage in these efforts and to continue upholding the principles of Indigenous data sovereignty and governance set out by the commission.

The creation of this bill has been in collaboration with several stakeholders, including the commission, the First Peoples' Assembly of Victoria, the Office of the Victorian Information Commissioner and government departments, and it was also due to the hard work of the Minister for Treaty and First Peoples in the other place for bringing the bill to Parliament in the first place to amend the Inquiries Act 2014.

The bill primarily provides for the Yoorrook Justice Commission to make orders to close and restrict access to certain records once the commission ceases to exist and makes amendments in relation to the treatment of the records of a royal commission, board of inquiry or formal review that has ceased to exist. The bill will additionally amend the Public Records Act 1973 to give effect to the orders made by the Yoorrook Justice Commission to close or restrict access to certain records.

By the nature of the Yoorrook Justice Commission's purpose of truth-telling, there will be instances whereby they must gather data on culturally sensitive matters. In some instances these practices might be what you would consider closed. That refers principally to cultural practices or Dreaming stories that outsiders to the culture cannot partake in or have knowledge of. That can also include historical artefacts that might similarly depict these. This is why, as I previously mentioned, Indigenous data sovereignty is critical to the empowerment and self-determination of First Nations people. Indigenous data is the right of Indigenous people to govern the collection, ownership and application of data about Indigenous communities, peoples, lands and resources. Its enactment mechanism, Indigenous data governance, is built around two central premises: (1) the rights of Indigenous nations over data about them, regardless of where it is held or by whom; and (2) the right to the data that Indigenous people require to support nation rebuilding. Upholding these two premises will require us to respect the sensitive nature of closed practices, and as such the crux of the bill is the empowerment of the commission to restrict access to the data records upon conclusion of its work later this year.

The commission will report on the lived experience of First Nations people in Victoria over many generations. We know that lived experience requires care and consideration when identifying individuals and groups. These are difficult experiences to recall on both an individual and intergenerational level, and we must consider legislation in a way so as not to traumatise anyone participating in the commission's activities. The bill aims to achieve that. Many Indigenous cultures have provisions regarding textual, auditory or visual representations of deceased individuals. It is vital that the commission can address and report on matters of import without violating cultural protocol. To achieve this, the commission employs the social and emotional wellbeing model. This model is broadly accepted by Aboriginal community controlled organisations (ACCO) as the most effective methodology to support the social, emotional, spiritual and cultural wellbeing of a person. It also acknowledges the community's connection to land, sea, culture, spirituality, family and community. As a result, the data collected can remain confidential and restricted as determined necessary by First Peoples at the conclusion of the commission. This is in line with the two central premises of Indigenous data governance.

This legislation will help the Allan Labor government meet the Priority Reform One target of formal partnership arrangements to support Closing the Gap to be in place in each state and territory. That means formal partnerships between Aboriginal and Torres Strait Islander people and governments in place in every state and territory. This cements joint decision-making roles and responsibilities where Aboriginal and Torres Strait Islander people have chosen their own representatives. This is why this bill is crucial, ensuring the Allan Labor government can deliver on our commitment to reconciliation and providing frameworks for Indigenous self-determination. In the September 2020 to May 2021 period, per the report to the Yoorrook Justice Commission for the First Peoples' Assembly of Victoria, the commission had reached a significant level of engagement, including 457 people joining general community meetings, 103 detailed feedback responses, 190 traditional owners reached from eight

Victorian nation groups and 170 people reached who were incarcerated in prisons or correctional facilities. It has taken some years, but the commission has been determined to get this right, owing to how crucial their work is to the treaty process going forward. The report is set to be delivered later this year, a culmination of all their work in discussions and collaboration with all communities and peoples reached in these engagement efforts.

The act in question currently requires that the royal commission must, upon conclusion, transfer reports to the Department of Premier and Cabinet. Under the current arrangements reports of this nature are then available for public access unless an order is made under the Public Records Act 1973 or an exemption applies under the Freedom of Information Act 1982. Therefore the public availability of records and reports is subject entirely to the government's discretion. A core issue in this arrangement as it stands is that no necessary consideration is given to the wishes of Indigenous people and families in Victoria. The decision rests with the discretion of the government and the government alone.

If we want to get serious about data sovereignty for Indigenous people in this state, then current arrangements cannot stand when it comes to the Yoorrook Justice Commission. We must include provisions for the protection of Indigenous people's rights and ensure culturally safe mechanisms for data retention and protection. This is where more of these amendments come in. These amendments are designed to specifically allow for provisions enabling the Yoorrook Justice Commission to redact or to not provide sensitive information publicly. Empowering specifically the Yoorrook Justice Commission to restrict or close off access to records after the conclusion of its work provides for cultural sensitivity to Indigenous people's needs. It should not be up to the discretion of the government of the day to restrict or publicise information provided within the confines of this commission when First Nations peoples were given the assurance and guarantee of privacy. Many practices are not to be viewed publicly or by people outside the cultures partaking in these practices. By providing the authority to the Yoorrook Justice Commission to restrict access to these records, it becomes not a matter for the government of the day but for the commission itself.

Indigenous data has precedence in government and department policy across the world. For example, the Canadian government funded the First Nations Information Governance Centre to release the inaugural First Nations data governance strategy in 2020. This is both a necessary and a narrow-in-scope amendment to legislation that addresses two recommendations from the Yoorrook Justice Commission on the handling of evidence – namely, these are recommendation 2 of the *Yoorrook with Purpose* report 2022 and recommendation 45 of the *Yoorrook for Justice* report 2023 – and these changes are in line with the Allan Labor government's commitment to First Peoples' self-determination in Victoria.

In the hearings held last year across 27 days for the report into Victoria's child protection and criminal justice system, 84 people including international witnesses gave evidence to the commission. This gives us an indication of the scale on which the commission is operating and engaging. This included evidence from the Attorney-General; the Minister for Police; the Minister for Corrections, Minister for Youth Justice and Minister for Victim Support; and the Minister for Child Protection and Family Services. Senior government officials, including departmental secretaries, associate secretaries and deputy secretaries, also gave evidence, along with the Chief Commissioner of Victoria Police, the commissioner for Aboriginal Children and young people and the corrections commissioner, and the youth justice commissioner also gave evidence.

Yoorrook issued 29 notices to produce to the state and received 4100 documents in response. Twelve round tables were held by the commission across the state between December 2022 and February 2023 to inform the findings of the report at Bangarang Aboriginal Corporation in Shepparton; Barengi Gadjin Land Council; Goolum Goolum Aboriginal Co-operative in Horsham; Dardi Munwurro at Preston, Reservoir and Mernda; Winda-Mara Aboriginal Corporation in Heywood; and Dhauwurd Wurrung Elderly and Community Health Service in Portland. It also organised prison and youth justice visits in February 2023 at Dame Phyllis Frost Centre, Malmsbury Youth Justice Centre, Barwon

Prison and Marngoneet Correctional Centre. Submissions were received and were compiled from 33 organisations and experts in response to issue papers as well as 88 from individuals in the 2022–23 period, where over three-quarters of these referenced issues about the child protection or criminal justice system. Together these will inform the findings of the commission in their first full report on the child protection legislation and policy, ACCO proportional funding targets and achievements for different front-end service types. That includes the criminal justice legislation for both adults and youth, criminal justice complaints mechanisms and oversight bodies, the Department of Justice and Community Safety’s community-based diversion programs for Aboriginal people, Aboriginal-specific programs delivered in Victorian prisons and much more key information to address injustices in the system. Simply put, the commission has done incredible work in gathering evidence and creating these reports, and by the time they have concluded their final report it is critical that we have this legislation amended to support self-determination in reporting.

The commission is expected to deliver its report later this year, and in preparation, to continue our commitment to the core principles and premises of data sovereignty and governance for Indigenous people, we must pass the necessary amendments to the Public Records Act 1973 and adhere to the principles for culturally sensitive matters. We know the commission closed submissions for the general public in November, and now we await the release of the final report. The Allan Labor government has continued its strong and unwavering commitment to reconciliation in this state by pressing on with treaty negotiations. These negotiations, along with the outcomes and actions taken from the commission’s report, will be pivotal.

But as I have already said, we cannot understate that there must be a commitment from the government of the day if we want to continue to be strong and engage with our First Nations communities, to respect culturally sensitive matters and to adhere to their sovereignty. It is absolutely crucial and a cornerstone of our discussions going forward as the state presses on with treaty. I eagerly anticipate these reforms, and I commend the bill to the house.

**Bev McARTHUR** (Western Victoria) (14:29): I rise to oppose this bill and to support my colleague Ms Bath, the Shadow Minister for Aboriginal Affairs, who did a very erudite job of explaining why this bill is so unacceptable. I oppose it for a very simple and straightforward reason. I cannot accept what it legislates: a legal division between Australians that completely undermines the principle of equality that our country is built on. This is about justice, fairness and equality, and I am actually quite shocked by how casually the legislation has been introduced and by how limited the public debate has been. We are in serious danger of conceding a fundamental principle of our society, almost without objection.

New section 52B of the bill empowers the Yoorrook Justice Commission to issue orders which would close records from public viewing for up to 99 years. New section 52C is similar in restricting access to certain records, but it applies exclusively to evidence provided by Aboriginal individuals. This is the same kind of exceptionalism which Australians rejected in droves in the Voice referendum – and they did it across Australia and in Victoria. It creates rules that discriminate based on race, that give rights to Indigenous Australians without extending the same protections to non-Indigenous contributors to the commission. It is not a road we should be going down, and most relevantly, it is not a road we need to go down.

Sections 9 and 10 of the Public Records Act 1973 already allow commissions to declare witness evidence or documents sensitive and have them sealed. We already have this power. It is a perfectly sensible power – to be used very sparingly of course, but on some rare occasions it is necessary. That is why it is there in the legislation. It already exists. It does a job, and it is there for all Victorians, without any discrimination based on race. So why, you might ask, has the legislation been proposed? If it is unnecessary and, worse still, divisive, how on earth has it come up? Unfortunately, the answer is that in the areas of treaty and Indigenous affairs this government has been captured by activists and has itself become activist. The result is performative. We have legislation which makes a point, which sounds good, which advances a cause and which drives an agenda.

A casualty in the case of this bill is truth. This provision for secrecy is at odds with the notion of scrutiny, truth and justice. For transparency, information provided to the commission ought to be scrutinised and challenged. How can we trust the conclusions of any body or process if we cannot even see the evidence on which it has based these conclusions? In some cases it may be entirely wrong, and yet now it will pass unchallenged. The commission may well make judgements critical of institutions and individuals, and yet their ability to respond and challenge the evidence underpinning those decisions could be totally undermined. It would be like a legal case where the defence was not allowed to hear the prosecution's arguments.

The second-reading debate in the other place was predictably disappointing. We heard about the damage of colonialism and its impact, of stolen generations and of trauma – crucial, important and deeply significant issues – but none of these is an argument for division and exceptionalism. Undermining equality before the law will not remedy any of these historical injustices. As with much of the Voice debate, it is about an activist class making a political point – not doing anything for Indigenous people most in need. On this point I want to come to the matter of Indigenous data sovereignty. The minister's second-reading speech says the bill:

... will extend First Peoples' control over their own stories and evidence shared with the Commission ... in line with Indigenous Data Sovereignty ... principles.

She continued:

IDS is an international, Indigenous-led movement seeking to remedy government methods of holding Indigenous peoples' records and assert the sovereignty of First Peoples over their own information. The Commission has articulated IDS as the 'right of Indigenous Peoples to own, control, access and possess data that derive from them, and which pertain to their members, knowledge systems, customs, resources, or territories.'

To me this is deeply concerning:

... the ... right to own, control, access and possess data that derive from them ...

How far are we going to take this principle? It is discriminatory and unworkable in our society. It is ridiculous. Where do we draw the line? Society does not operate. It is not a Victorian Indigenous movement; it is a worldwide political agenda operating across countries, and it is deeply damaging to Western values, to liberalism and to societies based on individual rights. Perhaps some IDS advocates share with me scepticism about government bureaucracy and its use of information about us. But this is unworkable extremism – and deeply unequal, unfair extremism. IDS is a dangerous, extremist position. I am deeply concerned that the Victorian government is explicitly referencing IDS in introducing this legislation, and I would urge all Victorians to look into what this will actually mean. I worry about the society that this approach will create. It is not a Victoria or an Australia I recognise. To achieve long-lasting and effective change we must acknowledge that we are all Victorians, that we are all equal before the law and that we all share the same rights. This bill is diametrically opposed to that and imports the foreign concept of Indigenous data sovereignty, which will do nothing but harm our state.

**Georgie PURCELL** (Northern Victoria) (14:37): I rise to speak in support of this bill, and in doing so I am proud, because it is a move towards self-determination for First Peoples. This bill recognises the indisputable truth that First Peoples can only thrive when they have an active say and the power to determine their own futures. The Yoorrook Justice Commission is the first truth-telling inquiry in Australia, and it is shameful that it has taken us until 2025 to get here today. This bill enshrines Indigenous data sovereignty principles, ensuring that First Peoples are in control of their own stories and the evidence that they share with the Yoorrook Justice Commission. That is all this bill does. We should feel honoured as members of Parliament to have First Peoples share their stories and life experiences with us in this place and allow us to learn from them and to do better.

First Peoples are finally being recognised in this state for the autonomous people that they are, which is a vital step towards Victoria's treaty. It is the beginning of First Peoples being able to make decisions

on the issues that matter most to them and affect them uniquely. This bill contributes to the removal of white people's control over First Peoples' knowledge and stories, and that is so vitally important in terms of moving forward, because decisions about Aboriginal people should be made by Aboriginal people. It is that simple.

To those on the other side of this chamber who are playing politics with this issue and will argue that this is divisive I say that this state's treatment towards First Peoples is what is actually divisive and why we are here today. Victoria Police's treatment of Aboriginal and Torres Strait Islander people is divisive, with them being 11 times more likely to be searched by Victoria Police than non-Indigenous people. Ninety-two per cent of First Nations female prisoners have received mental illness diagnoses expected to last their lifetimes. Aboriginal people are four times more likely to be homeless than non-Aboriginal people in Victoria. Aboriginal women are 45 times more likely to experience family violence in Victoria than non-Aboriginal women, mostly at the hands of white men. Our child protection system is divisive. The stolen generation continues to this day. Our education system fails to meet the needs of First Peoples. Racism is rampant within the state towards First Peoples.

We cannot stand here today and pretend that treaty will divide Victorians. That is simply not the case, because our state is already divided by the appalling conditions imposed on First Peoples and the legacy of colonialism that continues in full force. We are divided because some of us are colonisers who refuse to acknowledge it while others are First Peoples whose homes were invaded, which is the very reason many of us are here today. The racist tropes presented in this chamber and in other chambers of Parliament across Australia by certain members are what are fuelling this division. Treaty is what will bring this state together and form a part of the long-awaited justice First Peoples are more than entitled to and have waited long enough for.

I will continue to work with the First Peoples' Assembly of Victorian – in fact I am looking forward to meeting them this afternoon – so that I can amplify their voice and support treaty negotiations as they progress forward, because treaty is long overdue in this country, a country that has always belonged and that will always belong to First Peoples. In doing so, I commend this bill to the house.

**Michael GALEA** (South-Eastern Metropolitan) (14:41): I also rise to speak on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024, and I will also preface my remarks by acknowledging the Wurundjeri people as the traditional owners of the land on which we are gathering here today.

The Victorian Allan Labor government has remained consistent and steadfast in its commitment to achieving voice, truth-telling and treaty with First Peoples. This is a genuine position which the government has held since Victoria became the first state to legislate a framework for treaty negotiations in 2018, and since then this government has worked to achieve true reconciliation. I think it is worth outlining as well that whilst by national terms our proportion of the population who identify as Indigenous or Torres Strait Islander is quite small – in fact it is the second smallest, after the ACT – we do in fact have more Indigenous people in this state than in the whole of the Northern Territory. So the things that we discuss in this place as they concern our First Nations community are critically important.

We have structures in place, such as what is now the First Peoples' Assembly, the establishment of the treaty process and very, very crucially the establishment of a truth-telling commission, the Yoorrook Justice Commission. We know that the opposition was against this path and then supported it, apparently, but they soon got their marching orders from Peter Dutton and they opposed it again. I note the opening contribution to this debate from Ms Bath. I was hoping for a contribution in which she was going to once again reaffirm the opposition's support for treaty in this state. It was very disappointing the way in which the then Leader of the Nationals came out against the move in a radio interview last year, and then the next thing you knew, the tail wagged the dog once again and suddenly bipartisanship on treaty was no more. I was very much hoping for that courage from Ms Bath today – hoping for that recommitment to put the opposition back onto the path with us and with others who

have spoken in the chamber today, those who do want to see reconciliation and who do want to see the gap closed through measures that are very, very critical.

I note that Ms Bath quoted the Productivity Commission. The Productivity Commission has been outspoken in its support for various truth-telling and treaty processes as among the most effective ways in which we can actually close the gap. For too long, good, well-intentioned people have put too many resources into fighting this issue without actually listening to First Nations communities, and what we have seen is that gap remain stubbornly large. Addressing this issue means listening, and the Yoorrook commission is one of the most important – I would almost go so far as to say sacrosanct – ways in which we can do that, because of the opportunity it provides and because of the opportunity it provides for some very hard truths to be discussed. And that is what brings us to the subject of this bill today.

There are some records that community members who have given evidence to the inquiry have sought these protections over. We know that there are various other existing provisions, such as in the Public Records Act 1973, that people are able to exercise, as with any inquiry. But what we have seen here is indeed a request from the commission for this to be in place because of the large number and because of the special circumstances in which we find these submissions being made. It is very appropriate then to clarify that what is a relatively very small number of documents in the commission can be treated this way. It is important that we listen, and from those member contributions opposite it is clear that they are still not listening.

I would also at this point like to comment on a few remarks made by Mrs McArthur in her contribution. Whilst I very much appreciate that Mrs McArthur was in fact the first and so far only Liberal member of Parliament to speak on this bill, I do note that, as Ms Bath did, many members of the National Party did speak on the bill, sadly against the bill, in the other place. The only contribution from any member of the Legislative Assembly from the Liberal Party was two frivolous points of order on relevance, trying to distract from the debate. But none of them, not even the so-called progressives, such as the member for Hawthorn or the member for Kew, were prepared to put up their hands and speak in favour of this bill. In fact none of them were prepared to even speak on this bill at all. So I at least give the Nationals some credit for being prepared to engage on the topic and Mrs McArthur credit for outlining her points of view on the bill, which I can only take to be reflective of the entire Liberal Party, and disappointing they very much remain.

For one, Mrs McArthur spoke about procedural fairness, and I think it is important to note that there is still procedural fairness that is at the heart of any such move under the bill that we are talking about today. If the commission makes a recommendation that goes against an institution or individual, that organisation still has a full procedural fairness process. We know that the commission already has hundreds of pieces of state and community evidence that are public on its website which it will use to make reports, and as is standard process, indeed even with parliamentary committee reports, it will not be able to use any closed evidence in the preparation of those reports – or it will not be able to be referenced in those reports – as is appropriate in the same way in which we consider closed evidence in a parliamentary committee. So I take what those opposite are saying, but it strikes me that they have not properly engaged with the bill or properly even considered what this bill will and will not do. Certainly based on Mrs McArthur's remarks that is the conclusion you have to draw, because that is exactly the same procedural fairness function that would apply in any other setting too. This certainly is not special treatment by any means.

Yoorrook is a historic opportunity for us to reflect and, most importantly, for us to listen. It is foundational before any further moves can be made on treaty, because we must know our shared history as Victorians, as Australians, those of us who are not Indigenous, to have an opportunity to learn from Indigenous Victorians on their truth, their facts and their truth-telling. For people to feel truly confident and comfortable in coming forward and speaking openly and honestly about their experiences of injustice, the commission has engaged with First Peoples about how the information they provide is to be treated by the commission and afterwards, during its life, as well. We have heard remarks from other speakers about how under existing provisions it would be at the capricious whim

of any potential future government of any persuasion to retrospectively change those rules around any certain bits of evidence. This bill safeguards against that.

The commission will be required to uphold Indigenous data sovereignty principles – firstly, by accommodating to the extent possible First Peoples’ choices in how they wish to participate, including their rights to free, prior and informed consent at all stages of participation; and secondly, by upholding the sovereignty of First Peoples over their knowledge and stories by consulting with them on how the information they provide should be treated and by ensuring adequate information and data protection. Through extensive engagement, the commission has sought this legislative change to ensure that the voices of First Peoples and these choices that they are entitled to make regarding their stories and the dates they are in there are upheld once the commission ends on 30 June this year. They ensure additional protections for this evidence so that the commission can definitively guarantee that First Nations people who have shared their truth will have their choices respected and honoured. I think all members of this place can agree that for too many years – decades, centuries – the institutions of this state have not respected and honoured those choices, so to make this move today is administratively relatively minor but a very, very important statement to be making nonetheless. The various provisions around the sharing of data have been gone into extensively by other speakers in other second-reading contributions and will still continue to apply, and again I reiterate that those principles of procedural fairness will still be very much in place.

As part of this the Inquiries Act 2014 will be amended to provide the commission with the power to make two orders to either close or restrict access to certain records: either a record order to close certain records once the commission ends or a record order to restrict access to certain records once the commission ends. There may be certain restrictions placed around this. For example, a condition may be that a person may be entitled to view the record but must not make a copy of that record. The record orders are for a period of 99 years, in line with other provisions for personal or private information under the existing Public Records Act.

I think it is also worth mentioning that the government has worked closely with the Yoorrook Justice Commission to ensure that this bill does meet the needs and expectations of the commission but also of the First Peoples who have, sometimes under great distress, found the courage to speak up. The commission has also consulted with First Peoples community members and the First Peoples’ Assembly of Victoria to ensure that their preferences were considered in the development of this bill. The Public Record Office Victoria have also been deeply involved in the process of ensuring that the bill does align with other legislative requirements.

There are also of course select other various minor amendments to the bill, including making amendments to section 124 the Inquiries Act as well as other relatively minor changes. The bill before us today, the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024, makes these changes to the Inquiries Act, I would like to reiterate, at the recommendation of the First Peoples and the Yoorrook Justice Commission, because this is a government that is committed to taking tangible steps towards reconciliation, not flip-flopping and cynically pointscoreing as others have done, and to listening to all of those who assembled for the *Uluru Statement from the Heart* so many years ago, almost a decade ago now I believe, and their heartfelt plea for voice, treaty and truth-telling. The Yoorrook commission goes to the heart of that, and this is a government that has consistently demonstrated its commitment to all three principles of voice, treaty and truth-telling. The reforms today will ensure that the First Peoples’ engagement with this historic process is on their terms and that the commission can uphold its commitments to them with respect to their wishes regarding how their evidence will be treated.

While this government is looking at how we can bring Victorians together, at the same time those opposite have continued to backflip on their support for Victoria’s treaty. They have walked out on Indigenous Victorians through a sudden, dramatic change of policy announced in a radio interview. Today we have had two contributions so far from them members opposite, bringing the total across both chambers to a contribution of one by a member of the Liberal Party. We still do not have a clear

answer as to why or as to whether they will they change back. Will they once again stand with Victorian Indigenous peoples? I was very disappointed not to hear either Mrs McArthur or Ms Bath reaffirm that commitment as part of Victoria's treaty process, and as far as the truth-telling process goes it is very disappointing to see those attacks continue through their comments in this place and the comments of the Nationals members in the Assembly just a few weeks ago. So whilst this government is steadfast in its commitments, those opposite would rather take their quotes from shock jocks and former Queensland cops. That is not leadership; that is not how you deliver the best outcomes for all Victorians. But I do not wish to reflect on the repeatedly disappointing actions of those opposite in my closing remarks on this bill. I return to what is important here, and what is important is that we continue to walk with, to respect and to learn from First Nations Victorians.

I would also like to take a moment to acknowledge the commissioners, Professor Eleanor Bourke AM, Adjunct Professor Sue-Anne Hunter, Travis Lovett, Distinguished Professor Maggie Walter and the Honourable Anthony North KC, and also to acknowledge the work that they have undertaken on behalf of all Victorians, including the Indigenous community and also those non-Indigenous Victorians who will also benefit so greatly from this process. Indeed, I speak on behalf of the Parliament, which will also greatly benefit from this process.

This is a bill which is very straightforward. It touches on a small number of documents and provides a level of respect and decency for people who have sincerely come asking us to honour their wishes and honour their privacy. It is a bill that should be supported by all members of the house, and I hope to see this bill passed in a matter of hours. I commend the bill to the house.

**Wendy LOVELL** (Northern Victoria) (14:56): I rise to make a contribution on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. In doing so I say that the Liberal Party are opposing this bill. The purpose of the bill is to amend the Inquiries Act 2014 and the Public Records Act 1973 to empower the Yoorrook Justice Commission to make record orders to close or restrict access to specified records for 99 years after the commission concludes and to provide that the Freedom of Information Act 1982 does not apply to its records for the same period. There are two main provisions in the bill: those relating to section 52B of the Inquiries Act 2014, which is that the Yoorrook Justice Commission may make record closure orders, and those relating to section 52C, which relates to the Yoorrook Justice Commission making record restriction orders.

This is legislation that creates division with respect to how the Victorian government manages personal information based on race. This is a bill that divides Victorians rather than uniting Victorians. The government actually already has powers to use sections 9 and 10 of the Public Records Act to declare a document sensitive and to close it for up to 30 years, but now it wants to extend those powers to 99 years for evidence that will be given before the Yoorrook Justice Commission. Historically in Victoria, sections 9 and 10 of the Public Records Act have been used for this purpose. When a royal commission ends, its records are transferred to the Department of Premier and Cabinet and then to the Public Record Office Victoria, where the records are publicly accessible. However, if a record contains particularly private or personal information, the minister can apply a restriction or closure order to the record under sections 9 and 10 of the Public Records Act 1973. A closure record under this provision has a limit of 30 years. As I said, this power already allows for any witness to the Yoorrook Justice Commission to request the minister close or restrict access to a record of evidence that they have given for 30 years, but for some reason the government believes this existing power is not specific enough nor long enough.

The government intends through this bill to create a new power specifically for records of evidence given by Indigenous people and for a period of 99 years. No good justification has been given for why this power is necessary. The only insight we have to the government's reason for introducing this



legislation came from the minister's second-reading speech, when the Minister for Treaty and First Peoples, Natalie Hutchins, said that the existing provision means that:

... access to and use of these records is a matter for government for government decision-making and discretion, not First People's choices.

From this we see that the government bill draws heavily on Indigenous data sovereignty principles and aims to change government methods of holding Indigenous peoples' records and assert the sovereignty of First Peoples over their own information, but shouldn't the aim be to give all Victorians data sovereignty and power over how their information is held, used and shared? Data autonomy should be a right enjoyed by all Victorians equally, and it would be nice if the Labor government cared this much about data sovereignty for everyone.

If we remember back to March 2023, when the government passed a bill to create an electronic health information database for sharing private patient information between health services, the government certainly did not care about people's right to have sovereignty over their own data at that time. At the time that that bill went through the Liberals moved amendments to the bill to allow individuals to opt out. We wanted to allow a person to apply to the secretary not to be included in the electronic patient health information sharing system, but the Labor government blocked those amendments. They did not want Victorians to have data autonomy, so why do the government now care about data sovereignty for one specific group when in the past they have completely ignored the data sovereignty of all Victorians? The Health Legislation Amendment (Information Sharing) Act 2023 forced everyone to share their personal health data, including highly sensitive private information, on a health database that would be accessible by medical practitioners across Victoria. At that time Labor proved to Victorians that they do not care about data sovereignty, so it is now surprising to see them introduce new privacy rules that are stronger than the existing rules for records of evidence given to the public royal commission for the purpose of truth-telling between Indigenous and non-Indigenous Australians.

We are not against privacy for those who have shared deeply personal or traumatic stories. We are sensitive to the need to protect those who have come forward in this inquiry in good faith to give evidence. But we see no reason for the law to embed a distinction between the processes that apply to Indigenous Victorians and those that apply to all other Victorians when it comes to handling royal commission evidence. The law already enables the minister to make closure orders for records that contain highly personal or sensitive information that must be kept private. Those laws are enough, and the government has not given any good reason for new privacy laws that are based on racial distinctions.

**Ryan BATCHELOR** (Southern Metropolitan) (15:03): I rise to speak on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024, a bill which seeks to make some amendments with respect to data and record keeping to enable the operation of the Yoorrook Justice Commission, which is a groundbreaking process underway in this country being led by this state to get to the truth about past injustices and the ongoing impact of those injustices felt by the Aboriginal community here in Victoria.

Before I go into the detail of the bill I do want to take a moment to reflect on both why the Yoorrook process is important and why it is important for us as members of this place to be doing all that we can to support its effective operation so that we can get to the truth that it seeks. The history of dispossession and injustice felt by Aboriginal Victorians should be well known to many in this place and many in the community. Sadly, it is not very well known to many, and part of the process that we as a community need to go through to better support our First Nations Victorians to thrive in our community and overcome the injustices of the past is to understand what they were and how those actions impacted and continue to impact Aboriginal Victorians.

I reflected at the earliest opportunity I had to speak in this chamber, at the beginning of 2023, on the special responsibility I feel that members of Parliament, particularly those sitting in this chamber, have to both understand and acknowledge the injustices of the past and commit ourselves to fixing them,

because it was within these gilded walls that the laws were passed to enable the dispossession of Aboriginal people from their lands. The laws were passed through people who were only able to sit on these red benches because they had property that was the result of the dispossession of the first inhabitants of the land that we now call Victoria, and the laws that were passed here removing people from their connection to their land, removing children from their families and outlawing culture and language were passed by our predecessors on these benches without the input of Aboriginal Victorians, who did not have a say over the laws that were being put before this Parliament. I think we have all got an obligation when we consider the bill before us today and talk about voices and talk about classes of citizens to remember that the things we are trying to overcome, the things we are trying to acknowledge so we can begin to redress them, were done by this chamber without the input of, without the consent of and without any form of democratic connection to members of the Victorian community they directly affected – Aboriginal Victorians. That is the starting point for this debate – the history of dispossession in this state and the role that our predecessors in this chamber who sat here by dint of their propertied interests until the middle of last century had. That is where we start.

What the Yoorrook commission is designed to do is to shed light on those injustices of the past, to understand how the laws that we passed, the statutory office holders that we created and the empowerment of funding that we gave to various parts of the state apparatus here in Victoria impacted on dispossession and forcible removal and created criminal justice systems that discriminated against First Nations people here in Victoria. The Yoorrook commission is designed to put that truth on the table, and it is a remarkable thing that it has taken so long for it to start. It is even more remarkable that we have so many willing to come forward and share the pain and the anguish that they still feel, and the stories that Aboriginal Victorians have been willing to tell to the Yoorrook Justice Commission are doing our state a great service so that we can understand, we can learn and we can commit ourselves to creating a future with Aboriginal Victorians instead of for Aboriginal Victorians.

This bill today, which the opposition does not support, which they are opposed to, is about creating the necessary conditions in terms of the stories and the voices to enable that partnership to continue into the future. That is the crux of what we are at here today. That is the context of why we are here, not just because of this bill but because of the bills that came before it over the last 170-odd years of this chamber's existence. Thinking about the failings of the past, we have got to think about what a better approach might be in the future. A fundamental principle of the Yoorrook justice inquiry has been that First Peoples here in Victoria must be able to engage with the truth-telling process on their self-determined terms.

At the heart of this legislation lies a simple and indisputable truth – that First Peoples can only truly thrive when they have the power to determine their own future. This concept of self-determination, which underpins things like Indigenous data sovereignty, is not a new idea, but governments across the country still struggle to put into practice this concept. We know from past inquiries that have exposed horrific injustices and practices – the Royal Commission into Aboriginal Deaths in Custody is one, the *Bringing Them Home* report by the Australian Human Rights Commission is another – how challenging it has been for First Peoples to tell their truths. We know that many of the stories that the brave members of our community here in Victoria, our brave Aboriginal Victorians, have come forward and told to Yoorrook have never been heard in public forums before. We know that Yoorrook's work and the value of that commission rests on those stories being told so that we can hear them and others can hear them and we can learn and make decisions for the future.

What this bill seeks to do is to bring that principle of self-determination, which should underpin a successful partnership going forward, to life by ensuring that First Peoples have their own stories in the evidence they share with the Yoorrook Justice Commission. Part of the process that the commission went through to find ways to ensure that that truth-telling and storytelling can be done openly and honestly was for First Peoples to understand how the information that they were telling to the commission would be used once the stories had been told, both for the purposes of the commission and then at its conclusion. That is where the concept of Indigenous data sovereignty plays such an

important role, which is the right of Indigenous people to own, control, access and possess data that derives from them and which pertains to their members, knowledge systems, customs, resources or territories. As a result of the extensive engagement that the Yoorrook commissioners did, they have sought this legislative change so that these choices are upheld by the state of Victoria once the commission ends its work at the end of June 2025. The changes will ensure that additional protection for First Peoples' evidence so the commission can guarantee definitively that First Peoples who shared their truth will have choices about access and use of the evidence respected. This government, through this legislation, is respecting that request and supporting the commission's commitments by enshrining them in this bill.

The Inquiries Act 2014 is going to be amended to provide the commission with the power to make two types of orders, to either close or restrict access to certain records. One is an order to close records once the commission ends, and that will prevent First Peoples' evidence being publicly available within the Public Record Office Victoria or via FOI requests, thereby preventing secondary access and use without the consent of the records' authors – so without consent, use will not be available. At the very heart of self-determination and control over stories and truths is that the people who have those experiences get to decide. The second is a record order to restrict access to certain records once the commission ends. That will be a power to make records relating only to First Peoples' evidence, so it is not about the other evidence that the commission is receiving from non-First Nations people – for example, by government representatives from other organisations. That public evidence from public sources – from public institutions, from governments and the like – will be available, but the records from First Peoples will not. That is due to the sensitive and personal nature of many of the accounts provided in the evidence. The reforms are about authors of the records retaining access in full, so people will still be able to access their own stories and records and be able to share or publish or copy or use the records in any way consistent with Victorian law.

The commission has provided first sets of reports, which have I think shone a very stark light onto some of the issues that still confront Aboriginal Victorians and which contain some pretty harrowing accounts of dispossession and injustice. It is due to provide two more reports and has a collection of evidence from elders, ministers and leaders from across the community on the website. The process that got us here has been one of engagement and consultation. The Yoorrook Justice Commission has engaged with members of the First Nations community and with the First Peoples' Assembly. It has also worked with the public record office to ensure that the provisions in the bill align with other legislative requirements. Drafts of the bill were also shared with the Office of the Victorian Information Commissioner and the First Peoples' Assembly for their feedback.

The reports from the Yoorrook Justice Commission will serve as important historical documents, but they will also serve as important building blocks for the work that the government is doing as we move towards treaty. Truth-telling is an important part of the treaty process. It is an important way that we acknowledge where we are and what has happened in the past and the ongoing effects of those actions. It also provides us with guidance on how and where the treaty-making process should embark upon the issues that need to be addressed, because it has been a long journey since colonisation here in Victoria for Aboriginal Victorians, and there is so much that has happened in terms of systemic exclusion from opportunity and in terms of dispossession and discrimination.

The bill today plays an important role in ensuring that the work of the Yoorrook Justice Commission has that truth on the table. It allows the principles of self-determination to be put into practice so that the stories that are being told, the truths that are being told, remain within the control of those who are telling them – so that they have the ability and the power over their stories and their lives. So many, for so long, were disempowered by the laws that were made in the state of Victoria by those who stood in this chamber before us. We have an opportunity by supporting this bill today to take another step towards righting some historical wrongs, supporting the principles of self-determination and getting closer to truth. I commend the bill to the house.

**David DAVIS** (Southern Metropolitan) (15:18): I am pleased to stand and make a contribution to this bill, the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. At the outset I should say that it is sad and regretful that this bill is in the chamber. I must say that, increasingly, this divisive type of bill is not the way that we should be proceeding. This bill sets up two classes of Victorians and treats them inherently differently, and I think this is a deep problem. We just had a large national vote last year where people sought to treat people in different ways. That was obviously not successful in changing the national constitution, but I think there was a very clear vote, including in Victoria. The vote was very clear. It was a 55–45 vote in Victoria, and people took the view on the Voice and the inherent nature of the way the Voice was treated as the wrong step for our nation.

I must say that the idea of locking records away for 99 years is something that I think would concern most Victorians. I do not think most Victorians want to see this kind of secrecy. I do not believe most Victorians want to see our records locked up. They want to see greater transparency. The Yoorrook Justice Commission is meant to be about transparency, and yet we are introducing right at the heart of it a proposal that is the opposite of transparency.

The main provisions of the bill seek to empower the commission to issue orders to close records from public inspection for up to 99 years. This applies exclusively to evidence provided by Aboriginal individuals. It allows that restriction of access to records may include some changes to that, with viewing at designated locations, and prohibitions will be there on copying and photocopying and restrictions on sharing of copies. The access terms for restricted records will be by designated personnel and oversight entities and for purposes specified by the commission, such as maintenance or preservation.

The bill provides that the transferring of records can occur to the Department of Premier and Cabinet and the Public Record Office, and it requires custodians to comply with closure or restriction orders. When it comes to authors, it ensures that authors who have provided evidence retain access to their evidence. It puts a number of definitions in place for closure or restriction. Orders cannot be applied where evidence is provided on behalf of organisations or bodies. There is compliance required with commission orders. It requires the keeper of public records to manage records according to closure or restriction orders. When it comes to access for specific purposes, permits can be issued for access for archival preservation, legal obligations and specific purposes outlined by the commission. When it comes to the duration of restrictions, it specifies that closure and restriction orders can last up to 99 years. This is enormous power. It is not a transparent approach. It is an approach that actually restricts access in an unhelpful way, and this is already being used by government.

I am in the midst of a freedom-of-information request with the Department of Premier and Cabinet where many of these matters are being cited as reasons not to release information from ministerial briefs. I am in possession, for example, of a brief signed by Gabrielle Williams on 10 February 2023, a proposed government response to the Yoorrook Justice Commission's Indigenous data sovereignty recommendation. The use of section 30(1) of the Freedom of Information Act 1982, that this is a working document and its release is not in the public interest, is claimed on analysis – it is claimed on recommendations that the minister has actually signed off on. 'Improve in-principle support for the commission's recommendation 1' – the reason why the minister signed off on that is being contested. I mean, this is truly bizarre, and it is truly part of a decision to restrict information. The key reasons in the brief include 'The commission recommended legislating changes for post-inquiry treatment of records', and for recommendation 2 the chamber can see the size of the redaction is most of the page. This is a Gabrielle Williams brief and a decision to claim under 30(1) huge slabs of material. Page 6 of the brief also has similar claims. On page 7 of the brief further reasons are listed, and there are massive points under 30(1) again – restrictions on information and an attempt to close down the community from being able to see the decisions the government has made. There has been a widespread decision here, a broad decision, to deny access to this information.

What we also know is that there is another brief that is in dispute in a similar way: the interim agreements under the Traditional Owner Settlement Act 2010. This was signed by Daniel Andrews on 10 October 2022. So just a smidgen before the state election he signed a set of recommendations, 1 and 2. Both were approved, so they were not just recommendations; they were actions that he had approved: ‘Go ahead. Do this.’ This is the approval of two interim settlement agreements with the Dja Dja Wurrung and the Wotjobaluk peoples under the Traditional Owner Settlement Act 2010. These significant restrictions go through into a focus on a section which deals with the Treasurer’s involvement in the settlement packages. Again, we are not allowed to see how taxpayers money is being spent in Victoria. It is a reasonable thing to ask, where potentially millions of dollars of taxpayers money – we do not know the amount, because they will not release these points – has been signed over in agreements in the death knock before the election in 2022. We are now in 2025, and the government is still fighting and fighting and fighting to stop the release of this basic information. The brief says:

All funds are held in central contingency and can be released subject to approval of final offers by the Treasurer and yourself.

...

**1.4 Settlement packages are within approved envelopes**

...

**2.1 Both packages commit to negotiating LUAAs ...**

These are land use activity agreements specifically, and those details are also redacted. We know in this case that some of those land use agreements relate directly to Mount Arapiles and the Grampians. We know that those land use agreements have actually seen the restriction of access to important climbing areas. It is clearly in the public interest for that sort of information to be available for the broader community to see. It is clear, for example, that the recommendations here should have been able to be seen, and it is clear too about a number of these points. It says:

The Attorney-General has written to the Treasurer and yourself seeking your agreement to final offers of an interim settlement package –

for those particular groups –

... Packages are interim as some outstanding matters are intended to be negotiated further in 2023 ... that includes an Interim Community Benefits Formula, which is being reviewed in the context of compensation principles ...

Make no mistake about what is going on here: this is an attempt to deny the community the right to see what is happening with its land – with the land that is owned by all Victorians and is in trust for all Victorians. It is not right that secret deals are made and the full details are not available. The reasons that the government made these deals are not available either, whether it was by Daniel Andrews or in the case of that earlier brief that I pointed to, where Gabrielle Williams would not come clean on the basis for decisions that she made on this very bill and the decision to support a particular set of recommendations by the Yoorrook Justice Commission.

As I say, I have a clear view that there should be support for those in need and particular Indigenous communities, but at the same time there should not be legal arrangements that really divide one Victorian from another. In the case of places like Mount Arapiles this is becoming a very, very divisive outcome. I have had a number of conversations with key rock-climbing groups. There is a really significant tourist impact that is occurring. There is a significant impact on towns like Natimuk. You have got to ask the question: what does the government have to hide? Why will it not come clean on a number of these points? The community is entitled to know. Taxpayers are entitled to know. Voters and people in our democracy are entitled to see open government rather than secret government. Secret government sees information locked away, information blocked and freedom-of-information requests dealt with. The government is meant to be a model litigant. The government is not a model litigant in this state; the government fights tooth and nail to prevent the release of embarrassing information. I

can only conclude that this information is detrimental to the government's arguments and detrimental to the government's position and that that information is embarrassing in some way to the government, and in that sense I think the community has a right to be very angry with this government and its secret approaches. The nature of this bill, though, I believe actually strongly mitigates against the ability to do proper family and other history. It will prevent a number of people actually seeing parts of their history and their communities' history. I think that these decisions are much more complex than has been made out by the justice commission, and I think that the coalition, the Liberals and Nationals, have taken the right position in opposing this bill.

**Sonja TERPSTRA** (North-Eastern Metropolitan) (15:31): I also rise to make a contribution on this bill, the Inquiries Amendment (Yoorook Justice Commission Records and Other Matters) Bill 2024. Before I begin my remarks I just want to acknowledge and pay my respects to the Wurundjeri people of the Kulin nation, whose land we are gathered on today. I wish to pay my respects to their elders past, present and emerging and to any elders who may be with us today and also those who perhaps may be watching us via the live stream. I also just want to acknowledge my parliamentary colleague Sheena Watt, the fantastic member for Northern Metropolitan Region, as a proud Yorta Yorta woman. I am really proud to be a colleague of hers and to be working with her in this place.

I have had the benefit of listening to some of the contributions in this chamber, and we have had a lot of discussion about things that have nothing to do with this bill today. It is always a shame that some of the contributions from those opposite are all about hatred and division. Even though this bill is actually something to do with information and who controls it, they will always take the opportunity to go low, which is very predictable. Nevertheless, I am going to talk about what this bill actually does rather than going to different areas to try and whack the government about ridiculous things.

What this bill does is it amends the Inquiries Act 2014 and the Public Records Act 1973 to ensure that the Yoorook Justice Commission can fulfil its obligation under its letters patent to uphold Indigenous data sovereignty principles in relation to First Peoples' evidence at the commission. It also makes other minor amendments to the Inquiries Act to clarify the requirement for the treatment of records of a royal commission, board of inquiry or formal review that has ceased to exist in accordance with current practice. The Allan Labor government and predecessor Labor governments have done a lot in working with First Nations people to give voice and effect to what they deemed appropriate.

The Yoorook Justice Commission has done a significant amount of work in coming to the conclusions it has about what it needs and what it recommends should happen with information that is brought forward as part of any truth-telling process. Consequently, what needs to occur is for people to feel confident and comfortable in coming forward to speak openly and honestly about their experiences of injustice and colonisation. The commission engaged with First Peoples about their choices on how the information that they provide during any processes is to be treated by the commission after its life. The Yoorook Justice Commission defined Indigenous data sovereignty as a right of Indigenous peoples to own, control, access and possess data which derive from them and which pertain to their members, knowledge systems, customs, resources or territories. That is significant because this has come from our First Nations people themselves, and again you have got to remember the information that has been provided has come from a place of trauma arising from colonisation and other traumas that they have experienced – dispossession – and it is important that they have a level of control over the information that is provided.

The commission under its letters patent is required to uphold Indigenous data sovereignty via the following principles: (1) accommodating to the extent possible First Peoples' choices in how they wish to participate, including their rights to free, prior and informed consent at all stages of participation; and (2) upholding the sovereignty of First Peoples over their knowledge and stories by consulting with them on how the information they provide should be treated and ensuring adequate information and data protection. To me, as somebody who is not an Indigenous person, certainly those principles seem pretty clear and also enshrine principles of an approach that is trauma informed, and

we need to recognise the significant trauma that has been carried for many, many decades by our Indigenous people.

Consequently, as a result of this extensive engagement, the commission has sought legislative changes so that those choices are upheld by the state of Victoria once the commission ends on 30 June 2025. These changes will ensure adequate protections for First Peoples' evidence so that the commission can guarantee definitively that First Peoples who have shared their truth will have their choice about access and the use of their evidence and that that is respected. So not only is it trauma informed, it also gives a sense of control, because there is nothing worse than having information or evidence that has been provided in good faith being weaponised and used against people, and what we have seen in this current political environment is that in fact that does happen. It is very sad. It is very disappointing that, as I said, those opposite and their federal counterparts, state counterparts and other friends choose to go low, disregarding the trauma and the loss of control felt by those people who have given evidence with the best of intentions. To then have that weaponised against them really is despicable, and those opposite deserve to be condemned for doing so.

The bill relates to the treatment of records created by First Peoples and submitted to Yoorrook after the commission winds up, as I have said, and currently under the Inquiries Act 2014 the commission is required to transfer records to the Department of Premier and Cabinet, who will then transfer them to the Public Record Office Victoria. Under the Public Records Act records are open for public access unless they are closed by the relevant minister. Existing legislation contains protections for personal and private information, which will apply to all records of evidence provided to the commission, but under the Public Records Act the Minister for Government Services can declare records to be personal or private and not available for public inspection. So this provides a level of protection for those people who may be giving evidence or have given evidence. For instance, at the moment these existing protections under the Public Records Act are discretionary and revocable or dependent on the administrative decisions of individual decision-makers employed by the government. For instance, under the Public Records Act, section 9, the Minister for Government Services is able to declare records to be personal or private and not open for public inspection for a specified period. However, this is again a discretionary power, and a declaration can be revoked at any time. It also does not prevent access through FOI. So under these current arrangements there is no guarantee that First Peoples' choices regarding future access and use of their evidence will be respected once the commission ends. As I said, there is a propensity from those opposite to weaponise any information that may have been provided, and again those who have already been traumatised will experience further retraumatisation, loss of control and weaponisation over these issues, which is shameful, and this is why our government needs to act. This is being done on the recommendation of First Peoples.

To uphold the aspirations of the Aboriginal community members to control access to their evidence, their data and their information and the commission's ability required to comply with Indigenous data sovereignty requirements under the letters patent the commission has made two recommendations to the government. Recommendation 2 of its *Yoorrook with Purpose* report recommended legislative reforms to protect First Peoples' confidential information provided to the commission, and that was to:

... urgently progress the necessary legislative changes to enable the implementation of First Peoples' choices about how the information they provide to Yoorrook is to be stored, accessed and used in the future

Also recommendation 45 of its *Yoorrook for Justice* report recommended further reforms to extend these protections to all confidential information provided to the commission. It was to:

... legislate to create new statutory protection for public records that ensure that information shared on a confidential basis with Yoorrook will be kept confidential for a minimum of 99 years once Yoorrook finishes its work and its records are transferred to the Victorian Government.

The reforms contained here in the inquiries amendment bill address the *Yoorrook with Purpose* recommendation in full and the component of the *Yoorrook for Justice* recommendation which relates to First Peoples' evidence.

Now we need to progress with this bill to ensure that appropriate arrangements are in place to protect First Peoples' records and uphold First Peoples' choices prior to the commission ending on 30 June 2025, so it is timely that we have this bill before us today and that we act in order to give effect and give force to the recommendations of the Yoorrook commission. It is something that they have sought because they have undertaken extensive consultation with those people who have provided evidence to the commission but also to provide self-determination to First Peoples over their information, their evidence and their data that is being gathered as a consequence of the royal commission. It takes a Labor government to do that.

I said earlier in this speech I have listened to the contributions made by Mr Davis and Ms Bath and others, and what we see is a focus on division rather than coming together to promote social cohesion. We are proud to be able to give effect to the voices of our First Nations people, and it takes Labor government to do that. Those opposite should be ashamed – absolutely ashamed.

As I said, this is the first time in Victoria that we are legislating protections of this kind for Indigenous data sovereignty. The Inquiries Act will be amended to provide the commission with the power to make two types of orders: to either close or restrict access to certain records. That is a power that can be exercised by the commission and by our Indigenous peoples. Firstly, there is a record order to close certain records once the commission ends; that is a power that they will have. A record closure will prevent First Peoples' evidence being publicly available within the Public Record Office Victoria or via a freedom-of-information request. We know it is a favourite of those opposite to continually lodge freedom-of-information applications or other ridiculous applications to get access to information so they can weaponise it. This is thereby preventing secondary access and use of a record without the consent of the record's author.

**John Berger** interjected.

**Sonja TERPSTRA:** That is absolutely true. I know Mr Berger would absolutely agree with me. How many days do we come in here and every other day there is some kind of production of documents recommendation or talk about an FOI application? It happens every day.

A record restriction order will provide for some records to be made available for restricted viewing within the public records office subject to terms and conditions set out therein by order of the commission in line with the wishes of the record's author. It is a great process, because the commission will consult with the owner or the creator of that data or that information, thereby consulting directly with the person who is affected and protecting them from the weaponisation that we know comes from those opposite and those who want to continually make First Nations issues ones of division.

Record orders are for a period of 99 years – this is something that the commission will have power to do – in line with other provisions for personal and private information under the Public Records Act. This is a protection for First Nations people who have given evidence at Yoorrook that records subject to closure or restriction orders will be exempt from the Freedom of Information Act 1982. The power to make record orders relates to First Peoples' evidence. It relates only to their evidence, and the commission will not be able to restrict access to evidence from non-Aboriginal people, government representatives or organisations. Again, that is something that is lost on those opposite. They will complain about not being able to have access to information for the sole purpose – what they want over there is to weaponise it, and it is a disgrace. It is a thorough disgrace. Again, this is due to the sensitive and personal nature of many of the accounts provided in the evidence by Indigenous people to the Yoorrook.

At their centre these reforms are about authors retaining access to their records in full even after a closure or a restriction order is made. The author will also retain the right to share, publish, copy or use the record in any way consistent with Victorian law, and again, the bill gives the author, the publisher and the owner of the information power over the information that they have created.



I have got about a minute left on the clock, so I might conclude my remarks there. I know there will be a few other speakers on this matter. But just before I do, it is a proud moment that I as a member of the Allan Labor government can speak on this bill today. It may be seen by some as a small thing in giving people power and, I guess, ownership over how they create their information, but it is important. We have listened to the Yoorrook commission. Consequently, I will conclude my remarks there, and I commend this bill to the house without amendment.

**Sarah MANSFIELD** (Western Victoria) (15:46): I rise to speak on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. The bill takes important steps to futureproof how information gathered through the commission is sorted, accessed and used once its inquiries are concluded. Data sovereignty is the right of a group to own, control, access and possess information or data that has derived from them, and for First Nations people in particular data sovereignty acknowledges the importance of sovereignty over knowledge systems, customs and resources within the context of colonialisation. Because for a long time data on First Nations people has largely focused on narratives of deficit, building a picture of disadvantage and difference rather than uniqueness and strength, inevitably these datasets have spurred paternalistic policies that ignore Indigenous agency and work against efforts towards self-determination. I would echo the sentiment of my colleague Anasina Gray-Barberio's contribution and congratulate the government on implementing this important commission recommendation.

But the Yoorrook Justice Commission requires that the government fulfils more than just one of its recommendations every 12 months or so. While the commission is a platform for truth-telling, its ultimate aim is to build a foundation for a new type of relationship between First Peoples and all Victorians, one that does away with the paternalism of dominant Western systems. In order to achieve this we need to move away from solely speaking of self-determination and towards taking action – action that is determined by First Nations, like the 45 unprogressed recommendations of Yoorrook. There is much to be said about what was handed down by Yoorrook in 2023 on the child protection and criminal justice systems and the disappointment that was felt by many when the Victorian Labor government refused to accept all but four recommendations in full.

I will not rehash these disappointments. Instead I want to quickly touch on what we heard during hearings last year with the hope that the government will not repeat its mistakes. Over the first part of last year Yoorrook heard from witnesses regarding injustices faced by First Peoples in land, sky and waters. For those who witnessed the land, sky and waters hearings, whether online or in person, the testimonies were incredibly powerful. In 1834 Edward Henty landed on the coast near what is now Portland, thereby commencing the illegal occupation of Victoria. From that time on, First Peoples endured massacres, the forcible removal of land and the denial of culture and ancestral relationships that are intimately linked to country. The commission also heard that despite the brutality of occupation, many First Nations retained a strength in culture and country, a bind that has been uncut to this day. We heard of the ancient waterways of Tae Rak, the songlines of Gariwerd and the ecosystems of the Birrarung. This enduring connection to the country has been a source of strength, despite the profound impacts of land injustices on First Peoples. While colonists gained their wealth from illegal occupation, precious ecosystems were destroyed and First Peoples received very little in the way of land returned.

I was particularly captured by the testimonies of Dr Katie O'Bryan, Dr Erin O'Donnell, Will Mooney and Karmen Jobling with regard to water rights. We heard testimony of the Echuca declaration, a groundbreaking document released as part of the Water Is Life framework. The declaration sets out each nation's relationship with water and the local impacts of aqua nullius, the theft of water without acknowledgement of existing Indigenous sovereignty. When contrasted with the Water Act 1989, the Echuca declaration shows us just how far Western uses for water, which is treated like a resource to be extracted for human use and exploitation, have come from water understood as a life force for First Nations.

The commission also heard that the water market is completely inaccessible for First Nations looking to realise their right to water ownership. The commodification of water through Western systems has resulted in a steep increase in water prices to the point where an investor no longer needs to own land to own a water share. Instead superannuation companies and overseas investors are buying big in the water market to secure their fortunes. Across Victoria traditional owner organisations own a mere 0.18 per cent of water entitlements, despite the fact that entitlements across the whole Murray–Darling Basin account for \$35 billion of settler wealth. There is no clear pathway to surface water access rights for traditional owners, and direct funding to purchase these rights via the water market is long overdue. The current position of this government is that it will not establish a direct water entitlement purchase program for traditional owners, and this clearly needs to change.

Finally, I want to take a moment to touch on a key theme from the testimonies on health as part of hearings into social injustices. Colonialisation and forced displacement denied First Nations connection to country and shattered existing systems of Indigenous spiritual, physical and psychological wellbeing. These initial years of colonisation, often involving the forcible relocation into missions, were the first experiences of what would become a series of injustices now understood as systemic racism. I want to briefly quote from Aunty Jill Gallagher, who explained:

For generations, Aboriginal individuals were subject to a system of healthcare marked by colonial control. Picture the mission hospitals. These institutions were not places of healing ... [Mission hospitals] were symbols of oppression where Aboriginal individuals were subject to standards of care and denied dignity that they deserved.

But to this day First Nations communities and the health services that represent them, such as Aboriginal community controlled health services, are still experiencing this colonial control. Aboriginal community controlled health organisations remain under-resourced and under-recognised, despite the essential part they play in realising a holistic approach to health and wellbeing in their communities. Funding models are siloed, separating health care from housing and from mental health and parenting support despite the recognition that all are inextricably linked. Some ACCHOs have hundreds of touchpoints with government, resulting in an oppressive system of top-down paternalism despite the government's outward commitment to self-determination.

Whilst I am not in a position to pre-empt the commission's recommendations from these hearings, I do understand that treaty will play an important role in enabling much of what will be handed down. I also recognise that many of the mechanisms, such as ACCHOs, already exist to fulfil self-determination; they just need to be properly resourced. So it would be remiss of me not to implore my colleagues in this chamber to consider what Yoorrook and treaty can mean for the shared humanity of all Victorians. It is my hope that this legislation is the first of many on the journey to realising true self-determination for First Nations. It is long overdue.

**Jacinta ERMACORA** (Western Victoria) (15:53): I would like to acknowledge the traditional Aboriginal owners of the land on which we stand today and pay my respects to traditional owners, their culture and elders past and present. I also want to acknowledge any Aboriginal people here – my colleagues – and any other Aboriginal people that are here in the building today or in the parliamentary precinct and also any Aboriginal people or First Nations people who are perhaps viewing this debate online. In particular I also would like to acknowledge the Indigenous owners of south-west Victoria, where I grew up, the Eastern Maar and the Gunditjmarra people. The Eastern Maar Aboriginal Corporation describe themselves in the following way:

The Eastern Maar are Traditional Owners of south-western Victoria. Our land extends as far north as Ararat and encompasses the Warrnambool, Port Fairy and Great Ocean Road areas. It also stretches 100m out to sea from low tide ...

“**Eastern Maar**” is a name adopted by the people who identify as Maar, Eastern Gunditjmarra, Tjap Wurrung, Peek Whurrung, Kirrae Whurrung, Kuurn Kopan Noot and/or Yarro waetch (Tooram Tribe) amongst others ...

I also want to acknowledge the Guditjmara people from Portland and areas including Heywood, Tae Rak and other areas in the south and western parts of the state. The Guditj Murring Traditional Owners Aboriginal Corporation webpage has a really powerful statement, and I think it is very pertinent to this bill that we are talking about today. It says, among other things:

We are committed to Aboriginal **self-determination** and **supporting strong, safe, thriving Aboriginal communities** and aim to ensure every individual is treated with dignity, honoring all cultural backgrounds, abilities, ethnicities, sexual orientations, gender identities and spiritual beliefs.

This is exactly the intent of this bill, which applies those values of respect and self-determination to the publication of the Yoorrook Justice Commission's most sensitive and personal stories, which inevitably involve trauma.

I have been uplifted by my colleagues in this chamber, listening to their contributions and their perspectives on why this piece of legislation is so important and admiring the contributions that I have heard. But I also feel really sad to hear contributions that by way of their presentation are nothing other than divisive and demeaning towards Aboriginal people but also completely misinterpreting or mis-telling what this bill is intended to do. So I have had mixed feelings as I have sat in this chamber and listened this afternoon. I think it is incredibly flawed to argue that this bill compromises equality when you had such a brilliant argument from my colleague Mr Batchelor, arguing so clearly that this chamber perpetrated a lot of those inequalities by decisions made with people sitting in these red chairs, as he said, who could only be here because they owned land they took off Aboriginal people. So when we say that every human being is equal in the eyes of the law – everybody is treated equally – we have got a long way to go before we actually achieve that equality. We have a lot of structures and systems that we need to fix within the legal system in order to achieve that. There is nothing better than my colleague Ms Purcell's contribution on the arrest rates and the number of challenges that Aboriginal people face in this state disproportionately compared to non-Aboriginal people as brilliant evidence of the lack of equality in our current system. That is what we are doing now; we are taking a step-by-step process to redress that. It will be a long journey, and this entire chamber will be long gone before the task is finished, I am sad to say, but that does not mean we should not take that pathway and get on with the job.

In relation to the Yoorrook commission, which is Australia's very first truth-telling inquiry into historic ongoing systemic injustice experiences for First Peoples since colonisation, that is exactly what the task of this bill is. It is a critical part of this government's work in its pursuit of treaty. It is also a critical part in achieving equality within our legal system. In November 2024, last year, Victoria's treaty negotiations began. It was a historic moment and it was a journey of eight years to get to that, to even begin, so that was a fantastic point to get to. Truth-telling is a really essential part of the fundamental principle of the inquiry and taking that journey through to treaty. If we do not fully listen to what happened in the past, how can we actually look at restructuring to be more inclusive and strengthen our whole state? That is what Aboriginal communities tell us. That is what that document on the website that I just quoted tells us that they want: strength for all of us, betterment for all of us in Victoria through the treaty process.

Self-determination comes in so many shapes and sizes and so many forms. Last year we dealt with self-determination from the child protection perspective – again, one step along the way – involving engagement and listening from all of the different perspectives. Here we are with the Yoorrook Justice Commission's recommendations about the treatment of the very people's stories that they have bravely come forward to tell, and those stories must be in some cases so horrific and so retraumatising that they do not want to come forward unless they know that they can be safe as people, that they can feel comfortable and protected in telling their stories. That is a familiar scenario for me as a former Centre Against Sexual Assault counsellor, where creating that safe place is very, very important – a sense of trust, in a way, for the commission, which after all is a colonial structure. It is not an Aboriginal justice system structure; it is a colonial or a colonisers or a settlers structure, so it is already generous that they are willing to participate through that, using that structure to tell their stories.

Yoorrook was set up by agreement between the First Peoples' Assembly of Victoria and the Victorian government but does operate independently of both and is led by five commissioners, and I would like to acknowledge the work of those commissioners and all of the staff in the Yoorrook commission, because like many royal commissions, not dissimilar to a royal commission, the stories that you hear in these hearings can be incredibly traumatic. It is the work of the commissioners to listen to those stories and ensure that they are documented and analysed and then recommended about appropriately. That can be incredibly draining and exhausting work, so I do appreciate the work that is being done in that space.

The Yoorrook commission has a number of tasks. It is to establish an official public record of the impact of colonisation on First Peoples of Victoria – which is just one simple line but incredibly complex – develop a shared understanding among all Victorians of the impact of colonisation as well as the diversity, strength and resilience of First Peoples cultures; and make recommendations for healing, system reform and practical changes for laws, policy and education as well as matters to be included in future treaties. Yoorrook could not achieve its purpose without evidence from First Peoples. In these circumstances First Peoples' evidence to the commission has shown to be much more likely to contain traumatic information than evidence from non-Aboriginal people.

As I said, we first need the confidence of Aboriginal people to come forward and tell their story. For these reasons the commission engaged with First Peoples about their choices on how the information they provide will be treated by the commission during and after its life. As a result, the commission will extend First Peoples' control over their own stories and evidence shared with the commission beyond the end of the commission's term. To do this the commissioners called for legislative change so that those choices are upheld by the state of Victoria. They have asked us to back them in in telling their story. This will be achieved in line with the Indigenous data sovereignty principles, which have already been debated in this chamber today. The commission has articulated IDS as the right of Indigenous peoples to own, control, access and possess the data that derive from them and which pertain to their members, knowledge systems, customs, resources or territories. Everybody has a right to control information about themselves in most circumstances. This is one way that we can show respect to our First Nations people during a period in history where the trauma of the past is being relived. The least we can do is provide some level of protection that they themselves have asked for.

The practicalities of a traditional commission where information goes to premiers and then goes to Information Victoria are part of a sequence of issues that this bill proposes to change. It further amends the Public Records Act 1973 to ensure the keeper of public records complies with these commission record orders. It has been informed by extensive consultation through the Yoorrook Justice Commission to ensure that the bill meets the expectations of the commission and First Peoples, but there has also been consultation with the Public Record Office Victoria and the Office of the Victorian Information Commissioner.

In closing I just want to say how proud I am that this is the next step in the journey towards treaty. I think that our whole state and all of the communities across our state will be stronger for this bill going through and the treaty process continuing, unlike the flipping from those opposite for political purposes. I find it very, very sad and a real low point for me in this chamber to see that kind of political game playing.

**David ETTERS HANK** (Western Metropolitan) (16:09): Legalise Cannabis Victoria supports this bill. The bill is seeking minor amendments to the Inquiries Act 2014 and the Public Records Act 1973 to enable the Yoorrook Justice Commission to make orders to close or restrict access to certain records once the commission delivers its final report and wraps up. It is very simple. When a royal commission ceases to exist, all of its records are transferred to the Department of Premier and Cabinet unless the Premier, by instrument, determines that they are to be transferred to another public office. Legislation already exists to protect the personal or private information of records of evidence provided to a commission. The Minister for Government Services has the power to declare records to be closed, and under the Freedom of Information Act 1982 certain documents that may disclose someone's personal

affairs can also be exempted from public access. These protections apply to evidence given to Yoorrook by non-Aboriginal witnesses. The only difference with Aboriginal witnesses is that rather than the minister having powers to close records, it gives the commission that power. It enables the author to retain full access to their records and provides for further instructions on the author's death. This is a minor and fairly straightforward change, and it was a necessary condition for many of the Aboriginal people who gave evidence to be able to come forward and share their truths at the Yoorrook Justice Commission hearings.

I cannot see what the issue is. I reviewed the contributions from the opposition in the other place, and anyone would think that this minor change is going to cleave the state asunder. They say it is divisive and discriminatory – that it is one law for us and another law for them. What palaver. The bill is not talking about creating two laws. It is a small change within one law. There is nothing controversial in saying that Aboriginal and Torres Strait Islander people have had a very different experience of living in this country to non-Indigenous people.

I do not need to catalogue the injustices and disadvantages that our First Peoples have experienced. One need only look at the evidence gathered at the Yoorrook hearings, not to mention the host of other royal commissions, inquiries, coroners findings, statistics and the evidence of our own eyes to appreciate the many harms our First People have suffered since European settlement and the specific ongoing traumas associated with colonisation that non-Indigenous people have never had to experience.

Historically, there have been many barriers to Aboriginal and Torres Strait Islander people being able to tell their stories. This is a fact. The protections afforded by these amendments are a recognition of that fact. Aboriginal Victorians appearing before Yoorrook have rightly sought certain protections in order to tell their stories. In the past they have not been afforded these safeguards. Their stories have been misused or misrepresented or, all too often, simply disregarded. And the laws and customs of our First Peoples have not been considered much in the creation of the laws that govern this state.

I believe that this bill is a very small way that we can begin to redress that imbalance. As I mentioned, I spent a bit of time familiarising myself with the opposition's contributions to this bill, and at best, their indignation about the division that this bill creates is I think a laughable notion, suggesting that it discriminates against and disadvantages non-Indigenous Victorians. Such an assertion is disingenuous at best.

Interestingly, though, I also did a bit of digging in *Hansard* on the introduction of the treaty process and the First Peoples' Assembly. Those opposite opposed advancing the treaty process with Aboriginal Victorians back in 2018. They were very nervous about the whole idea, but in due course the opposition noticed that the state had not collapsed as a result of the First Peoples' Assembly, an independent body operating within the Parliament. Certainly a few years down the track they were far more on board and expressed their support of the idea. I can even quote the honourable member for Northern Victoria, Ms Lovell, who stated:

The Liberals and The Nationals have publicly committed to working with Aboriginal Victorians to advance the treaty process in a way that supports self-determination and reconciliation while strengthening community and connection to country.

It was admirable, wasn't it, to say that? I guess the question that then arises is: what could have possibly happened to now give the opposition the jitters and make them walk back from that commitment made only three years ago? The cynic in me believes that it perhaps has something to do with the results of the referendum, when their federal leadership successfully turned a 69 per cent approval of an amendment to the constitution to establish an Aboriginal and Torres Strait Islander voice in the federal Parliament to a resounding no vote. Methinks the state opposition may have come to some realisation that stoking division and pandering to bigotry could be a vote winner – the old 'Divide and rule.' We have had a royal commission to investigate historical and ongoing injustices experienced by First

Peoples in Victoria. We have had a First Peoples' Assembly in operation for nine years now. We have been in the process of negotiating a treaty with our First Peoples since 2016. The state is still standing.

The arguments being advanced against this bill are, I fear, no more than fearmongering. Many non-Indigenous people submitted their views to the commission and requested that their submissions be private, and their wishes must be respected. A royal commission made up of Aboriginal people has been investigating systemic injustices against their people and has asked First Nations people to contribute to truth-telling, and it has asked for this small change in order to facilitate that truth-telling process. So what is the big deal? This is a small but important change and should be supported for the sake of those witnesses who bravely came forward and shared their experiences. Legalise Cannabis Victoria supports the bill and commends it to the house.

**David LIMBRICK** (South-Eastern Metropolitan) (16:16): I would also like to make a few comments on the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. I will go through a few different subject areas. The first one I would like to address is around the concept of data sovereignty, which has been mentioned by many speakers. There is an entire framework embedded into the work of the Yoorrook Justice Commission related to what they have called Indigenous data sovereignty. There are aspects of this that sound good – around data and its use, respect, empowerment, self-determination and self-governance. As a Libertarian I like the sound of that. But let us reflect on the actions of this Parliament in early 2023 when I tried to amend the Health Legislation Amendment (Information Sharing) Bill 2023. I was not even able to introduce a requirement that consent should be required for a person's own medical records. The government owns them, shares them as it deems fit, and you have no say, no opt-out – nothing whatsoever. The federal Parliament just last week passed reforms to the My Health Record system. While it is not as bad as the Victorian medical records scheme, it is not much better.

This goes to the heart of a concern that I have with this legislation. I agree with some of the arguments that have been made by the opposition in regard to this legislation. It is narrowly applied to only one group in society. I have seen this before in other areas of policy. Occasionally the government gets some things right in regard to laws and policies related to Aboriginal affairs, but my frustration is that the parts that work well are frequently not replicated for other communities or society as a whole. The ideas of sovereignty, privacy and empowerment of individuals or discrete groups are great principles, and I would love to see more respect for individual privacy for data transparency across the board. If these are values that the government want to prosecute, then I will cheer them on. But the idea of selectively applying rights to particular groups is not that at all.

With regard to the Yoorrook Justice Commission and their work, there is important work being done by the Yoorrook Justice Commission. Indigenous Victorians have a long history of activism and advocacy, historically to prevent harms by the state or individuals and then later to ensure equal rights to full participation in society and combat racism, discrimination or historical disadvantage. Another key aspect was to establish a truth and reconciliation commission to examine the full history of Victoria's colonisation. This is a reasonable thing to examine, especially for Indigenous Victorians, and one would hope that this kind of thing could lead to true reconciliation. There are significant challenges though, and I will come to them shortly.

It does seem like we have ended up in a position with this legislation, however, because the commission made promises that the law at the time does not appear to have empowered them to make. Their second recommendation in the first interim report was essentially for the legislative changes that are before us today. But their fact sheet on protections for people who share information with Yoorrook, published after the interim report, states that Yoorrook could make orders restricting access to information that is shared – seemingly not unless the chamber passes this legislation before us today. I would also like to make a few comments on Indigenous affairs more broadly in this state. We have a problem. The direction of the First Peoples' Assembly and Indigenous affairs more generally in Victoria is increasingly coming into conflict with the desires, access and practices of other members of the Victorian community – for example, around land access currently playing out at Mount

Arapiles. This is a bit of a theme. Self-determination for Aboriginal Victorians seems to be interpreted as the ability to control aspects of other people's lives – which rocks they can climb, where they can fish or hunt – thereby limiting the self-determination of other Victorians. At Mount Arapiles this involved the local Aboriginal land council celebrating the fact that a draft management plan had effectively handed over control of the majority of Australia's most popular rock-climbing site to them. I do not see this as self-determination at all; it is simply using the government to get your way.

Self-determination is at the core of my party's philosophy. As Ayn Rand famously stated:

The smallest minority on earth is the individual. Those who deny individual rights cannot claim to be defenders of minorities.

Everything that I do and say in this place is in defence of individual rights. It is the reason I am here. If there are laws and policies that are preventing Indigenous Victorians from exercising individual rights that they feel are important, as long as they do not deprive anyone else of their rights or property then I will be happy to advocate for them to change, not just for Aboriginal people but for any Victorian who might be suffering from the same imposition of the state.

How do we get to true reconciliation so that Victorians, including Aboriginal Victorians, can feel proud to fully participate in society and be valued for their contribution? I do not think we will get there through secret negotiations and stitching up deals with the government. The Barengi Gadjin Land Council have seemed incredibly reluctant to participate in discussions with other stakeholders in Natimuk to figure out a way for everyone to feel satisfied with an outcome where everyone can flourish. I went down to visit this community. I could not imagine a community more willing to work on a solution that respected Aboriginal culture and the deep connection that rock climbers have to Mount Arapiles. This is probably a test case for reconciliation and collaboration. If the government cannot make it work there, then it is hard to imagine that it will be easy to make it work anywhere else in Victoria.

The First Peoples' Assembly is supposed to be a voice to this Parliament. Well, I am a member of Parliament, and they do not seem to want to talk to me. I have had not so much as an email this term of Parliament and only a couple of contacts in my whole time here. It is not that I am disinterested in the wellbeing of Aboriginal Victorians. I have met with the Victorian Aboriginal Legal Service many times. I consider them a critical stakeholder on many issues and read their frequent emails. It is not surprising to me that Victorians voted against a voice to federal Parliament. We have something similar here already, and it is not really clear that they are doing much to highlight issues. They certainly do not write to me about them. As far as advocating for the needs of Aboriginal Victorians goes, from where I sit the Victorian Aboriginal Legal Service does a far better job.

In regard to the bill that is before us today, I am sympathetic to what it is trying to do. From what I can tell, it fulfils a commitment related to information that the Yoorrook Justice Commission made around data, but I have concerns about the idea of legislating special rights for groups, especially when the track record around data for the rest of us in this state is so poor.

**Tom McINTOSH** (Eastern Victoria) (16:23): I am proud to stand to speak in support of this bill today, the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. I acknowledge the traditional owners of the land on which we are gathering and pay my respects to traditional owners, their culture and elders past and present. I acknowledge their strength, resilience and continued connection to their country. I particularly want to acknowledge Gunaikurnai and Bunurong peoples. I have a great relationship with them across Eastern Victoria, and I appreciate the time that they share with me and the positive and proactive contributions that they make to our communities.

As part of those contributions, some of the projects that the Gunaikurnai are involved in at the moment are across jobs, environment, tourism, native foods or clean energy. There is so much going on. There is currently a trial in Gippsland Lakes to reintroduce oyster farming. It reinvigorates culture. It is great

for our marine environment and also for food tourism. We have also got the management of national parks across traditional lands, with the opportunities for work and the use of traditional practices. Recently the Wangun Amphitheatre has been built, which is a great meeting place at Forestec. I appreciate Daniel Miller and others there showing me and talking me through various projects they are working on.

The Victorian government is committed to true reconciliation, truth-telling and treaty with First Peoples. This can only occur by empowering and supporting Aboriginal people through self-determination. The Allan Labor government knows that true reconciliation begins with self-determination. That is why the Allan Labor government is bringing forward this legislation to ensure Aboriginal people who have bravely told their individual and family stories before the Yoorrook Justice Commission can self-determine what is done with that evidence and information.

The Yoorrook Justice Commission is a historic process, the first truth-telling inquiry of its kind in Australian history. Established by the Victorian government and the First Peoples' Assembly of Victoria in 2021, the commission has been investigating historical and ongoing injustices experienced by First Peoples from the beginning of colonisation to the present day. The commission is being led by five commissioners, chair Professor Eleanor Bourke AM, Adjunct Professor Sue-Ann Hunter, Travis Lovett, Distinguished Professor Maggie Walter and the Honourable Anthony North KC. The commission has so far produced two interim reports, *Yoorrook with Purpose* in 2022 and *Yoorrook for Justice* in 2023. It will deliver a third and final report, which will include an official public record of the experience of First Peoples from colonisation to the present day by 30 June 2025, when the inquiry will conclude.

A fundamental principle of the inquiry has been that First People must be able to engage with the truth-telling process on their own self-determined terms. We know from other inquiries, particularly the Royal Commission into Aboriginal Deaths in Custody and *Bringing Them Home*, how challenging it is for First Peoples to tell their truths. Many of the stories that have been shared by First Peoples before Yoorrook have never been heard in such public forums before. Evidence from First Peoples is especially important to Yoorrook's work. Yoorrook is investigating systemic injustices experienced by First Peoples and is required to produce an official public record based on First Peoples' experiences and testimonies. It could not achieve its purpose without evidence from First Peoples. In these circumstances, First Peoples' evidence to the commission has been shown to be much more likely to contain personal or traumatic information than evidence from non-Aboriginal people. For people to feel confident in coming forward to speak openly and honestly about their experiences of injustice and colonisation, the commission engaged with First Peoples about their choice on how the information they provide is to be treated by the commission during and after its life.

The Yoorrook Justice Commission has defined Indigenous data sovereignty as the right of Indigenous people to own, control, access and possess data that is derived from them and which pertains to their members, knowledge systems, customs, resources or territories. The commission is required under its letters patent to uphold Indigenous data sovereignty principles by accommodating, to the extent possible, First Peoples' choices in how they wish to participate, including their rights to free, prior and informed consent at all stages of participation; upholding the sovereignty of First Peoples over their knowledge and stories by consulting with them on how the information they provide should be treated; and ensuring adequate information and data protection. As a result of this extensive engagement, the commission has sought legislative change so that those choices are upheld by the state of Victoria once the commission ends on 30 June 2025. These changes ensure additional protections for First Peoples' evidence so that the commission can guarantee definitively that First Peoples who have shared their truth will have their choices about access and use of their evidence respected.

The bill relates to the treatment of records created by First Peoples and submitted to Yoorrook after the commission winds up. Currently under the Inquiries Act 2014 the commission is required to transfer its records to the Department of Premier and Cabinet, who then transfer them to the Public Record Office Victoria, PROV. Existing legislation containing protections for personal or private



information will apply to all records of evidence provided to the commission. Under the Public Records Act 1973 the Minister for Government Services can declare records to be personal or private and not available for public inspection. These existing protections under the Public Records Act are discretionary, revocable or dependent on the administrative decisions of individual decision-makers employed by government. For instance, under the Public Records Act the Minister for Government Services is able to declare records to be personal or private and not open for public inspection for a specified period. However, this is a discretionary power and a declaration can be revoked at any time. It also does not prevent access through FOI. Under these current arrangements there is no guarantee that First Peoples' choices regarding future access to and use of their evidence will be respected once the commission ends. To uphold the aspirations of Aboriginal community members to control the access to their evidence and the commission's ability to comply with Indigenous data sovereignty requirements under the letters patent, the commission has made two recommendations to government. Recommendation 2 of its *Yoorrook with Purpose* report recommended legislative reforms to protect First Peoples' confidential information provided to the commission, and stated:

That the government urgently progress the necessary legislative changes to enable the implementation of First Peoples' choices about how the information they provide to Yoorrook is to be stored, accessed and used in the future.

Recommendation 45 of its *Yoorrook for Justice* report recommended further reforms to extend these protections to all confidential information provided to the commission and to:

... legislate to create new statutory protection for public records that ensure that information shared on a confidential basis with Yoorrook will be kept confidential for a minimum of 99 years once Yoorrook finishes its work and its records are transferred to the Victorian Government.

The reforms contained here in the inquiries amendment bill address the *Yoorrook with Purpose* recommendation in full and the component of the *Yoorrook for Justice* recommendation which relates to First Peoples' evidence. We need to progress with this bill now to ensure that appropriate arrangements are in place to protect First Peoples' records and uphold First Peoples' choices prior to the commission ending on 30 June 2025.

This is the first time in Victoria that we are legislating protections of this kind for Indigenous data sovereignty. The Inquiries Act will be amended to provide the commission with the power to make two types of orders: to either close or restrict access to certain records. A record order to close certain records once the commission ends will prevent First Peoples' evidence from being publicly available within the Public Record Office Victoria or via a freedom-of-information request, thereby preventing secondary access and use of a record without the consent of the record's author. A record order to restrict access to certain records once the commission ends will provide for some records to be made available for restricted viewing within the PROV, subject to terms and conditions set out in the restriction order by the commission in line with the wishes of the record's author. For example, a condition may be that the person viewing the record must not make a copy of the record. Record orders are for a period of 99 years in line with other provisions for personal or private information under the Public Records Act. Records subject to closure or restriction orders will be exempt from the FOI act. The power to make record orders relates only to First Peoples' evidence. The commission will not be able to restrict access to evidence from non-Aboriginal people, government representatives or organisations. This is due to the sensitive and personal nature of many of the accounts provided in this evidence.

At their centre, these reforms are about authors retaining access to their records in full, even if a closure order or restriction order is made. The author will also retain the right to share, publish, copy or use the record in any way consistent with Victorian law. The bill also allows the author to provide inheritance instructions which specify that certain people or groups of people may have access to their records when they pass away – that is, access to their stories within those 99 years for their families and communities.

It is important to note that these are pieces of evidence of First Peoples' experiences provided to the commission. They are often harrowing accounts of dispossession and injustice. All Victorians, all individuals and all organisations – even all of us – have had an opportunity to provide a submission to the Yoorrook Justice Commission. The commission is due to provide two more reports and has a collection of evidence from community members, elders, ministers and leaders from across Victoria and Australia, all public, on its website. What we are talking about here is a cohort of personal stories that are so sensitive and deeply traumatic for people that they need to determine who sees their deeply personal stories. We all need to respect their wishes, and this bill does that.

Records subject to closure orders will be withheld from public access for 99 years. Only authors or specified inheritors may access them. Authors, or specified inheritors after an author has died, will be able to access their records at any point. For records subject to restriction orders, members of the public will be permitted to view the records on a standalone PC at PROV's archive centre in North Melbourne. However, these records will not be able to be copied or shared. The bill allows for an author's inheritance instructions to be included in a record order. Authors may allow access by their immediate family, extended family, community et cetera. These instructions will be included in the commission's record orders. PROV is then required to comply with these instructions in determining who may be entitled to access records following the death of an author. In the case where a record has multiple authors, inheritance instructions will only be applied when all the authors of the record are deceased. PROV has worked with the commission to develop an agreed approach to determining proof of entitlement to access a record. The agreed step-by-step process will enable PROV to manage requests for access from inheritors sensitively and effectively.

The bill also includes some minor amendments to section 124 of the Inquiries Act, which governs the transfer of records of royal commissions, boards of inquiry and formal reviews to PROV via Department of Premier and Cabinet. The current Inquiries Act requires that all inquiry records are to be transferred to PROV via DPC. However, DPC and PROV's historical practice for handling inquiry records, which predates the Inquiries Act, may not be consistent with DPC's obligations under the act because PROV, in accordance with the Public Records Act, only accepts records which are considered permanent – for example, of permanent value and suitable for retention as part of the state archive. Section 124 is therefore being amended so that this requirement to transfer all records to PROV as soon as practicable after their receipt is expressed as subject to the relevant standards issued by the keeper under the Public Records Act. This would mean that records identified as temporary do not need to be transferred to PROV and may be kept and disposed of by DPC in accordance with the relative standards issued by the keeper and any requirements specified by the inquiry. It should be noted that these provisions are in no way intended to be used for First Peoples' records of evidence to the commission, which are of obvious permanent historical value. The legislation is being updated to align with current practice when distinguishing between permanent and temporary records. These changes to the Inquiries Act are emblematic of how the Victorian government is working with First Peoples, listening and taking real action, and with that I will close my remarks.

**Sheena WATT** (Northern Metropolitan) (16:38): It is only right that this Parliament, at the start of every sitting, acknowledge the traditional custodians as the First People of this land, and at the beginning of my contribution today I once again acknowledge them. I pay my respects to their elders past and present. I acknowledge their strength, their resilience and their continued connection to country, skies and waterways. I acknowledge that now is our time of truth being told – a long time coming after a long time of waiting. I also acknowledge the Minister for Treaty and First Peoples in the other place, the Honourable Natalie Hutchins, for her dedication and leadership. The work that she has led and her genuine engagement with me is something that I deeply value and that I will forever hold and treasure.

I stand here today with deep reverence for my own mob, who along with many other mobs across Victoria have carried the weight of history and the hopes of our future. Our ancestors paved the way for truth-telling and reconciliation, and I honour them for their sacrifices and I honour their strength.

It is through them that I stand here today with a foot in both worlds: an elected member of Parliament and a First Nations person. I hear your truths because so many of them are mine too. The Allan Labor government is committed to truths and committed to reconciliation and self-determination for First Peoples. That is why we are progressing this bill, ensuring that Aboriginal people who have courageously shared their truth with the Yoorrook Justice Commission retain their right to self-determine how their evidence is treated now and into the future. The Yoorrook Justice Commission is the first truth-telling inquiry of its kind in Australia. It is historic, it is groundbreaking and it is long, long overdue. It was established in partnership with the First Peoples' Assembly of Victoria, and the commission has been investigating the historical and ongoing injustices suffered by First Peoples from the time of colonisation to today. It has given voice to those whose stories were silenced for far too long.

The importance of this inquiry cannot be overstated. I just need to take a moment to acknowledge and honour everyone who has shared their story, shared their truths and dug up some histories in their family and in their community that were hard to tell. I thank you for changing the very fabric of our understanding of what it means to be a Victorian and to live here. I know that it is a bold thing, and to you, I say thank you. You are not alone in this. You follow the footsteps of so many before you. We have seen truth-telling processes right across the world, from South Africa to Canada. They pave the way for healing, reconciliation and systemic change in Victoria. While we are taking that step now, we have heard some harrowing, some powerful and some deeply personal stories through Yoorrook. Many of these stories have never been shared in public forums before. They are the sorts of stories that are spoken in hushed tones in quiet rooms, kept secret from anyone other than family. These are the stories of the lived experience of First Peoples. They are our stories, they are our pain and they speak to our resilience.

This legislation, the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024, provides some protections to ensure that First Peoples' evidence is treated with the respect and care that it deserves. It is no small thing to make a contribution to a royal commission. It is no small thing to speak up and speak truth to generations and generations of suffering and pain. With this bill we are allowing for the commission to make record closure and restriction orders for a period of 99 years, preventing public access to evidence provided by Aboriginal people if it is their wish. For too long our histories were written by, well, not us – by governments, by institutions, by those who had never walked in our shoes.

Our stories so often are not our own. They are owned by government, by researchers and by anthropologists. This bill changes that. It ensures that the stories shared with Yoorrook remain on our terms, honouring the choices of those who have bravely come forward. This government is acting now and must do before the commission concludes its work on 30 June this year to ensure that these protections are in place. Without it, we are breaking the trust of those who have shared their stories. It is simply not an option.

For many who have already shared their stories, so much has already been taken. It is crucial that your own story, your own truth and your own family remain yours – the story of how you came to be there on the witness stand. As a First Nations person I know that sovereignty was never ceded. Sovereignty is not just about land or governance. It is about self-determination. It is about our identity. It is about control over our own stories. It is about ensuring that our voices, our experiences and our histories are told and preserved on our terms. This bill affirms that sovereignty. It acknowledges that Aboriginal people have the right to control their own information and how it is shared. It is a fundamental step in the process of truth-telling and treaty.

First Peoples can only thrive when they have the power to determine their own future. Truth-telling is a pillar of treaty. It is essential to addressing the systemic injustices that have plagued our people for generations. The Yoorrook Justice Commission has laid the foundations and the work must continue. Treaty negotiations, which formally began in November 2024, are the next step in the journey. It marks a decisive step towards Victoria's treaty era, where First Peoples are the true experts in their own lives. They are placed firmly in the driver's seat to make the decisions on the issues that matter most to them.

Treaty is about recognition. It is about ensuring that First Peoples have a say over their health, education, housing and culture. It is about addressing historical wrongs and building a better future for all Victorians. This bill is part of a broader journey, one that demands actions not just words. Last week I visited the First Peoples' Assembly of Victoria to discuss the path forward and how Yoorrook's work of truth and justice creates a path towards treaty.

Can I take a moment now to address what was said across the chamber by those who oppose this bill, and I will start with Ms Bath, who argued that it creates two classes of citizens, echoing her colleague in the other place. Let me be clear, this bill does not discriminate, it provides protections for historically disadvantaged groups whose voices have been marginalised for far too long. These protections are a special measure under the Charter of Human Rights and Responsibilities Act 2006, the Equal Opportunity Act 2010 and the RDA or Racial Discrimination Act 1975. It is right there for all to see. We have heard from Ms Bath that this legislation would create two classes of citizens. My people have not been treated as equal in this state in the past. It is true that our trauma is lasting. It has long contaminated government and public worldviews and perpetrated injustice.

The Yoorrook Justice Commission seeks to address this through truth, and this bill brings the principle of self-determination to life by ensuring that First Peoples have control over their own stories and the evidence they share with the Yoorrook Justice Commission. The commission's power to issue record orders only covers First Peoples' evidence. It does not constitute discrimination. Sorry, I am just so completely blown away by the falsehoods being spread across the chamber. Some have suggested that it prevents the scrutiny of records by the courts. That is simply not true. The bill contains provisions allowing records to be accessed by courts or integrity agencies where required. To those that oppose the bill I ask: what is the alternative? What are the deeply held truths of our state that we must confront? Do we allow the deeply personal truths shared by First Peoples to be exposed to public scrutiny without their consent? Do we risk retraumatising those who have suffered already so much?

This bill is about respect. It is about trust, and it is about doing what is right. This bill is about justice. It is about ensuring that truth-telling is not just a moment in time but a permanent part of Victoria's journey towards reconciliation. It is about ensuring that First Peoples retain the right to determine how their own stories are preserved. The Victorian government is committed to truth and treaty. We are committed to ensuring that this state leads the nation in recognising and upholding the rights of First Peoples. This bill is not just about legal protections. It is about respecting the choices of those who have so bravely shared their truths.

Those opposite might mention one elder or organisation. There are so many more that have a story worth listening to about Yoorrook, and I choose to listen to the 33 democratically elected representatives of the First Peoples' Assembly. Why listen to one elder when you can listen to the elected representatives of Victoria's First Peoples? Those opposite also quoted – what was it? – the Productivity Commission stating that we are failing to close the gap. Let me assure you as somebody who was in the Parliament when this began – I sat up there in Canberra – that every state is failing. I have read this report every year and I have listened in as prime minister after prime minister gives their reports, and you know what? Failure is happening over and over again. So what happened? The Productivity Commission stood up and said maybe there is an answer here. What did they suggest? They suggested truth-telling and treaty. I think that may have been missed in some contributions of those opposite, because it was the Productivity Commission that said that it is truth-telling and it is treaty that will help close the gap. I am very much a supporter of that finding, as are all of us on this side, I must say.

It is disappointing to me, so very disappointing, that not a single member of the Victorian Liberals in the Legislative Assembly had the decency to speak on the bill that they opposed. Rather than standing in solidarity with Aboriginal Victorians, the Liberals and the Nationals have chosen to turn their backs on what are really straightforward and reasonable requests. Aboriginal Victorians have shown immense courage in sharing their truths with the royal commission. These are not easy things to do. I cannot emphasise that enough. I think if we had some sort of finding about how many royal

commissions Aboriginal people have faced – well, there have been many, and this latest one is a tough one, because you are not only telling your truth, you are telling the truth about your family and your ancestors. Yet the Liberals have denied them the basic respect of explaining why they were rejecting this bill. To me it is truly staggering that you can acknowledge the deep trauma endured by First Peoples in the contributions, yet when presented with a tangible opportunity to address that very trauma through this bill before us, they instead have used their position to block progress. I ask those opposite: if you are not prepared to listen to our stories, hear our pain and protect our people, how can you ever be trusted as an alternative government? You do not always have to agree with what people are telling you, but at least have the decency to hear and to listen, because First Nations people deserve the decency of at least understanding the reasons why you oppose this legislation.

I am going to finish on perhaps a much happier note, and that is quoting an esteemed leader, someone who I have acknowledged and had the great privilege of meeting on one very special occasion, probably the occasion where I first learned about data sovereignty. That was my meeting with the late Archbishop Desmond Tutu, a leader that I hold in the greatest esteem. He said to the South African truth and reconciliation commission:

We must not only speak about forgiveness and reconciliation, we must act on these principles.

So I ask my fellow members of this chamber to act on those principles. I urge you to support this bill, take a stand on the right side of history, stand with First Peoples and stand for truth, justice and reconciliation. Listen when they tell you what they want, and do not continue to make decisions for them. We have an opportunity today to do what is right. Let us not waste it. I, with that, commend this bill to the house.

**The ACTING PRESIDENT (Michael Galea):** I would like to take a moment to acknowledge the presence in the chamber of a visiting member of the Grand National Assembly of Türkiye, Mehmet Rüştü Tiryaki.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (16:53): I rise on behalf of the Minister for Treaty and First Peoples to sum up in relation to the Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024. I begin – as we do at the start of every day – by acknowledging that we meet on the lands of the Wurundjeri Woi Wurrung people, and I pay my respects to elders past and present and to Aboriginal people who may be participating in the proceedings of this house or indeed visiting this house. I acknowledge members of the First Peoples' Assembly, who are also in the gallery, and I acknowledge the contribution in particular of Ms Watt.

I also seek to reiterate the comments of the members of this side of the house and many of those on the crossbench, that the Yoorrook Justice Commission is indeed a historic process. It is the first truth-telling inquiry of its kind in Australian history. I myself have had the immense privilege of giving evidence at the Yoorrook Justice Commission. A fundamental principle of the inquiry has been that First Peoples must be able to engage with the truth-telling processes on their own self-determined terms. When setting up the commission, we knew from other inquiries, particularly the Royal Commission into Aboriginal Deaths in Custody and *Bringing Them Home*, how challenging it is for First Peoples to tell their truths. Many of the experiences and the stories that have been shared by First Peoples before through this truth-telling process had never been heard in such public forums before. Yoorrook is investigating systemic injustices experienced by First Peoples. It is required to produce an official public record based on First Peoples' experiences and testimonies. It could not achieve its purpose without gathering evidence from First Peoples. In these circumstances First Peoples' evidence to the commission has been shown to be much more likely to contain personal or traumatic information.

This bill acquits relevant recommendations from the commission, as well as ensuring that relevant protections are in place so Aboriginal people can come forward to tell their truths. The bill does this by introducing a closure or restriction order which the commission can make on relevant records for

a period of 99 years. These orders will be made on the relatively small number of records affected before the commission winds up on 30 June 2025. What we are talking about here is a cohort of personal stories and personal experiences that are so sensitive and deeply traumatic for people that they need to determine who sees their deeply personal stories and hears those experiences. We all need to respect their wishes, their self-determination, and this bill does that. There has been extensive consultation on the bill, including with the Public Record Office Victoria and Office of the Victorian Information Commissioner, who will operationalise the bill. All of them support the bill.

In relation to some of the issues raised by those opposite, and in particular the issue of dealing with records based on race that has been raised in the debate, let me clarify. The position First Peoples are coming to the commission from is different from the rest of the community. First Peoples have experienced the dispossession of country and dispossession from their language and culture. They have lived through the stolen generations and are over-represented in our criminal justice systems. This is unique to First Peoples. This is why their evidence may be particularly traumatic and difficult to share and why many may choose for it to be closed from public inspection once the commission closes. It is not a two-race system. We are using the same legislation to ensure equity exists for very sensitive records and that Aboriginal people get a say in how their records are dealt with.

There have been some remarks stating that these changes disadvantage or discriminate against non-Aboriginal people. This is incorrect. The commission's power to issue record orders only over records of First Peoples' evidence does not constitute discrimination under the Charter of Human Rights and Responsibilities Act 2006 – the charter; the Equal Opportunity Act 2010 – the EO act; or the Racial Discrimination Act 1975. The commission's power is a special measure within the meaning of those acts. Under section 8(4) of the charter, measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. This is in recognition of First Peoples' serious experiences of trauma and intergenerational trauma that are unique to them. These changes do not take away from non-Aboriginal people. We will all benefit because more Aboriginal people got to tell their stories to the Yoorrook Justice Commission.

Some speakers have put forward that the current measures in the acts being amended are adequate to deal with Aboriginal peoples' concerns regarding giving evidence at a royal commission. Existing protections under the Public Records Act 1973 and the Freedom of Information Act 1982 are discretionary, revocable or dependent on the administrative decisions of individual decision-makers employed by government. For instance, under the Public Records Act, section 9, the Minister for Government Services is able to declare records to be personal or private and not open for public inspection for a specified period; however, this is a discretionary power, and a declaration can be revoked at any time. It also does not prevent access through FOI. The protections in this bill allow the commission to guarantee that First Peoples' engagement with this historic truth-telling process will remain on their terms and that their choices as to how their personal information is used and treated will be upheld.

The issue of closing the gap has been referenced in debate. Even the Productivity Commission has told us that truth-telling and treaty are the way for governments to close the gap. The promotion of Indigenous data sovereignty is a priority reform under the National Agreement on Closing the Gap. This commits governments to change the way they work with Aboriginal and Torres Strait Islander organisations and people in relation to data. This bill is the first time we are seeing Indigenous data sovereignty legislated in this way, furthering Victoria's commitments under the National Agreement on Closing the Gap, again leading the way.

The issue of consultation has been raised, and the First Peoples' Assembly of Victoria, the democratically elected body representing Aboriginal people, have indicated their support for the bill. The truth-telling commission implementing these changes has worked on these changes with government, and these Aboriginal organisations support these minor changes. There have also been questions in the debate around whether these records can be scrutinised by the courts. Let me clarify

this point. Courts can still access these records. Even where records are closed the bill provides pathways for access for specific purposes, including to enable the Department of Premier and Cabinet or the Public Record Office of Victoria to respond to court orders or integrity agency proceedings, for example the new section 52I(3)(d) and (g) of the Inquiries Act 2014 and the new section 10AAB(4)(d) and (g) of the Public Records Act.

I also want to restate that existing legislation containing protections for personal or private information will apply to all records of evidence provided to the commission. Under the Public Records Act 1973 the Minister for Government Services can declare records to be personal or private and not available for public inspection. Similarly, under the Freedom of Information Act 1982, documents which unreasonably disclose someone's personal affairs may be exempt from public access. These protections may apply to personal or private evidence given to Yoorrook by non-Aboriginal witnesses. There should be no doubt that these protections remain.

These changes to the Inquiries Act are emblematic of how the Victorian government is working with First Peoples, listening and taking real action. The work to reform the Inquiries Act is a critical step on our pathway towards self-determination, ensuring that First Peoples' choices as to how records of their evidence are treated once the commission ends are upheld. These minor but important reforms will ensure that First Peoples' engagement with this historic truth-telling process is on their terms and that the commission can uphold the commitments it has made to respect their wishes as to how their evidence will be treated.

Whilst this government is looking at how we bring people together, those opposite are backflipping on their support for Victoria's treaty. They are walking out on Aboriginal Victorians without a care on how it impacts on First Peoples, and they have done the same when it comes to this bill. Not one single member of the Victorian Liberals could even show the decency to speak on this bill that they opposed in the Legislative Assembly. Instead of standing alongside Aboriginal Victorians, the Liberals and Nationals have decided to turn their backs on this simple ask. Aboriginal Victorians have been so brave to share their truth at the royal commission, and the Liberals have denied them the respect to even explain why they are opposing this bill. It is astounding that those opposite will acknowledge the trauma of First Peoples, the trauma that they have endured and that they have spoken to in their contributions, but when an opportunity to address that trauma presents itself, such as this bill, they use their position to oppose progress. Those opposite continually say they want to work together to achieve change and close the gap. Well, where is their plan? In opposing this bill and opposing treaty, which are designed to work closely together, they are not working with us but against us and against Aboriginal Victorians.

We are getting on with delivering truth-telling and Victoria's first treaty. We are seeking to close the gap and protect Aboriginal cultural heritage for all Victorians so that we can create a Victoria that we are all proud of. Instead of using this very simple and minor bill as an excuse to feed division and foster further inequities, I encourage those opposite to find the courage to support the rights and voices of First Peoples, who have told us what they want – to implement the recommendations through the legislative amendments before us today.

**Council divided on motion:**

*Ayes (21):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (15):* Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1 (17:10)**

**Melina BATH:** Minister, if it serves you, I will just ask all of the questions that I have in clause 1. Minister, there has been evidence through Victorian royal commissions previously that have covered deeply sensitive information and traumatic information that includes family violence, child sexual abuse and mental health. Why are the laws that protect those individuals in Victoria not appropriate in this situation?

**Lizzie BLANDTHORN:** What we are seeking to do here is make amendments that will ensure that the deeply personal evidence that was given by some First Peoples in particular to the Yoorrook Justice Commission is treated with the sensitivity that they self-determine is necessary for their own evidence. Ms Bath, what is often the case when we are dealing with great social injustices is that some people require more support and more assistance than others to achieve equity, and these reforms are absolutely about ensuring that the evidence given by First Peoples to this historic Yoorrook Justice Commission is treated with the self-determined approach that it should be and that indeed those who have given particularly deeply traumatic evidence have the right and the ability to ensure that the evidence that they have given is treated respectfully.

**Melina BATH:** Given that royal commissions hear sensitive evidence on a range of matters, such as – and I will put them on record – family violence, child sexual abuse, mental health and the like, how does the government measure what is more sensitive in terms of the Yoorrook commission's evidence as compared to those from other royal commissions?

**Lizzie BLANDTHORN:** Other inquiries have over time raised similar concerns about the adequacy of existing protections for sensitive or confidential evidence provided to royal commissions and other inquiries. Indeed the Beaumaris board of inquiry, for example, raised concerns that existing privacy protections under the Public Records Act 1973 and the exemptions under the Freedom of Information Act 1982, which protect certain categories of record from being released, are not sufficient to ensure that confidential personal information is protected from public disclosure. For example, the Beaumaris board of inquiry recommended legislative changes to ensure that personal information identified as confidential, anonymous or sensitive would be kept confidential for 99 years and would be exempted from the FOI act for the same period. The Victorian government has also accepted that recommendation in principle and has commenced work on that recommendation.

Similarly, at the Commonwealth level there have been concerns about privacy protections raised at the Royal Commission into Defence and Veteran Suicide, for example; the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – one that I am particularly familiar with; and the Royal Commission into Institutional Responses to Child Sexual Abuse. In response to that, the Commonwealth has amended the Royal Commissions Act 1902 to provide further protections for certain personal or private information disclosed to the aforementioned royal commissions, including by exempting confidential documents from access under Commonwealth freedom-of-information legislation. The Victorian government is scoping wider reforms in response to recommendations from Yoorrook and the Beaumaris board of inquiry, but it is progressing these very discrete reforms now due to the need to have them in place prior to the Yoorrook Justice Commission finishing up on 30 June 2025.

So we do accept that there are other circumstances in which deeply traumatic evidence given by people to these types of inquiries or commissions might also be worthy of the same levels of protection – or they might choose the same levels of protection, if you like – but the Yoorrook Justice Commission does wind up at the end of this coming June, and it is important for those First Peoples in particular



who have given difficult evidence to this inquiry that they have the opportunity, through these discrete and minor reforms, to self-determine which of their evidence does need this level of protection by 30 June.

**Melina BATH:** Minister, it is interesting that we are in the last throes of this debate and yet that is the first time that there has been on record anything about the wider scoping of reforms, which I find quite bizarre.

My question is on the impact on public access. How does restricting access for 99 years align with the principles of transparency and accountability in government inquiries?

**Lizzie BLANDTHORN:** What are absolutely critical in government inquiries are the collection of evidence and that the outcomes of any of these types of inquiries are informed by the broadest, most relevant experience, particularly lived experience, which is obviously the case when we are talking about the Yoorrook Justice Commission and the previous example I gave, the disability royal commission. It is absolutely critical that those who have lived through the issues for which the inquiry is seeking evidence have the capacity to give that evidence to that inquiry in the knowledge that their often traumatic evidence will indeed be protected. It is a choice. There will be a self-determined choice that First Peoples who gave evidence can make to have their evidence protected. We are talking about the evidence given by First Peoples to this inquiry. We are not talking about my evidence to the inquiry, for example. We are talking about the evidence of those who shared their deeply personal and often traumatic experiences with the inquiry and saying that those people have the right to choose that level of protection as they see fit to cover their evidence. What would be a worse outcome is if people did not feel culturally safe – safe in any sense – to present that evidence to the inquiry in the first instance because we could not afford them those protections.

**Melina BATH:** Why were these laws then brought in at the end of the Yoorrook commission's inquiry rather than at the start?

**Lizzie BLANDTHORN:** The letters patent clearly set out the parameters of the inquiry. What we are proposing to do here gives effect to those commitments that were made to those people who gave evidence that they could self-determine that their evidence would be protected.

**Melina BATH:** Were relevant public records expert stakeholders consulted on this bill, and if they were, who were they and what were their views?

**Lizzie BLANDTHORN:** My advice is that the Public Record Office Victoria as well as the Office of the Victorian Information Commissioner were consulted, and both support the bill.

**Melina BATH:** What are the projected legal and administrative costs associated with implementing this bill, and how do these compare to the costs of maintaining the current system? What is the cost impost in administering this bill?

**Lizzie BLANDTHORN:** My advice is that the public record office will have a single, dedicated computer that First Peoples can use to access their own records. Otherwise, it is not envisaged that there will be any additional cost.

**Melina BATH:** In terms of the restrictions imposed by this piece of legislation, how could they affect historical research and the ability of future generations – we have got 99 years of withholding information – to understand and learn about past inquiries? How might the restrictions imposed through this legislation impact historical research which could be of benefit to society?

**Lizzie BLANDTHORN:** The reports of the Yoorrook Justice Commission obviously take into consideration all of the evidence that was collected and report on that evidence. So the outcome of the Yoorrook Justice Commission, if you like, is indeed a holistic report that speaks to all of the evidence gathered. But those people who self-determine to have their evidence closed will be able to choose to

share their evidence more broadly if they so choose. The report will speak to their evidence in a de-identified way, but individuals could choose to share their evidence more broadly if they want to.

**Melina BATH:** In relation to the specified relatives of persons who have asked for their records to be closed, is there any specification – I could not see it in the bill – to identify the number of generations? Can individuals specify how many generations will have access to it, noting that for 99 years it will be hidden?

**Lizzie BLANDTHORN:** Individuals would be able to choose whoever they would like to see their evidence. They can choose to have their record closed for 99 years – which could cover any number of generations in any particular given family, obviously – but individuals can choose to share their evidence with whichever generations of their family they determine.

**Melina BATH:** So I am making that choice. Clearly, I am not going to live for 99 years. Does the person have to specify how many generations – my daughter, my grandchild et cetera? How is that determined?

**Lizzie BLANDTHORN:** The ultimate limitation is the 99 years, not generations of families. In the meantime any person whose evidence was closed would be able to choose to share it with whichever generation, but the limitation is closing it for up to 99 years.

**Clause agreed to; clauses 2 to 8 agreed to.**

**Reported to house without amendment.**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:24): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:24): I move:

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

**Council divided on motion:**

*Ayes (21):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (14):* Melina Bath, Gaele Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

**Motion agreed to.**

**Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

*Adjournment*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:30): I move:

That the house do now adjourn.

**Victorian Mosque Open Day**

**Michael GALEA** (South-Eastern Metropolitan) (17:30): (1401) The adjournment matter I wish to raise this evening is for the attention of Minister Stitt, the Minister for Multicultural Affairs, who by great good fortune happens to be in the chamber with us this evening as well. It concerns Victorian Mosque Open Day. Many of us on this side of the house in particular had the great opportunity of going and visiting some of our mosques over the weekend at the terrific open mosque day event. I had the opportunity of visiting a great new centre in the heart of Dandenong, a centre run by the Young Muslims of Australia association. It was a terrific opportunity for all Victorians to reach out to and engage with different religious communities that many of us are not typically accustomed to. For me it was a great experience and a great opportunity to learn personally about some of the ways in which young constituents of mine in the South-Eastern Metropolitan Region are engaging with their Islamic faith. It was a great opportunity going there in the mid-afternoon to see afternoon prayers and to be so warmly welcomed and shown exactly how everything is done.

I would like to particularly thank the two lovely young men who showed me around, Muhammad and Ilyas, for the wonderful conversations I was able to have with them about their faith but also about their broader experience of being a young person growing up in the south-east in the very heart of multicultural Australia. Open mosque day is a terrific event which is supported through funding by the Allan Labor government, and I note earlier speeches in the day that touched upon that contribution that the government makes to these important events as well. In that spirit I ask the minister: can you outline for me what sorts of supports are being provided to this terrific program?

**Victorian Fisheries Authority**

**Melina BATH** (Eastern Victoria) (17:32): (1402) My adjournment matter this evening is for the Minister for Outdoor Recreation, and it relates to Labor's decision to cut the number of fisheries officer positions by 27, to just nine, across Port Phillip Bay and Western Port Bay, and in doing so weakening enforcement efforts and leaving marine environments and recreational fishers and boaters at greater risk. The action I seek from the minister is to outline how this government intends to regulate frontline fisheries compliance, create positive education and protect our marine environments.

Port Phillip Bay and Western Port are two of Victoria's busiest fishing and boating regions, and I have had the pleasure of speaking and meeting with locals and actually fishing off a couple of spots in my electorate. Effective regulation of the marine environment works to ensure that fishing, both recreationally and commercially, remains sustainable and provides maximum value for the community. Locals have told me that there is a fleet of five vessels that will soon be sold off and that they are at a loss as to how fisheries compliance will be completed with so few staff and without boats. There is enormous respect and cooperation between Western Port commercial operators and fisheries staff, and only last week this saw evidence collected on abalone poaching by divers in Western Port.

We know that Victorians love fishing and boating, and so I am raising their concerns about the cutting of these enforcement officers, which may well impact on the sustainability of a pastime loved by hundreds of thousands of Victorians. There is genuine community concern and industry concern about this government's decision, and clearly it is a cost-cutting measure, given this government's ever-increasing budget black hole. We know that the majority of people do the right thing – rules are only needed for about 2 per cent of the population – but they are concerned about how this government will ensure those oversights. Fisheries officers already carry a vacancy rate close to 30 per cent, and the state government is restructuring them. So in essence I am calling on the government to outline to

the fishing community how it intends to continue to protect both the fish and sustainable fishing in relation to compliance and education.

### **Glue traps**

**Georgie PURCELL** (Northern Victoria) (17:35): (1403) My adjournment matter this evening is for the Minister for Environment, and the action I seek is for him to prohibit the sale of all glue traps in Victoria. Recently I received an email from a wildlife rescuer, and the attachment contained an image of a dead microbat covered entirely in glue. The email explained that rescuers had done everything that they could do to help, but the injuries were, by design, too extensive and euthanasia was the only option. It was the second call this rescuer had received in two weeks for the same problem. In fact non-target species becoming trapped in archaic glue traps is widespread and commonplace. That is despite most being prohibited under the Prevention of Cruelty to Animals Regulations 2019, which the Animal Justice Party helped secure at the time. These horrific devices work to trap and then slowly inflict fatal injuries on all kinds of small animals as they struggle desperately to escape.

The laws prohibiting their use exist because they are unimaginably cruel, but an exception is made for insect traps, provided they feature a barrier or cage to prevent larger animals from becoming stuck, and this is exactly where the problem lies. Lawrence Pope from Friends of Bats and Bushcare recently attended 50 convenience and dollar stores across Melbourne to find that around 90 per cent of them were still selling illegal glue traps. They are either overtly advertised for larger animals or sold as insect traps, but without the compliant barriers. Despite countless reports to Crime Stoppers, illegal traps are spotted frequently, and the only action taken is that of volunteer wildlife rescuers. Their work is being multiplied by call-outs to entirely avoidable emergencies and situations that are already illegal. Victoria is home to 23 species of microbats, including the critically endangered southern bent-wing. This ecologically significant bat is one that scientists believe will become extinct within the next 40 years if there is no intervention. This is just a simple thing that this government could do to safeguard their future, and I hope the minister will intervene to outlaw all kinds of cruel and replaceable glue traps.

### **Early childhood education and care**

**Jacinta ERMACORA** (Western Victoria) (17:38): (1404) My adjournment matter is for the Minister for Children. Minister, last week I had the honour of representing you at the opening of three new facilities for children in my electorate of Western Victoria: a new kindergarten at Dimboola and a new kindergarten at Nhill, both at the local government primary schools, and a very impressive early learning centre at Murtoa named Bani Walup, which in the Wergaia language means ‘little blue-tongue lizard’, which is very, very common in that community.

Bani Walup is one of four of Victoria’s very first government owned and operated early learning and childcare centres and among a total of 50 such centres in the pipeline for communities that need them most across the state. We want to give all children the very best start in life, no matter where they live. The establishment of 50 government owned and operated early learning centres is part of this government’s \$14 billion commitment to expand kindergarten programs across the state. I must say that the facility as we walked through it – the playground, the colour schemes and the woodwork – was so beautiful and so calm. There is now a trend for calming colours and natural wood and play equipment outside, so there were no big, lairy, bright colours. It was all very gentle. It was beautiful. This massive investment includes the rollout of pre-prep, doubling kinder for four-year-olds to up to 30 hours a week, which means children in their four-year-old program will have more time to learn through play before starting school. We are also ensuring that across the state every three-year-old can now have at least 5 hours of kindergarten a week, and by 2029 we will increase that to 15 hours.

Evidence shows that two years are better than one when it comes to early learning. Given the importance of early learning centres for giving Victorian children the best start in life, I am seeking an update from the minister on progress towards the two early learning centres at Portland South Primary

School and Bundarra Primary School in Portland, both of them in a regional community again and in a community that has been calculated as being short on child care. I have already met with the Portland South Primary School, and they are very much looking forward to the new facility which will include maternal and child health services, child care, pre-prep and kinder as well.

### **Dandenong South level crossing removal**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (17:41): (1405) My adjournment matter is for the Minister for Transport Infrastructure. The action I seek is for the minister to meet with local business operators to hear and genuinely respond to their concerns regarding the proposed closure of Progress Street in Dandenong South as a result of the scheduled removal of the Progress Street level crossing. The closure of Progress Street will have a significant adverse effect on thousands of workers employed in businesses located in Progress Street, Nathan Road and Fowler Road.

The safety of many of these employees will be at risk, in particular the hundreds of employees who walk and cycle up and down Fowler Road to and from work every day. The increase in traffic in Fowler Road resulting from the closure will also have a dramatic and dangerous impact on all the users of Fowler Road. This includes hundreds of Australia Post employees, who walk and travel on bikes and other smaller vehicles. I must say it is meant to be or has been the largest Australia Post in the Southern Hemisphere.

I have spoken about this important local issue many times in this place. I have also spoken to the owners of many of the businesses in this precinct numerous times, and they are extremely concerned about the safety of employees due to the known dramatic increase in traffic volume and the size of many of the vehicles travelling up the much narrower, undulating and winding Fowler Road when Progress Street is closed. The road closure will also have a major impact on the efficiency of the many businesses in the area, given that many of them are serviced by high volumes of trucks every day. In fact some of them are very large trucks that carry cranes and others are very large Australia Post trucks.

I note the most recent level crossing removal update provided by the government was dated December 2024 and contains a number of false claims. For example, it states that removing the Progress Street level crossing:

Will allow more trains to run more often

This is pure nonsense given that the trains have a right of way and are not restricted by the current level crossing. It should also be noted that the level crossing is not near a station, so trains pass by rapidly and there is very little restriction to motor traffic. The government brochure goes on further to state that this project will:

... improve traffic flow and ease congestion in the area.

As I have said, all the local businesses and employees know this is inaccurate, false and even misleading, because everyone is concerned the road closure will cause further delays. Another false claim in the brochure is:

Boom gates down for **21%** of the morning peak

Studies undertaken at the request of local businesses show that the boom gates are down for 11 per cent of the time in the morning peak and are averaging only 54 seconds per cycle. I am very pleased that the local lower house member of Parliament is now the minister with this new portfolio, and I am eager for her to help the many employees of this local business area, because many of these employees are also local residents – *(Time expired)*

### **West Gate Tunnel**

**David ETTERS HANK** (Western Metropolitan) (17:44): (1406) My adjournment is directed to the Minister for Environment and relates to the West Gate Tunnel ventilation stacks. The western suburbs of Melbourne are more impacted by air pollution than any other region in the state. Diesel

emissions from trucks – a toxic cocktail of chemicals, black carbon and heavy metals – are the leading cause of respiratory illness in the west, including asthma, with rates in the west being 70 per cent higher than the state average. For local residents these risks will increase with the opening of the West Gate Tunnel, with an estimated 70,000 trucks using the tunnel every day; however, the installation of air filtration on the tunnel’s ventilation stacks would make a tangible difference in reducing residents’ exposure to emissions – all for what the former Premier described to locals as ‘a mere rounding error’ in the overall cost of the project. The decision to forgo filtration was made by the then Minister for Planning Richard Wynne in 2017, who was apparently unconvinced of its cost effectiveness. If the government is unconcerned by the human suffering generated by these airborne poisons, the savings in primary health care alone would more than justify the cost.

The updated Environment Protection Act 2017 mandates a preventative focus to address harms to health that may be cumulative and arise from a range of factors, so it is likely that the EPA would now advise to install those filters. Filtration can be added to the ventilation stack at a later stage but now is the time to install them. Practically, it is unrealistic and it is undesirable to shut down the tunnel when it is up and running to install those filters. But, more importantly, why would this government consciously poison its own citizens for the cost of a mere rounding error? And if the government imagines that at some stage these filters will be retrofitted if necessary, as has been said, how is that going to work? Are we going to count kids admitted to the ED at the new Footscray Hospital with asthma attacks or wait for an obvious uptick in lung cancer deaths, or will the government wake up? The results of the Werribee by-election were a lot more than a mere rounding error, and if the government has really started to listen to the west, they should be able to hear loud and clear what the residents are demanding: stop poisoning our kids and install the damn filters.

Transurban is in the process of applying for a licence to operate the tunnel, so the action I seek is for the minister to guarantee that no operating licence will be granted to Transurban until air filtration has been fitted to the West Gate Tunnel ventilation stacks.

#### **School breakfast clubs**

**Sonja TERPSTRA** (North-Eastern Metropolitan) (17:47): (1407) My adjournment matter this evening is for the Minister for Education regarding the expansion of the school breakfast clubs program. The action I seek is for the minister to provide an update on the implementation timeline and engagement strategies to ensure that all eligible Victorian government schools are aware of and able to participate in this vital initiative in my region. The school breakfast clubs program is a crucial initiative supporting students’ learning outcomes by providing free nutritious meals. Research shows that hunger negatively impacts a child’s ability to concentrate, self-regulate and fully engage in learning. With the rising cost of living, many families, particularly those experiencing financial hardship, are struggling to provide enough healthy food. Since 2016 the program has delivered over 40 million meals across Victoria. The 2024–25 budget’s \$21.1 million commitment will expand access to all opt-in government schools, adding to the \$141.2 million investment since inception. With 150 additional schools joining by June 2025 and all government schools eligible from July 2025, it is vital that no school is left behind. The government’s partnership with Foodbank Victoria ensures efficient delivery, but proactive engagement is necessary to maximise uptake, particularly for schools in high need areas. I commend the government’s investment in this essential initiative and seek the minister’s assurance that all eligible schools will be supported to benefit from the program.

#### **Tarraville hall**

**Renee HEATH** (Eastern Victoria) (17:48): (1408) My adjournment is for the Minister for Planning, and the action that I seek is for the minister to intervene and stop the proposed sale of the historic Tarraville school, museum and public hall, which has protective heritage overlay, and ensure that comprehensive community consultation occurs. Tarraville, established in 1843, stands as the oldest settlement in Gippsland and is home to significant heritage sites, such as Victoria’s oldest timber church and the birthplace of renowned opera singer Ada Crossley. The Tarraville school, museum and

public hall have been the centre of this rich heritage, serving both as home for local history and a vital community gathering place.

Despite this cultural and historical importance, the Department of Energy, Environment and Climate Action has announced the sale of this building. The decision was made without genuine consultation or proper consideration of the detail of what the community wants. There have been submissions from the Tarraville Residents and Ratepayers Association, and the group has called for this site to be preserved. Instead, DEECA claims that the school is surplus to community needs and that the community's preferred public facility is a dilapidated local cricket club with a partially collapsed roof. This is just not okay. In another bizarre twist DEECA also retrospectively granted ownership of the school's and hall's content to a historical group that does not even exist yet. It is just absolutely bizarre. An article in 2016 reported that approximately 800 historical houses are demolished every week, leading to the irreplaceable loss of our cultural heritage. Similarly, the National Trust for Historic Preservation emphasises that rehabilitating older buildings is often preferable and achievable without excessive cost, underscoring the importance of preserving such structures for community identity and continuity. The community has launched a social media campaign, reaching tens of thousands of people, and there is growing support for their cause. I hope the government will hop on board and listen to this community.

#### **Mental health workforce**

**Sarah MANSFIELD** (Western Victoria) (17:50): (1409) My adjournment is for the Minister for Mental Health, and the action I am seeking is for the minister to resolve stalled enterprise bargaining agreement negotiations between the Victorian Hospitals Industrial Association and the public mental health workforce. It is no secret that the mental health system in Victoria is under severe strain and more people than ever are experiencing poor mental health. More people than ever are presenting to our mental health services. Projections indicate that this demand is only going to grow, with mental health disorders soon to become the leading contributor to Australia's burden of disease. We know that good mental health is reliant on a whole raft of social determinants, such as stable housing, a strong sense of belonging and identity, access to education and the ability to access timely and affordable health care. But when people really need help, from periods of acute crisis to therapy and recovery, it is our mental health workforce who step in as the backbone of the system. The Royal Commission into Victoria's Mental Health System emphasised that the state's workforce is under-resourced and staff feel overworked and burnt out. Consequently it made several recommendations to support workforce attraction and retention, including measures for improved conditions. Then in 2022, as part of the negotiated enterprise agreement at the time, the mental health minister at the time announced that an additional 800 jobs over four years would be delivered to boost the mental health workforce, highlighting that the initiative would support staff retention in line with the recommendations of the royal commission.

Four years on, the promised 800 staff are nowhere to be seen. By not creating additional jobs there is further strain on an already overstretched workforce. Not only are they under huge pressure, the mental health workforce are not offered parity of pay, conditions and allowances with the general medical and allied health workforce. We have workers with the same qualifications as others, often working in the same hospitals, but who work in mental health and are therefore paid differently. This begs the question: why is mental health work differently valued to the rest of health care? The strain that this cohort is under is debilitating. Those who work in the mental health system are unwaveringly committed to the work that they do – something that I know the minister understands – but passion can only get you so far. The consequence of undervaluing this workforce is that they become even harder to recruit and retain, and ultimately the care that can be provided by the system falls short of what is needed by the broader Victorian public. It is time that the government acknowledge the critical nature of these frontline mental health staff and ensure a fair agreement is reached quickly.

### Glen Eira bike path

**Ryan BATCHELOR** (Southern Metropolitan) (17:53): (1410) My adjournment matter today is for the Minister for Transport Infrastructure, and it concerns the new cycling lanes on Queens Avenue in Caulfield, which opened in December. The action I seek is some advice and information about how the completion of this cycling path connects to the rest of the network and the impact it will have for cyclists. Over the last two years the dangerous level crossings in Glen Huntly at Glen Huntly Road and Neerim Road have been removed. One of Melbourne's last tram squares – on Glen Huntly Road, where trains and trams intersected – is now gone, speeding up both the frequency and the speed of train services going through that part of the network. As part of the level crossing removal works a new cycling lane was promised, running along Queens Avenue to connect the existing cycling infrastructure that has been built along the Frankston line from McKinnon station right through to Caulfield. We know that when the Metro Tunnel opens Caulfield station is going to become a really important transport hub, with both city loop trains on the Frankston line and Metro Tunnel trains on the Cranbourne and Pakenham line. This cycling infrastructure will allow residents, particularly those living in that Glen Huntly and Ormond area, to safely cycle to Caulfield station, get on a Metro Tunnel train and then be at, for example, Melbourne Uni in about 15 minutes, really changing the way residents in the local area experience local public transport.

The original plan for this cycling path, unfortunately, would have seen the destruction and removal of around 200 trees, but thanks to local residents reaching out and asking for this to be reconsidered, the cooperation of the City of Glen Eira and the then minister, Minister Pearson, listening to those concerns and taking another look at the project, we have managed in partnership with the City of Glen Eira to deliver a cycling path that retains the trees and retains local parking. It is a win-win – a win for local residents, a win for the local cycling community, a win for environmental groups and a massive win for the local community, who have this new piece of active transport infrastructure that is going to be incredibly important when the Metro Tunnel opens later this year.

### Community safety

**Georgie CROZIER** (Southern Metropolitan) (17:55): (1411) My adjournment matter this evening is for the attention of the Minister for Health, and it relates to the very concerning issue of antisemitic behaviour within our hospitals. Sadly in Victoria since the 7 October massacre, which was 500 days ago, there has been a dramatic rise in antisemitic behaviour, and the video that emerged last week of two nurses in Bankstown shocked Australia. The New South Wales government was quick to condemn the appalling actions of these two individuals and spoke out swiftly and strongly. But what I am concerned about is the rise of this antisemitic behaviour in Victorian hospitals. A few months ago I met with my colleague David Southwick, the member for Caulfield, and a number of doctors who came into the Parliament and spoke to us about their concerns. Those concerns were realised when that video emerged last week in New South Wales. Hospitals should be a safe place – a place where, when you are at your most vulnerable, you will have the security of knowing that you will be cared for safely and in a professional manner. Our hospitals have mission statements and values statements. The Royal Melbourne Hospital, for instance, says:

#### **Our Values**

People First. Lead with Kindness. Excellence Together.

At Western Health:

Our Values

**Compassion** – consistently acting with empathy and integrity.

...

**Respect** – for the rights, beliefs and choice of every individual.



The Northern:

**safe:** We provide safe, trusted care for our patients. We are inclusive and culturally safe, celebrating the diversity of our staff and community.

The Alfred:

**Our purpose**

To improve the lives of our patients and their families, our communities and humanity.

...

We provide treatment, care and compassion to the people of Melbourne and Victoria.

...

Across our diverse organisation, we value and respect life from beginning to end.

So while our health services all have mission and values statements that call for compassion, care and respect, there is evidence that health services are disregarding the standards they set for their own care. Recent revelations of activism in our hospitals include: at the Alfred a doctor calling a terrorist leader a martyr and calling Hamas, which is a government-listed terrorist organisation, ‘the resistance’; inflammatory anti-Israel stickers found throughout the Alfred; at Monash Children’s, staff wearing keffiyehs; and Healthcare Workers for Palestine, an anti-Israel activist group comprised of Victorian healthcare workers, have strewn provocative and hyperpolitical anti-Israel pamphlets across the Royal Children’s. I have spoken to a number of doctors who have told me of some very concerning behaviours by other doctors. This egregious behaviour is leading to very difficult working relationships and affecting rostering. This must stop. There are a number of actions I think should be taken, including AHPRA as the regulator doing what they should be when it comes to dealing with these individuals. However, the action I am specifically asking of the minister is to show the leadership that is desperately needed by developing statewide guidelines to protect Victorian patients from political activism in our hospitals.

### **Katamatite-Shepparton Main Road**

**Rikkie-Lee TYRRELL** (Northern Victoria) (17:58): (1412) My adjournment this evening is for the Minister for Roads and Road Safety, and the action I seek is for the minister to instruct the Department of Transport and Planning to immediately begin works to repair the Katamatite-Shepparton Main Road C363.

In the two years I have been a member for Northern Victoria no issue has been raised by my constituents more than the unsafe condition of the Katamatite-Shepparton Main Road. From its start at Katamatite to its end at Congupna, the condition of the road surface is abysmal. Rutting, bubbling, cracking, undulating and potholed, the Katamatite-Shepparton Main Road is a test of drivers’ skills and patience. In most spots there is no way for drivers to safely avoid these dangerous conditions. Drivers have complained of damage to tyres, rims and undercarriages and of wheel alignments and balance thrown off, all at the cost of motorists to repair. These repairs may run into many hundreds of dollars, with no compensation unless these costs run to more than \$1800 each. Registration keeps going up and fuel costs keep going up, yet the condition of our roads is getting worse. In September 2024 the minister responded to my question on the condition of the Katamatite-Shepparton Main Road, saying:

DTP has informed me that Katamatite-Shepparton Main Road is inspected every two weeks. Where hazards are present, they are repaired within the required timeframes.

Perhaps the inspectors need their eyes checked, because nothing has been done to fix the dangerous rutting, bubbling, cracking, undulating and potholes. The minister’s answer begs the question of what the required timeframes are – six months, 12 months or until there is a terrible accident, possibly leading to the loss of life. Who knows? I have personally driven the Katamatite-Shepparton Main Road and witnessed a B-double truck hitting these dangerous surfaces and swerving into the oncoming

lane. Had there been a car coming the other way, it would have been catastrophic. It is just pure luck that there has not been a serious incident on this road, so the action I seek is for the minister to direct the Department of Transport and Planning to immediately begin works to properly repair the Katamatite-Shepparton Main Road C363.

### Police resources

**Wendy LOVELL** (Northern Victoria) (18:01): (1413) My adjournment matter is for the Minister for Police. The action that I seek is for the minister to act urgently to secure the safety of Donnybrook residents by instructing police to increase patrols in the suburb at night and to liaise with the local neighbourhood watch group on crime prevention initiatives. Across Victoria crime is up and gangs operate with impunity. Every week we hear of another tobacco store being burnt down, another gangland shooting or another machete attack or home invasion. Repeat offenders are constantly released on bail only to immediately offend again within days or even hours. Victorians are scared, but the Allan Labor government is offering no help.

In the City of Whittlesea criminal incidents increased by 28 per cent in 2024 compared to the previous year. I have been in contact with constituents of mine who live in Olivine and other estates along Donnybrook Road. They are living in fear in their own homes as break-ins, car thefts and burglaries continue to rise. Suspicious cars lurk in the streets of the isolated suburb at night looking for easy opportunities to steal and destroy. Thieves with torches look inside utes and trucks, searching for tools to snatch. Homes have been broken into while the owners are overseas or on holiday, and some while the owners are still at home. Criminals are cutting the electricity to homes in order to turn off the security cameras and prevent the criminals being recorded and identified. Two women were recently terrified when attackers tried to smash through the front door while the women held the door shut. I can only imagine how frightened they would have been.

Residents say that mobile coverage in the area is terrible, and if they can get through to police, officers take anywhere from 30 to 60 minutes to arrive in response to a call, but by then it is too late and the thieves have left in search of new victims. Despite their fears, residents are working together in neighbourhood watch groups to keep a lookout on their street and alert each other to any apparent danger. I am a member of their community WhatsApp group, and there are some nights, including last night, when I get little sleep as I monitor the fear of my constituents, who are warning their neighbours of suspicious and criminal activity as they wait for police to respond. I am worried that if the government does not act soon, some residents may get desperate and try to take matters into their own hands by confronting the criminals, with possible tragic consequences. As an interim measure, police patrols need to be stepped up in the area and the state government needs to consider investing in a new police station for the Donnybrook and Kalkallo area, but the real problem that must be addressed is the government's crime settings, which are soft on crime and only encouraging criminal activity.

### Housing

**Joe McCracken** (Western Victoria) (18:04): (1414) My adjournment matter is for the Premier, and it relates to the most recent Housing Industry Association report. This report was brought to my attention because it was flashed across the front page of the Ballarat *Courier* today, and it paints a very ugly picture of the sorry state of Victoria's housing market. In the report Victoria was rated a dismal six out of 10 for its housing policy, far behind South Australia, which was on nine, and WA, which was on eight. Factors taken into account include whether housing targets are being met, what supports home builders and first buyers are given and whether policies are aimed at getting new land on the market. This scathing report said that Victoria's huge suite of new taxes and levies have hurt investors and first home buyers and have caused increases in rental prices. Let me get that straight – increases in rental prices. The HIA also said that Labor's new tax on short-term stays lacked logic, something we on this side have been saying since it was first announced. Also revealed was the latest rental vacancy data, which shows availability has completely collapsed, particularly in regional Victoria. Some areas are experiencing lows not seen since the COVID-19 pandemic.

We need to be making it easier for people to buy a home or to find rental, not harder, which is what this government is doing with its excessive taxation and regulation regime. But this only follows from the evidence that we heard from committee members and those before the Legal and Social Issues Committee on our inquiry into rental and housing affordability in Victoria. Strict rental regulations are forcing homes off the market. An example was raised with me by a constituent about an old miner's cottage in Ballarat. It is perfectly habitable, but it is over 100 years old. Not all the doors and windows seal perfectly like a new build, and the insulation is not 21st century like a new build. Its appliances, fittings and fixtures may not meet very latest standards, but it is still perfectly livable. The weird part of the situation is that older properties such as miner's cottages are perfectly habitable for an owner-occupier but almost uninhabitable to rent out due to the excessive cost to meet imposed regulations. There is no room for balance and pragmatism in these excessive regulations. This is just one of the many examples that have contributed to the dire situation the HIA have reported on. So the action I seek is for the Premier and the minister to compile a list of changes that the government will bring to the Residential Tenancies Act 1997 sooner rather than later.

### Housing affordability

**Gaelle BROAD** (Northern Victoria) (18:07): (1415) My adjournment matter is for the Minister for Housing and Building. Can you please advise what the government is doing to support older single women struggling to find appropriate, safe and affordable housing in Victoria? I am concerned that single older women are falling through the cracks of the system and literally retiring into poverty. The Grattan Institute recently released a report that found most retirees, particularly older women, live in poverty, including more than three in four single women. One of my constituents is a 72-year-old woman who lost her husband last year. Soon after, she required surgery, which impacted her ability to manage her usual daily tasks. Previously she had done all her own housework and gardening but now finds it difficult and says her current unit is too large for her to manage. She pays \$360 per week in rent, is looking to downsize to a smaller unit and is on a single pension of \$1300 per fortnight. Private rent costs up to \$500 per week for a simple two-bedroom unit in Bendigo, and she simply cannot afford it. She does not qualify for social housing assistance as she has a small amount of savings left by her husband. She is frustrated and concerned that landlords are selling their rentals due to increased government taxes and regulations. This means fewer properties available to rent, and older single women are among those missing out on a home. A real estate agent in Bendigo recently told me that landlords are leaving the market in droves. The cheaper houses they are selling are often being purchased by younger home buyers who cannot afford to build, so they disappear from the rental market altogether.

A group of women in Castlemaine have recently taken matters into their own hands in a bid to secure safe, affordable housing. The *Bendigo Advertiser* reports that women in the co-housing movement have secured a council permit to construct a sustainable joint housing project on a 5-acre property. WINC, as it is known, was designed to offer:

... safety, community and sustainability for an age demographic which is fast becoming the most at risk of homelessness.

Their project is in the early stages with an approved planning application for a 31-home co-housing project which will be a mix of small homes and social housing, helping women who may have some assets but not enough to purchase a home outright.

Women's Housing Limited, a statewide not-for-profit organisation that provides low-cost housing to women at risk of homelessness, reports that women and children make up an increasingly large percentage of those in need of affordable housing. Their website says:

Those groups that are likely to experience housing stress include older women over 55 and women who are forced to leave their home because of family violence.

I look forward to the minister's response on this important issue.

### Accessible train stations

**Nick McGOWAN** (North-Eastern Metropolitan) (18:10): (1416) In the coming days thousands of 17- and 18-year-olds will for the first time map out their route to their new university. One such individual is a young 18-year-old by the name of Lilly Cascun. Lilly Cascun did exceptionally well, achieving a 98.6 ATAR last year, and will study science at Melbourne University. Lilly has also just recently been on air because, unlike very many other students who will be going to university and making their way there, Lilly is one of the hundreds if not thousands of Victorians who have either low vision or are blind. The difference with Lilly is that she cannot use her local train station. She cannot use her local train station because the tactile ground surface indicators are not present at her local station. Her local station is Ivanhoe. The one after that is Heidelberg. Those tactile ground surface indicators are also absent at Heidelberg.

For laypeople like me, what I am actually referring to are those little yellow dots. When you approach a train, you may see on the ground that there are those little yellow dots. Those dots are absolutely critical for low vision and blind Victorians because they help keep them safe. Lisa, who is Lilly's mum, along with Lilly and their family are advocating that right across Victoria this state get on board – and we mean that in many ways. Of the 222 train stations along the Metro system, 196 have tactile ground surface indicators. That means that some 26 Metro train stations do not have tactile ground surface indicators. That is a significant barrier not only for Lilly but for anyone of low vision or anyone who is blind. Lilly has approached her local member, Mr Carbin in the other place. Lilly has approached the minister. The minister has sent Lilly and her family back to Metro. Metro advised:

Ivanhoe train station is equipped with staff, who can assist passengers with their journey from the first train service in the morning, to the last service at night.

That is little comfort. Metro also advised them that if Lilly seeks assistance she can call Ivanhoe station, and the call should be made at least 10 minutes prior to departure as a staff member may require 5 minutes to walk Lilly to the platform. This is not enabling Lilly. This is not enabling any Victorian who is blind or has low vision. It is not what we ought to expect. The current target for the implementation of these yellow dots at stations is the year 2032. I urge the government to bring that forward.

### Faith communities

**Evan MULHOLLAND** (Northern Metropolitan) (18:13): (1417) My adjournment matter is to the Minister for Multicultural Affairs. I seek the response of the minister as to whether she endorses the outrageous attacks on our Liberal candidate for Werribee by the Victorian Labor Party that were authorised by Labor Party state secretary Steve Staikos, attacking Mr Murphy for being a devout Catholic and a member of the Knights of the Southern Cross, a reputable charitable Catholic ministry organisation, and for his views, which are deeply connected to his faith. Over the past two weeks I have passed this on and spoken to many faith leaders about this slanderous and disgusting personal attack on deeply held religious belief. They agree that this was a disgusting attempt to sow division in the community, and I seek the action of the Minister for Multicultural Affairs to clarify whether she endorses this slanderous attack on Christian Victorians and if the minister's Parliamentary Secretary for Multicultural Affairs, the member for Greenvale, where 80 per cent of people profess a faith – double the state average – also agrees with this slanderous attack.

This government preaches about social cohesion, but it is the first to sow division and bigotry. An attack on one faith community is an attack on all faith communities. Perhaps the Premier is trying to sweep this under the carpet by hosting a taxpayer-funded Shrove Tuesday celebration for leaders of Victoria's Christian communities. I know that the Premier's department does these kinds of events for different faith groups – taxpayer-funded events – and invites the Leader of the Opposition at the very last minute or, even worse, fails to invite any opposition MP to these taxpayer-funded events. This is the first one they have done with Christian communities. I seek the action of the minister: if this event

is going to be a taxpayer-funded event, then all MPs should be invited. Otherwise, the event should be paid for by the Victorian Labor Party, as it becomes a party propaganda exercise.

I have had several faith leaders contact me about how the Premier of Victoria got their email address and about whether I would be in attendance – the first I knew about it – but also about how they did not know whether to laugh or be offended by the invitation to a Shrove Tuesday event. As the Minister for Multicultural Affairs, the Premier and the Premier's department should know, Eastern Orthodox and Maronite communities do not celebrate Shrove Tuesday, so they found the invitation quite dumbfounding. Middle Eastern Christian churches – like the Maronite, Orthodox, Melkite, Assyrian, Chaldean, Syriac Orthodox and Coptic communities – all start lent on the Monday and so would obviously be fasting on Shrove Tuesday and be unable to attend. I know that many of these communities, when the Premier's department reached out for appropriate dates, advised against Shrove Tuesday, so they found it quite offensive. They advised that they would not be able to attend but thought it was a partisan event anyway. So the action I seek of the Minister for Multicultural Affairs is that she write to Middle Eastern faith leaders to apologise for this blunder and also to apologise to Christian communities on behalf of the Victorian Labor Party for their slanderous attack on those of Christian faith.

**The PRESIDENT:** There were three actions, I think, in that adjournment matter. I think it is most likely there are a number of precedents from a number of different presiding officers around calling ministers responsible for party matters, but I think the minister will pick one of the other two.

**Evan Mulholland:** Just go with first one.

**The PRESIDENT:** I just said they are party matters.

### **Wild dog control**

**Bev McARTHUR** (Western Victoria) (18:17): (1418) My adjournment matter for the Minister for Environment concerns north-west Victoria, where dingoes are now protected on both public and private land. Although outside of my electorate, it is of great concern to farmers in Western Victoria Region as many believe that this government will ultimately extend the ban on dingo control across the whole state. I do not want to rehash the upset caused by the decision in March last year except to restate that it was unexpected by the farmers it affected and was implemented almost immediately. That background is relevant, because those same farmers are now criticised for failing to take all reasonable nonlethal control measures. When the ban came in, ministers assured landowners:

Where livestock are being significantly impacted and there are no other control options available, all farmers ... can apply for an Authority to Control Wildlife permit to use lethal control methods.

Yet when these farmers, now facing escalating stock losses, apply for permits, they are denied on the basis that they have not undertaken all reasonable nonlethal control measures. This is unrealistic and unfair and adds insult to injury.

The massive financial and emotional impact of stock losses is felt immediately. Yet measures like introducing a guardian animal and widespread fencing need time to implement. Guardian dogs for stock take two years to fully train and bond, and farmers like Alan Bennett, forced to spend \$200,000 on dog-proof fencing with no financial support from government, cannot simply magic up fencing or the money to pay for it. I stress again: these farmers had no time to prepare yet now hear that they should already have implemented time-consuming and expensive control measures. One hundred and twenty of Mr Bennett's sheep have been killed and countless more attacked. In one paddock 70 per cent of the lambs were killed. In 12 months the losses have been three times those in 2023 – the last year of the wild dog control program. I am similarly told that as many as 500 to 600 sheep have been killed across the district – 10 times the total when the dog control program operated. Department of Energy, Environment and Climate Action staff say no permits will be issued until the dingo population has increased but give no detail on what this means.

The action I seek, Minister, is the publication of annual population surveys of dingoes in the Big Desert national park and the announcement of the target population required before farmers can once more protect their stock from indiscriminate slaughter.

### Teacher workforce

**Richard WELCH** (North-Eastern Metropolitan) (18:20): (1419) The action I seek is from the Minister for Education. Term 1 is a most important time of the year. It sets the foundation for students' learning, establishes routines and allows teachers to build the connections that will help their students succeed. For VCE students these early weeks are critical for managing and setting up their workload for the year ahead. Recently it was revealed that more than 180 schools are still advertising for 568 educator positions, including 311 teaching roles. Among them are vacancies in key subjects such as 40 in maths, 52 in English and 34 in science. In my electorate, one school started the year without any senior maths teacher at all. Instead of receiving expert instruction in this crucial subject, students were told to complete independent study for 2½ weeks. These are students in their final year of schooling, students who need structured lessons, direct teaching and guidance as they prepare for their futures. Leaving our children without a teacher in a First World country is simply unacceptable.

The scale of this problem is clear: more than 1300 teaching jobs remain vacant across Victoria. That number is somewhat massaged by backfilling with student teachers. One in every 12½ secondary school teachers left the profession last year, and 28 per cent of new teachers are dropping out within five years of registration. This is not just an administrative challenge, it is a failure of workforce planning and recruitment and retention programs. Schools should not be scrambling to fill vacancies after the school year has already begun. Teachers should not be overburdened, picking up extra responsibilities to cover shortages. We need a long-term strategy that produces better results, and the outcomes we are experiencing suggest the government have no such strategy. There are many stakeholders here – there are the teachers, the principals, the families and of course the students themselves, and they all deserve better.

The action I seek from the minister is to confirm: what programs are being run by your department to address the shortfall, what number of new teachers will be recruited per program to address the shortfall and when will the shortfall in total be addressed in full?

### Port of Hastings

**David DAVIS** (Southern Metropolitan) (18:22): (1420) My matter is for the attention of the Premier, and it relates to documents that I have through freedom of information. They relate to exchanges between the Commonwealth environment department – the Department of Climate Change, Energy, the Environment and Water – and state officials under the control of the Minister for Environment and the Minister for Climate Action and Minister for Energy and Resources here. These relate to the Port of Hastings application for wind farm arrangements, in particular the decision of the Commonwealth minister Tanya Plibersek to reject Victoria's application for a permit. The permit was rejected by Tanya Plibersek on the grounds that it was manifestly unsuitable – that it would impinge on Ramsar areas in and around Western Port. This was something that I think most people could see was an issue and could easily have been foreseen as a problem, but the state government put all of its eggs in one basket.

Late 2023, in December, the federal minister made the decision. The state government at that point went into a meltdown, and the officials within the state department contacted the federal department. They demanded that the federal department abbreviate or truncate some of its processes. It makes wild reading when you see the exchanges of emails and the decisions by the state department and officers – some are redacted, I might add, and are still redacted; we have not seen all of them, but we hope to see them. This actually compromised the Commonwealth process. Some of the comments made by Mr Fredericks, the secretary of the Commonwealth department, pulling the state officials into line make very significant reading.

On one hand this could actually land as something that IBAC could be closely involved with – and I certainly think that IBAC should look at this – but at a minimum the state Premier should refer this to the public sector commissioner. The public sector commissioner has a responsibility to look at behaviour across government, and the attempt by state officials, presumably with the connivance or otherwise of the minister, to actually subvert Commonwealth processes I think is deeply concerning. The action I am seeking is the referral of this at a minimum to the commissioner and to ensure that these officials are looked at very closely because they have clearly breached proper standards.

### Responses

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:25): There were 20 adjournment matters to 12 separate ministers, and written responses will be sought in accordance with the standing orders. There were three to me.

One question was from Mr Galea to me in my capacity as Minister for Multicultural Affairs about open mosque day, and I will acquit that now. I thank Mr Galea for his support of multicultural communities right across the south-east region of Melbourne, and of course that includes our proud Muslim community. As I said earlier today, open mosque day is a very important and symbolic day for the Muslim community – but not just that community, the whole community, because it is an opportunity for all of us to learn more about the Islamic faith. I think there has never been a more important time for us to show unity across the community and show support for the work that the Muslim community does right across Victoria. Upsettingly, for many people in the Muslim community open mosque day has been somewhat marred by some very Islamophobic behaviour online on the open mosque day website. But also we saw some disturbing incidents, which are currently being investigated by the police, in Epping a couple of days ago, and I just want to extend my thoughts to the people who were caught up in that incident, offer the government's support and reiterate our view that there is no place for Islamophobic behaviour or any form of racism or hate speech in our state. I can confirm for Mr Galea that 34 mosques across Victoria participated in open mosque day this year. The government has provided \$400,000 over four years for this important event. Open mosque day has been running since 2017 and is an important day on our busy multicultural calendar.

I also received an adjournment matter from Dr Mansfield in relation to the mental health enterprise bargaining agreement negotiations, and obviously I have a bit to say about that. Given the hour, I will try and be brief, but there is a little bit of detail that I want to correct because some of the contentions contained in Dr Mansfield's adjournment are not right. Our efforts to grow, support and retain Victoria's mental health workforce have been guided by our Victorian mental health workforce strategy, and the strategy's modelling showed us that we needed to add an additional 2500 workers to the system to stabilise the system and to meet those reform priorities that were contained in the royal commission final report. Those roles have been coming into the system steadily. Some of those roles are still to come, but the majority have already been implemented.

Since 2021 the government has invested \$600 million in dedicated mental health workforce initiatives, which goes directly to the point contained in Dr Mansfield's adjournment. These initiatives are all around retention and attraction and making sure that we have the skills that we need across the mental health system. It reflects the largest investment in the mental health workforce in Victoria's history. While there is always more work to do on that front, I am pleased that between 2021 and 2024 we were able to grow our public sector mental health workforce by 25 per cent, or 2126 FTEs. That is almost 2½ times historic growth rates. With regard to the roles that are specifically covered by the enterprise agreement that Dr Mansfield is raising, there has been an increase of 1646 FTE mental health workers. That is more than double the commitment that was made to the unions for an additional 800 FTE as outlined in the MOU. Of particular note, 570 FTE are nursing roles, 400 are allied health roles and 200 are lived-experience roles. We are very proud of that investment. We will continue to work closely with our mental health workforce, and bargaining will continue in good faith.

The third item, President, was from Mr Mulholland, and as you quite rightly pointed out, there are about three actions in Mr Mulholland's adjournment, a couple of them matters for the Victorian branch of the Australian Labor Party and not matters that are appropriate for me to go to. What I will say is that my focus as Minister for Multicultural Affairs has been about continuing to ensure that Victorians, no matter what their background and no matter what their faith, are able to participate fully in our society free from vilification and free from the kinds of behaviours that sadly we have seen increasing. On this side of the house we have a very long and proud history of supporting a Victoria that is fair, that is inclusive and that is safe for everyone, including anyone from our culturally diverse communities. If Mr Mulholland is genuine in his concerns, then I look forward to the opposition supporting the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 when it makes its way to this chamber. We will never seek to divide communities over these issues. It is not the right approach. We will continue to stand up for our multicultural communities, and it is something we feel very strongly about.

**The PRESIDENT:** The house stands adjourned.

**House adjourned 6:33 pm.**