



# **Hansard**

## **LEGISLATIVE COUNCIL**

### **60th Parliament**

**Thursday 30 November 2023**



# 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

Georgie Crozier

### 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	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, Gaëlle	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>1</sup>	Western Metropolitan	IndLib	Ratnam, Samantha	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David <sup>2</sup>	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

<sup>1</sup> Lib until 27 March 2023

<sup>2</sup> LDP until 26 July 2023

### Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;

Greens – Australian Greens; 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



# CONTENTS

---

ANNOUNCEMENTS	
Felicitations .....	4229
PETITIONS	
North East Link.....	4229
BILLS	
Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction)	
Bill 2023 .....	4230
Introduction and first reading .....	4230
PAPERS	
County Court of Victoria .....	4230
Report 2022–23 .....	4230
Children’s Court of Victoria.....	4230
Report 2022–23 .....	4230
Supreme Court of Victoria .....	4230
Report 2022–23 .....	4230
COMMITTEES	
Economy and Infrastructure Committee .....	4230
Inquiry into the Industrial Hemp Industry in Victoria .....	4230
Integrity and Oversight Committee .....	4233
Appointment of a Person to Conduct the Independent Performance Audit of the Victorian	
Ombudsman.....	4233
Integrity and Oversight Committee .....	4233
Performance of the Victorian Integrity Agencies 2021/22.....	4233
PAPERS	
Papers.....	4234
BUSINESS OF THE HOUSE	
Notices .....	4235
Ombudsman .....	4236
Performance audit.....	4236
Adjournment .....	4236
COMMITTEES	
Economy and Infrastructure Committee .....	4236
Membership .....	4236
MEMBERS STATEMENTS	
Pippa Macpherson .....	4237
Family violence .....	4237
Cannabis law reform .....	4237
SisterWorks.....	4238
Anatolian Alevi Festival .....	4238
Parliamentary internship program.....	4238
Dingley Village.....	4239
Emerson School.....	4239
Cranbourne Cup.....	4239
Walk Against Family Violence.....	4239
Student political engagement .....	4239
Felicitations .....	4239
Road safety.....	4240
2023 .....	4240
David Zyngier .....	4240
Gurdwara Siri Guru Nanak Darbar.....	4241
Felicitations .....	4241
Common sense.....	4241
Swan Hill Incorporated .....	4242
Felicitations .....	4242
Community safety .....	4242
Community safety .....	4243
Felicitations .....	4243
BUSINESS OF THE HOUSE	
Notices of motion .....	4243
BILLS	
Crimes Amendment (Non-fatal Strangulation) Bill 2023 .....	4243
Second reading.....	4243

Committee .....	4251
Third reading .....	4256
State Taxation Acts and Other Acts Amendment Bill 2023 .....	4256
Second reading .....	4256
<b>QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS</b>	
Melbourne Airport rail link .....	4259
Suicide prevention .....	4259
Ministers statements: Victorian Multicultural Commission .....	4260
Bendigo housing .....	4261
Housing .....	4262
Ministers statements: training and skills .....	4263
Office of the Victorian Information Commissioner .....	4264
Economy .....	4264
Ministers statements: prison programs .....	4265
Medically supervised injecting facilities .....	4265
Child protection .....	4266
Ministers statements: housing .....	4267
Written responses .....	4268
<b>CONSTITUENCY QUESTIONS</b>	
South-Eastern Metropolitan Region .....	4268
Western Metropolitan Region .....	4268
Northern Victoria Region .....	4268
Eastern Victoria Region .....	4268
Northern Metropolitan Region .....	4269
Northern Metropolitan Region .....	4269
Southern Metropolitan Region .....	4269
Western Victoria Region .....	4270
North-Eastern Metropolitan Region .....	4270
Northern Victoria Region .....	4270
Western Victoria Region .....	4270
South-Eastern Metropolitan Region .....	4270
Eastern Victoria Region .....	4271
Southern Metropolitan Region .....	4271
Western Victoria Region .....	4271
Northern Victoria Region .....	4271
<b>BILLS</b>	
State Taxation Acts and Other Acts Amendment Bill 2023 .....	4272
Second reading .....	4272
<b>ANNOUNCEMENTS</b>	
Photography in chamber .....	4284
<b>MEMBERS</b>	
Matthew Bach .....	4285
Valedictory statement .....	4285
<b>BILLS</b>	
Crimes Amendment (Non-fatal Strangulation) Bill 2023 .....	4288
Assembly's agreement .....	4288
State Taxation Acts and Other Acts Amendment Bill 2023 .....	4288
Instruction to committee .....	4288
Committee .....	4289
Third reading .....	4294
<b>MOTIONS</b>	
Budget papers 2023–24 .....	4294
<b>COMMITTEES</b>	
Economy and Infrastructure Committee .....	4303
Membership .....	4303
<b>MOTIONS</b>	
Early childhood education .....	4304
<b>BILLS</b>	
Biosecurity Legislation Amendment (Incident Response) Bill 2023 .....	4309
Introduction and first reading .....	4309
Statement of compatibility .....	4310
Second reading .....	4313
Justice Legislation Amendment (Police and Other Matters) Bill 2023 .....	4315
Introduction and first reading .....	4315
Statement of compatibility .....	4316

# CONTENTS

---

Second reading.....	4322
Land (Revocation of Reservations) Bill 2023 .....	4326
Introduction and first reading .....	4326
Statement of compatibility.....	4326
Second reading.....	4327
ANNOUNCEMENTS	
Parliamentary officer.....	4329
MOTIONS	
Early childhood education .....	4332
BILLS	
State Taxation Acts and Other Acts Amendment Bill 2023 .....	4339
Council's and Assembly's amendments .....	4339
ANNOUNCEMENTS	
Parliamentary officer.....	4341
ADJOURNMENT	
I Cook Foods.....	4341
Food security.....	4342
State Electricity Commission .....	4342
Breast screening.....	4343
Timber industry .....	4344
Royal Children's Hospital .....	4344
Pharmacotherapy services .....	4345
Regional infrastructure.....	4345
Stalking law reform.....	4346
Responses.....	4346





**Thursday 30 November 2023**

**The PRESIDENT (Shaun Leane) took the chair at 9:33 am, read the prayer and made an acknowledgement of country.**

*Announcements***Felicitations**

**The PRESIDENT (09:34):** Being the ultimate optimist I am, I am working on this being the last sitting day of the year. I am sure everyone will join me and all members will join me in acknowledging everyone that assists us in this great institution, starting with the clerks. We are so fortunate with the clerks that we have in the Legislative Council. The papers office – Annemarie and Vivienne and their team are excellent. The library – an amazing resource. People do not really understand how great that resource is. To the attendants – Greg and his team – I will have a bit more to say later on today after a division. I am getting prompts from everywhere. The people that make our coffee – so important – the catering team; buildings and grounds; the Department of Parliamentary Services. I see that for broadcasting and Hansard it is bow tie day for them. So they are the same as me, they are optimistic that today is the last one, and I thank them as well for all their fantastic work. I am sure there are many others.

One group that I want to give a shout-out to in particular is the IT team. Chris and his guys are so patient and calm when we find ourselves in a panic. Once again, we are lucky to have them. Of course I acknowledge the gardeners, the tradies and everyone that keeps this great institution running so we can be here and do the important work that we do. Can I personally think the party leaders, their whips and all the members of the chamber for making my job this year a lot easier and a lot more pleasurable than it may have been for other people in another chamber. Anyway, that is it. We might say a bit more about the attendants later today.

*Petitions***North East Link**

**Nick McGOWAN** (North-Eastern Metropolitan) presented a petition bearing 712 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council concerns about the current proposed design of the Northern Package of the North East Link through the Urban Design and Landscape Plan (UDLP). This current design proposes a trench for the North East Link in Watsonia, splitting the community into two. We support the concept of a cover for the Watsonia section of the North East Link. A proposal for a cover has been put forward by Banyule City Council, which has worked with tunnelling, analytics and modelling experts to identify how the project can improve Banyule and create hectares of open space, facilitate investment, attract services and create jobs.

Independent analysis commissioned by Banyule Council estimated \$190 million to \$340 million in potential additional value could be created from opportunities enabled by a covered road, with up to \$20 million in gross value injected into the local economy each year. Through effective community advocacy, 1.9 kilometers of tunnel has already been added through the Macleod portion of the North East Link, a neighbouring suburb of Watsonia. The Watsonia community is seeking a similar opportunity to connect our suburb.

The petitioners therefore request that the Legislative Council call on the Government to change its current design of the Northern Package of North East Link to put a cover on the Watsonia section.

**Nick McGOWAN:** I move:

That the petition be taken into consideration on the next day of meeting.

**Motion agreed to.**

*Bills***Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2023***Introduction and first reading*

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (09:38): I, and also on behalf of Ms Payne and Ms Purcell, introduce a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for a pilot of pill-testing services for the purposes of drug harm reduction and to make consequential amendments and for other purposes, and I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Aiv PUGLIELLI:** I move:

That the second reading be made an order of the day for the next day of meeting.

**Motion agreed to.**

*Papers***County Court of Victoria***Report 2022–23*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:39): I present, by direction of the Governor, the County Court of Victoria report 2022–23. I move:

That the report be tabled.

**Motion agreed to.**

**Children’s Court of Victoria***Report 2022–23*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:39): I present, by direction of the Governor, the Children’s Court of Victoria report 2022–23. I move:

That the report be tabled.

**Motion agreed to.**

**Supreme Court of Victoria***Report 2022–23*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (09:39): I present, by direction of the Governor, the Supreme Court of Victoria report 2022–23. I move:

That the report be tabled.

**Motion agreed to.**

*Committees***Economy and Infrastructure Committee***Inquiry into the Industrial Hemp Industry in Victoria*

**Georgie PURCELL** (Northern Victoria) (09:40): Pursuant to standing order 23.22, I table a report on the inquiry into the industrial hemp industry in Victoria, including an appendix and extracts of

proceedings, from the Economy and Infrastructure Committee, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

**Motion agreed to.**

**Georgie PURCELL:** I move:

That the Council take note of the report.

*Cannabis sativa*, or industrial hemp, is one of the botanical world's super plants. A variety of cannabis, but with very low levels of THC and no psychoactive effects, industrial hemp has been cultivated around the world for millennia. It is fast growing, requires fewer pesticides and chemicals than other crops and efficiently regenerates soils by drawing on atmospheric nitrogen, making it an ideal rotational crop supporting critical soil health. Hemp fibres and seeds can be used for an enormous array of products – as many as 25,000 – including textiles, building materials, packaging, biofuels, garden mulch, oils, food products and pharmaceuticals. It also has enormous potential to help reduce carbon emissions. In both its natural and processed form, hemp is efficient at carbon sequestration, while hemp products can readily substitute for many synthetic, plastic and animal-derived materials.

It is not surprising then that industrial hemp is enjoying a global resurgence today. Stigmatised and outlawed across much of the world throughout the 20th century due to its likeness to cannabis, countries such as Canada, China and France are now not only deregulating hemp but directing huge investment into the crop. Victoria was one of the first states in Australia to relegalise industrial hemp in 1998. Unfortunately hemp farming and manufacture has remained stunted due to prohibitive regulation, licensing and planning rules that continue to stigmatise hemp as an illicit plant.

During this inquiry the committee heard from hemp farmers, manufacturers, entrepreneurs, textile and fashion experts, scientists and agriculturalists working across Victoria's fledgling industrial hemp industry. Despite currently contributing only a small proportion of the national hemp output, and Australia's tiny contributions to global output, stakeholders said that with the right legislative changes and investment hemp offers Victoria significant economic opportunities and can aid its emission-reduction targets.

In this report the committee makes nine recommendations to achieve these ends, including a standalone industrial hemp act, as already exists in all other states except for Queensland and which will signify the legitimacy of this crop. Licensing and regulation should also be simplified and streamlined. The Victorian government should work with other states to lobby the Commonwealth government to legalise the use of the whole plant, which is currently prohibited by the federal poisons standard, and to accredit hemp in carbon credit schemes. There are also opportunities for the Victorian government to aid the industry with procurement contracts, prioritising research and development and offering seed funding to establish hemp hubs and cooperatives. On top of this, hemp could also contribute to climate mitigation in Victoria's fashion and fibre industries.

I would like to thank all stakeholders who made high-quality and thoughtful submissions, those people who gave their time and expertise to appear before the committee in public hearings to give evidence. The evidence received was of a high standard and significantly enhanced the committee's understanding of this complex issue. I would like to thank Ms Payne and Mr Ettershank for referring this inquiry to the Economy and Infrastructure Committee and would further also like to thank my committee colleagues for the professional and courteous way they approached the inquiry. There were sometimes different perspectives among members, but there was always a collegiate approach and collaboration, and I greatly appreciate the manner in which the committee members conducted themselves throughout the inquiry.

Finally, I would also like to thank the secretariat of the committee – committee manager Michael Baker, who we are so happy to have back at work, inquiry officer Ben Huf, research assistants Imran

Ahmed and Caitlin Connally, administrative assistant Jo Clifford and graduate recruit Adeel Siddiqi, as well as, for additional assistance, senior committee manager Patrick O'Brien – for the professional and exemplary support they have provided the committee throughout the inquiry, and I look forward to the government's response.

**Rachel PAYNE** (South-Eastern Metropolitan) (09:45): I rise to speak on the industrial hemp industry in Victoria report that is being tabled today, as a participating member of the Economy and Infrastructure Committee. I obviously love hemp; I think it is the future. But what I found interesting when it came to working with this committee was we all started to find a new-found love for hemp, whether it be around the fashion and textiles industry or the building industry, and Bev and I have concocted an idea where we are going to have a hemp fashion parade. You are all warned: you may be approached to model for our fashion parade.

The inquiry itself examined the issues, barriers and opportunities facing the current Victorian industrial hemp industry, and we have to remember that hemp is currently treated as if it is an illicit drug. It is controlled by the Drugs, Poisons and Controlled Substances Act 1981. Some of the key recommendations or the key themes that came out of this report were that a viable Victorian hemp industry will not cost a lot of money and it is achievable. When it comes to hemp investment, reducing the stigma of hemp through meaningful legislative reform is key to improving the attitudes of both local government and investors, and the Victorian government has an opportunity to advocate for hemp at a national level. I want to thank particularly Georgie Purcell as chair of that committee for wrangling us all together at times. I think we all acknowledge that we learned a lot about hemp in this space. The global value of the hemp industry is \$4.9 billion, and that is a conservative figure. We have a real opportunity in this state, and I look forward to progressing this issue with you all in the new year.

**Bev McARTHUR** (Western Victoria) (09:46): I too would like to rise on the issue of the report on industrial hemp being tabled today and congratulate the chairman, who did an outstanding job. I do not know that she had to wrangle us all together. We were incredibly cooperative, and I thank Ms Payne for illuminating us on all the various aspects of hemp. We can build houses with it, we can have bowls made out of it and we can have clothes that we can wear made out of it. I am certainly very supportive of the proposed fashion parade. Mr McIntosh, where is he? He is going to be one of the models. Dr Mansfield, I think, has been dobbed in. It is going to be a spectacular show, I can tell you.

I am all for expanding agricultural industry. Any new forms of agriculture production that we can get going I am in favour of. Any diversification of agricultural farms –

**Melina Bath:** And keeping the ones we've got.

**Bev McARTHUR:** Absolutely – keeping the farms we've got and expanding the meat industry and not killing off the pig industry. Absolutely we are all in favour of that. But I am totally opposed to the taxpayers having to get involved in subsidising the industry. If it has got legs, it will stand on its own. What we do need, though, is to deregulate the system so that it is easier for people to enter the market and not so prohibitive for them to continue production. That needs to happen. We need to bring all sorts of licences up to the 21st century. They are archaic in many areas, and there is lots more to be done. We did learn a lot, Ms Payne, so thank you very much for the opportunity to learn about a bit more about industrial hemp. I do have some friends that try and produce it. But well done, and well done to the secretariat, who also did an amazing job.

**Motion agreed to.**

**Integrity and Oversight Committee***Appointment of a Person to Conduct the Independent Performance Audit of the Victorian Ombudsman*

**Ryan BATCHELOR** (Southern Metropolitan) (09:49): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the appointment of a person to conduct the independent performance audit of the Victorian Ombudsman, including an appendix, from the Integrity and Oversight Committee. I move:

That the report be published.

**Motion agreed to.**

**Ryan BATCHELOR:** I move:

That the Council take note of the report.

Just briefly, the Ombudsman is appointed under the Ombudsman Act 1973 as an independent officer of the Parliament, and the Ombudsman Act requires an independent performance auditor to be appointed once every four years to conduct an independent performance audit of the Ombudsman and her office. The Integrity and Oversight Committee is responsible under the act for recommending to both houses the person to conduct the audit. Section 24D of the act outlines the qualifications and processes for appointment and for the conduct of the audit. Following a competitive tender process, the committee recommends the appointment of O'Connor Marsden, as outlined in the committee's report. I commend the report to the house.

**Motion agreed to.****Integrity and Oversight Committee***Performance of the Victorian Integrity Agencies 2021/22*

**Ryan BATCHELOR** (Southern Metropolitan) (09:50): Pursuant to section 35 of the Parliamentary Committees Act 2003 I table the report on the performance of the Victorian integrity agencies 2021–22, including appendices, from the Integrity and Oversight Committee and present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

**Motion agreed to.**

**Ryan BATCHELOR:** I move:

That the Council take note of the report.

As a member of the Integrity and Oversight Committee I am pleased to present the committee's report on the performance of Victorian integrity agencies 2021–22, together with the appendix and transcripts of evidence. The committee is responsible for the monitoring and reviewing of the performance of the Independent Broad-based Anti-corruption Commission, the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate and the Victorian Ombudsman. The committee's annual performance hearings are a primary mechanism for the Parliament to exercise its oversight functions of these independent agencies.

Prior to our July hearings members of the committee sought advice from the chair on the matters within the committee's terms of reference for our inquiry. In response, the chair advised that the focus of the hearings was on the performance of IBAC and other agencies in 2021–22 and anything affecting the performance of the agencies in this period and that questions we asked in these hearings should focus on the performance of the agency, including matters arising from its 2021–22 annual report. The inquiry focused on complaint handling, investigations and oversight, public information and education, governance, workplace and accountability. Its findings included that IBAC is working hard

to improve the timeliness and quality of its assessments and continues to struggle to meet the demands of year-on-year increases of its assessment workload and that IBAC has taken action to address recent recommendations of the committee of prior Parliaments. The committee commends it on establishing a witness liaison team and the interagency prevention and education advisory committee. Committee members were, however, surprised to learn that IBAC had commenced a practice of providing advance copies of selected reports, beginning with Operation Watts, to chosen journalists ahead of their tabling in the Parliament.

It also found the Victorian information commissioner has steadily improved the timeliness of its FOI reviews and the finalisation of FOI and privacy complaints. However, there are still delays, and it considers that legislative change is needed to resolve these matters. The committee expressed its concern about recent funding reductions that will inhibit OVIC's ability to meet performance targets and carry out certain statutory functions and recommended that sufficient funding be provided for the statutory review of the FOI professional standards.

The Victorian Inspectorate still has delays in finalising complaints given the year-on-year increases in the volume and complexity of matters before it. Through hard work the Inspector has made significant progress in improving annual complaints closure rates. The Ombudsman has finalised 90 per cent of complaints within 30 days of receiving them and has had significant success in its new conciliation functions.

The committee has made a series of recommendations to improve the effectiveness of the integrity system. In relation to IBAC's new practice of providing advance copies of some reports to selected journalists, the committee recommends that IBAC seek legal advice on how this practice is consistent with both their legislation and with the privileges of the Parliament. It also recommends that OVIC be granted the power under the Freedom of Information Act 1982 to require an agency or minister to make a decision regarding an FOI by a certain date; that legislative amendments enable OVIC to obtain review application data held by VCAT; that the information security incident notification scheme be amended to require that notifications under the scheme are made to OVIC at the time of the incident; and that the government review the effectiveness and efficiency of the coercive powers notification scheme. The committee appreciates the integrity agencies' regular assistance in providing information and responding conscientiously to our requests and recognises their important ongoing contributions to the Victorian integrity system.

I want to thank the committee secretariat staff for their tireless efforts as always but in particular in supporting the preparation of this report and in Parliament's oversight of the integrity agencies. I would like to thank my committee colleagues for their cooperation and bipartisan approach to the preparation of this report, chaired by the member for Brunswick with the members from Rowville, Mildura, Hastings, Bayswater, Narre Warren North and my Council colleague Ms Payne. I commend the report to the Parliament.

#### **Motion agreed to.**

#### *Papers*

#### **Papers**

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

Ambulance Victoria – Report, 2022–23.

Auditor-General –

Fair Presentation of Service Delivery Performance 2023, November 2023 (*Ordered to be published*).

Major Projects Performance Reporting 2023, November 2023 (*Ordered to be published*).

Commissioner for Environmental Sustainability Victoria – Victorian State of the Environment 2023 Report (3 documents).

Dhelkunya Dja Land Management Board – Minister's report of receipt of the 2022–23 Report.

Emerald Tourist Railway Board (Puffing Billy Railway) – Report, 2022–23.  
Falls Creek Alpine Resort Management Board – Report, 2022.  
Families, Fairness and Housing Department (DFFH) – Report, 2022–23 (*replacement for copy tabled on Wednesday, 1 November 2023*).  
Gunaikurnai Traditional Owner Land Management Board – Minister’s report of receipt of the 2022–23 Report.  
Heritage Council of Victoria – Minister’s report of receipt of the 2022–23 Report.  
Local Jobs First – Report, 2022–23.  
Mental Health Complaints Commissioner – Report, 2022–23.  
Mine Land Rehabilitation Authority – Report, 2022–23.  
Mount Buller and Mount Stirling Alpine Resort Management Board – Report, 2022.  
Mount Hotham Alpine Resort Management Board – Report, 2022.  
Police Informants Royal Commission Implementation Monitor Act 2021 – Royal Commission into the Management of Police Informants: Progress Report, 2022–23, under section 28 of the Act.  
Portland District Health – Report, 2022–23 (*replacement for copy tabled on Thursday, 16 November 2023*).  
Professional Standards Council of Victoria – Report, 2022–23.  
Sentencing Advisory Council – Report, 2022–23.  
Southern Alpine Resort Management Board – Report, 2022.  
Spent Convictions Act 2021 – Review of the *Spent Convictions Act 2021*, November 2023, under section 25 of the Act.  
Statutory Rules under the following Acts –  
    Building Act 1993 – No. 122.  
    Gambling Regulation Act 2003 – No. 121.  
Subordinate Legislation Act 1994 – Legislative Instruments and related documents under section 16B in respect of the Water Act 1989 –  
    Declaration of Rationing Areas in Declared Water Systems 2023.  
    Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – November 2023.  
    Ministerial Rules for Managing General Place of Take Approvals.  
    Water Trading Rules for Declared Water Systems 2023.  
Surveyors Registration Board – Minister’s report of receipt of the 2022–23 Report.  
Victims of Crime Commissioner – Report, 2022–23.  
Victorian Equal Opportunity and Human Rights Commission – Report, 2022–23 (*Ordered to be published*).  
Victorian Fisheries Authority – Report, 2022–23.  
Victorian Institute of Forensic Medicine – Report, 2022–23.  
Victorian Legal Services Board and Legal Services Commissioner – Report, 2022–23 (*Ordered to be published*).  
Victoria’s Mental Health and Wellbeing Services – Report, 2022–23.

***Business of the house***

**Notices**

**Notices of motion given.**

**Ombudsman***Performance audit*

**The PRESIDENT** (10:06): I have a message from the Assembly:

The Legislative Assembly has agreed to the following resolution –

That:

In accordance with s 24D(1) of the *Ombudsman Act 1973*, the Legislative Council and Legislative Assembly appoint O'Connor Marsden & Associates Pty Ltd ('O'Connor Marsden'):

- (1) to conduct the performance audit of the Victorian Ombudsman;
- (2) in accordance with the Agreement for the provision of services for the performance audit of the Victorian Ombudsman;
- (3) at the fixed-fee level of remuneration of \$231,000 (including GST) to be paid upon completion of the following:
  - (a) \$46,200 (including GST) upon Parliament's acceptance of O'Connor Marsden's audit plan, representing 20 per cent of the total fee;
  - (b) \$69,300 (including GST) upon Parliament's acceptance of O'Connor Marsden's progress report, representing 30 per cent of the total fee;
  - (c) \$115,500 (including GST) upon Parliament's acceptance of the final draft report, representing 50 per cent of the total fee.

which is presented for the agreement of the Legislative Council.

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (10:07): I move, by leave:

That the message be taken into consideration forthwith.

**Motion agreed to.**

**Jaelyn SYMES:** I move:

That the Council agree with the Assembly and that a message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

**Motion agreed to.**

**Adjournment**

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (10:08): I move:

That the Council, at its rising, adjourn until Tuesday 6 February 2024.

**Motion agreed to.**

*Committees***Economy and Infrastructure Committee***Membership*

**Georgie PURCELL** (Northern Victoria) (10:08): I move, by leave:

That Mr Ettershank be a member of the Economy and Infrastructure Standing Committee.

**Motion agreed to.**



*Members statements***Pippa Macpherson**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (10:09): I rise today to congratulate Pippa Macpherson on taking out the Apprentice of the Year award at the Apprenticeship Employment Network Apprentice Training Awards last Wednesday. Pippa is a phenomenal young person who I have had the pleasure of meeting on multiple occasions through her apprenticeship at the Davidson restaurant with the Gordon TAFE in Geelong. Cooking has always been a passion of Pippa's, and after being encouraged by her nan and aunty, Pippa began a certificate III in commercial cookery at the Gordon TAFE, which led her to undertaking her apprenticeship with their fantastic training restaurant. When talking to Pippa about her work, her passion is truly contagious. With a focus on pastries and desserts, Pippa loves experimenting, trying out new recipes and is always up for a challenge in the kitchen.

This is not the first time that Pippa has been recognised for her talents. This year Pippa was named Apprentice of the Year at the Gordon Awards for Excellence and nominated for a Victorian Training Award. In September Pippa received her first gold medal, placing highest overall in the third-year section of the Australian Culinary Federation's National Apprentice competition in Sydney. Pippa, congratulations on all that you have achieved so far. Your passion and commitment to cooking are undeniable. I cannot wait to see what you do in the future, and I thank all of your trainers for the commitment that they have demonstrated.

**Family violence**

**Renee HEATH** (Eastern Victoria) (10:10): On Friday I joined the new mayor of Cardinia Shire Council Cr Jack Kowarzik, Cr Jeff Springfield and Cr Graeme Moore, along with Minister Shing, in Pakenham for the walk against violence. It was an absolutely unbelievable event, with hundreds and hundreds of people in Pakenham walking the streets crying out for change, for safe children, safe families and an end to violence against women. The next day was White Ribbon Day, which is the international day against gender-based violence against women. This is something that the community is crying out for. I spoke to the Orange Door while I was there in Pakenham, and I was saddened to hear that in one week they had 200 referrals of family violence from Victoria Police across Cardinia and Casey shires. I just want to use this opportunity to say that I do not think it is enough to march. I do not think it is enough to just wear an orange T-shirt and have a photo, although those things are good. We need to see law reform, and specifically the law reform I want to see – and I want to see it on the agenda for next year – is the reform on stalking. The Victorian Law Reform Commission the year before last tabled 45 recommendations, and none of those things have been done yet, so I just want to use this opportunity to raise it and say it is time for change.

**Cannabis law reform**

**Rachel PAYNE** (South-Eastern Metropolitan) (10:12): I and many of my colleagues in this chamber I am sure are reflecting on our first year in Parliament. To say it has been a steep learning curve would be an understatement. But I do appreciate that we have all come a long way since our first day here at MP school and that particularly favourable drama exercise where we were all barefoot and lions, and I am thinking about you, Mr Galea. This job is like no other. You get to work with a variety of different people who have varying points of view, backgrounds, experiences and motivations. What we all have in common is our desire to represent our community and to make a difference.

I am here to represent Legalise Cannabis, and in that capacity I and my colleague David Ettershank have talked about cannabis in this Parliament every single sitting week. We have put the discrimination of medicinal cannabis patients when it comes to driving laws on the agenda. We initiated the inquiry into industrial hemp, with the report delivering practical recommendations that will advance this industry and reduce stigma. Workplace drug testing was next on the agenda, and we will see that

review inquiry commence early next year. Finally, we debated a bill to regulate the personal use of cannabis yesterday, and we will continue to advocate and push for reform so people who consume cannabis are no longer criminalised. Thank you to everyone who shared their cannabis story leading up to the debate. We hear you, we are here with you and we will continue to push for change.

### **SisterWorks**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:13): I recently had the pleasure of officially opening the upgraded commercial kitchen at Crafted Culture cafe in Richmond, operated by SisterWorks Inc, a fantastic organisation that provides food-handling and hospitality training to women in Victoria from culturally and linguistically diverse backgrounds. To commemorate this occasion I had the honour of completing a beautiful mural inside the cafe.

The new kitchen will allow SisterWorks to increase their capacity to supply catering and food production as well as providing more training opportunities for migrant and refugee women to gain vital work experience. Crafted Culture cafe received \$20,000 from the Victorian government as part of our Living Local initiative to support this upgrade. The initiative is focused on funding projects that promote social connections, enhance livability and revitalise suburban hubs. Congratulations again to everyone at SisterWorks who worked so hard to deliver this project. A special thanks to the hardworking team ably led by CEO Ifrin Fittock.

### **Anatolian Alevi Festival**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:14): On another matter, on Sunday it was wonderful to join the Minister for Multicultural Affairs and my colleagues in the other place Anthony Cianflone and Kathleen Matthews-Ward to celebrate the 30th Anatolian Alevi Festival at Coburg Lake Reserve. It was a fantastic celebration of Alevi culture, including traditional dance, music and tasty delights. I want to take this opportunity to thank the organisers, community leaders and elders and especially the Alevi Federation of Australia for 30 years of this fantastic festival where thousands come together each year to celebrate.

### **Parliamentary internship program**

**Gaelle BROAD** (Northern Victoria) (10:15): This sitting week marks the end of my first year in Parliament. It has been an exciting journey, and I am grateful to be a voice for the people of Northern Victoria in this chamber. My interest in state politics started 28 years ago as a parliamentary intern from Monash University. The internship program started in 1990 and has now proudly hosted more than 1300 interns thanks to the invaluable support of members, library staff and participating universities.

Earlier this week we joined family and friends in Queen's Hall to celebrate the program graduation of 40 students from five universities. I especially want to thank Pascal Samfat from the Australian Catholic University for assisting me through his research into regional towns impacted by the 2022 Victorian floods. Pascal provided a well-written and in-depth research report entitled *We Cannot Go Through This Again: Climate Change Resilient Recommendation for Flood Mitigation in Echuca and Rochester*. During the program Pascal attended public hearings to meet locals in flood-affected towns and examined 875 public submissions. He visited Parliament regularly and shared the experience with his grandma Anne Marie Samfat by taking her on a virtual tour of Parliament. It was great to celebrate Pascal's success at the graduation ceremony with his mum Sharon and Aunty Dana.

I also want to thank fellow MPs like Tim Bull, John Pesutto, Juliana Addison and Premier Jacinta Allan for pausing to have a photo with Pascal. These experiences become memories that last a lifetime, and I hope that the internship program will inspire many more young people to consider a future in politics, as it did me.

### Dingley Village

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:17): Today I rise to mention the Dingley Village annual community meeting, which was attended by a few members of Parliament. It was an absolutely wonderful event because there were about a hundred-and-something people that attended, all very concerned about what was happening in their local area. I want to shout out to those people, because it is a wonderful thing when you actually turn up to have a voice for your local community.

### Emerson School

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:17): I once again want to mention the Emerson School visit. Emerson School does tremendous work in our local community – tremendous work with a number of young people that might not be able to be educated in other schools but actually find a home at Emerson. Not only do they find a home but the work that they actually produce at that school and the outcomes in terms of learning are incredible. I was also deeply moved to see the tremendous character that was being developed in each of the young people. I want to extend my congratulations to all the staff and the students for the great work that they are doing at Emerson.

### Cranbourne Cup

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:18): The Cranbourne Cup was absolutely fantastic. It was wonderful to be able to be part of that and to attend the Cranbourne Turf Club at their recent invitation. It was a great day, and it was wonderful to see the Cranbourne Racecourse fashion as well and to be there when they announced the winner.

### Walk Against Family Violence

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:18): In the Greater Dandenong City Council I had the opportunity to attend the Walk Against Family Violence. Family violence in the City of Casey and in the City of Greater – *(Time expired)*

### Student political engagement

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (10:18): Last week students came together to march in solidarity with the Palestinian people. The week before they were on our streets calling for our governments to take climate action. These passionate and engaged young people want us to hear them loud and clear in their calls for action, be it for a ceasefire in Gaza or for an end to fossil fuel investment for the climate. Earlier this year federal Labor minister Anne Aly said:

... I want to ensure that young people feel that they can have political participation, feel that they can have a voice, feel that they can make a change. Look at the change the young people made when they took to the streets for climate action.

She specifically referenced the School Strike 4 Climate – emphasis on the strike part. Students are looking at the world, looking at their future and have made the decision to use the tools that they have, their school time, to strike and send a message to their government. Yes, students are meant to be in class – that is why they call it a strike. The Greens support young people striking and participating in peaceful political action. They wanted our attention. They now have it. Are you listening?

### Felicitations

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:20): I want to highlight the tireless work of people around the parliamentary precinct with the time I have available today. Every year there are countless people, teams and organisations that galvanise to make sure that the Parliament functions in the best possible way. Putting to one side the contributions that we make in this place, over which those organisations, teams and individuals have no control, I want to give a shout-out to people who are so important to this institution. To the clerks, the attendants, Hansard, security, our PSOs, the people who make and keep the grounds and

the precinct so accessible and so beautiful, thank you. To everybody who is working on the ongoing construction in and around the parliamentary precinct, thank you. And to Hansard, thank you so much for all of your indulgence with my obsession with the Oxford comma and the patience that you show with sentences that go on for many pages. I appreciate you enormously.

### Road safety

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (10:21): As we head towards the busiest time of the year on our roads I want to implore people, with lives having been lost on our roads at exceptionally high levels in comparison to previous years, leave early, take the time you need, take the breaks and the rest that you need to arrive in good shape. Please make sure that you do not contribute to another empty chair at a table this festive season.

### 2023

**Nick McGOWAN** (North-Eastern Metropolitan) (10:21): Like many members today who have already taken the opportunity to reflect upon their first year, I will do the same. And perhaps not like some of my colleagues, I probably expect the most of myself and certainly a lot of others as well, so in that vein I would probably give myself a one out of 10 for the last year, to be honest.

**Michael Galea**: You're being too hard.

**Nick McGOWAN**: No, I do not think it is too hard. I do not think it is too hard, because what strikes me – and I have only got another 60 seconds – is that a year has gone already. We have three left to go; it is not very much. When you look to think about the lives you have impacted or what you have achieved, the sad reality is it is too little. At least that is for me.

There is lots to be done with respect to organ donation. I think we are on the road to that, but we are nowhere near achieving it. There is lots to be done in terms of the road toll, and I think we have gotten further away from that this year rather than closer to meeting that reality. That was brought home to all of us just recently with the police commissioner in South Australia losing his son in such a tragic way – and such a tragic way that will influence his life and his family's life – and that should be a very clear message to all of us. Last but not least, we have not made any progress in respect to presumptive rights except for the three for women, which is sensational for our firefighters, but there are six that remain. I feel we missed an opportunity in this chamber this year to go forward with that. I hope that next year we can rectify that.

I hope that next year I can do much better than my one out of 10 for this year. And if I am saying the same thing next year, then that is a cause for serious reflection for me.

### David Zyngier

**Katherine COPSEY** (Southern Metropolitan) (10:23): I rise to mourn the loss of Cr David Zyngier on behalf of the Victorian Greens and pay tribute to his immense contribution to our movement and to public life. A lifelong activist and a champion for social justice, David will be greatly missed by our Greens community and the community he served with such passion and dedication as a Glen Eira city councillor. David tirelessly advocated for workers rights, public education, sustainability and peace. Through his work and his inspiring nature he built communities united in their efforts to make our world a fairer, kinder and more sustainable place. This philosophy could be seen in action in his role as a founding member of GECAN, the Glen Eira Emergency Climate Action Network. He leaves an incredible legacy.

For my part, I will dearly miss his clear-eyed determination, his humour and our coffee catch-ups, where we hatched plans to keep fixing up this world of ours from our base at the Goat House cafe. Our thoughts are with the friends and community mourning David, especially with his family. As so many people recognise David's valuable activism and his dedication to social and climate justice, I

hope this gives some comfort to you at this time. His legacy will be a continued inspiration to us all. Vale, David.

### **Gurdwara Siri Guru Nanak Darbar**

**Michael GALEA** (South-Eastern Metropolitan) (10:24): Over the weekend I had the pleasure of attending the Gurdwara Siri Guru Nanak Darbar in Officer to celebrate Guru Dev Ji, the 554th gurdwara celebration, along with colleagues the Minister for Multicultural Affairs Ingrid Stitt, Mr Tarlamis, the member for Pakenham, Cardinia Shire Council councillor Stephanie Davies and Victorian Multicultural Commission commissioners Viv Nguyen and Sylvia Coombe. It was a wonderful celebration at the Sikh temple, and I would like to extend a particular thankyou to Harpreet Kandra for so generously welcoming us there.

### **Felicitations**

**Michael GALEA** (South-Eastern Metropolitan) (10:25): On another matter, as Parliament will be breaking for the year, I do want to take a moment to wish everyone in the south-east and across Victoria a very merry Christmas and a happy new year. I wish all my constituents a very safe holiday season. I would like to congratulate as well all of the students in my electorate who have completed another school year and those who are graduating and will be receiving their results soon.

I would also like to acknowledge all the Victorians working through these holidays so that the rest of us can enjoy a break. As the shops get busier this time of year, so does the pressure on retail workers, and I encourage everyone to remember to treat these hardworking people with the respect and courtesy they deserve – because no-one deserves a serve.

A special thankyou to our emergency services personnel, who will be working through the break to keep us all safe and secure.

And as with others, with my first year in this place drawing to a close, I want to thank all of my colleagues in this chamber and in particular all the parliamentary clerks and staff, who have done so much to make life easier and to make our work possible, especially as new members. I look forward to representing my community again here next year.

### **Common sense**

**Bev McARTHUR** (Western Victoria) (10:26): As the year draws to a close, I would like to mourn the passing of a beloved old friend, Common Sense, remembered for cultivating such valuable lessons as knowing when to come in out of the rain, why the early bird gets the worm, life is not always fair and ‘Maybe it was my fault.’ Common Sense lived by simple, sound financial policies – ‘Don’t spend more than you can earn’ – and reliable strategies such as ‘Adults, not children, are in charge.’

His health began to deteriorate rapidly when well-intentioned but overbearing regulations were set in place. Reports of a six-year-old charged with sexual harassment for kissing a classmate and a teacher fired for reprimanding an unruly student only worsened his condition. Common Sense lost ground when parents attacked teachers for doing their job, which they themselves had failed to do in disciplining their unruly children. Common Sense took a beating when you could not defend yourself from a burglar in your own home and the burglar could sue you for assault or injury. Common Sense finally gave up the will to live after a woman spilled hot coffee in her lap and was promptly awarded a huge settlement.

Common Sense was preceded in death by his parents Truth and Trust, by his wife Discretion, by his daughter Responsibility and by his son Reason. He is survived by four stepbrothers: I Know My Rights, I Want It Now, Someone Else Is To Blame and I’m A Victim. Not many, unfortunately, attended his funeral, because so few realised he was gone.

I am indebted to Lori Bergman for that assistance. *(Time expired)*

### Swan Hill Incorporated

**Rikkie-Lee TYRRELL** (Northern Victoria) (10:28): Last week I visited the magnificent town of Swan Hill, which is of course nestled on the mighty Murray River. With this prime location coupled with its new numerous tourist attractions, it is no wonder that Swan Hill welcomed a total of 755,000 visitors to the region last year, injecting a total of \$236 million into the local economy. During my visit I was fortunate enough to meet with the chair John Charleson and marketing manager Remi Maher of Swan Hill Incorporated, a local organisation dedicated to promoting the Swan Hill region and the fantastic lifestyle it offers as a place to visit, shop, live and work. Swan Hill Incorporated was established around the year 2000, and it currently has 154 members and businesses who contribute an agreed annual rate that is tiered depending on the type of business and the projected proceeds generated from the program. This is a collaborative approach by all members, who know that the rate they pay goes to promoting the Swan Hill region and bringing more people to the town, which is great news for businesses and residents alike. I want to thank John and Remi for the catch-up and congratulate Swan Hill Incorporated for this innovative approach and its contribution in making Swan Hill the great tourist destination that it is today.

### Felicitations

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:29): I also rise to join colleagues in this place acknowledging those who make this place work, and of course I am not referring to the members of Parliament. I am referring to the clerks, who are always there to provide valuable information and guidance to us; the catering staff, who keep us fed and energised; the building staff and grounds staff, who keep this place looking so wonderful; the Department of Parliamentary Services, who assist us on a daily basis; the library and all their staff; the PSOs, who keep us safe; the IT staff, including Chris, who puts up with a lot from us but is always there whenever we need it to assist us to keep our technology working.

I want to also acknowledge Hansard and broadcasting. I note today the broadcasting team are all rocking their bow ties, and I have been known to adorn the odd piece of attire in here. Maybe next year I might, in solidarity with you, wear a bow tie for the last day as well, so we will see how that goes. But thank you for all that you do in making us look and sound good. I want to thank all the attendants for all their assistance and all that they do around this place as well, in particular Greg Mills, who has been a constant in this place for over 30 years and who may not be spending as much time around here next year, so thank you to all of the attendants as well and thank you Greg for all that you have done over such a long period of time. And everyone else who keep this place going – there are so many here, too many for me to mention, but I just want to wish everyone a very safe holiday period. Spend time with your family, friends and loved ones, and please take care out there.

### Community safety

**David DAVIS** (Southern Metropolitan) (10:31): I want to indicate my enormous sympathy to the families of hostages, who have been set upon in such a catastrophic and disgraceful way by a number of the activists who have targeted them. We heard them speak in this Parliament yesterday after question time. A number of us were in the audience, and we heard the harrowing stories, the indications of the shameful behaviour of Hamas which has caused so many deaths, but also the taking of hostages and the reaction of those families. I can only think and I can only imagine – or perhaps I cannot – how they must have felt when these disgraceful, un-Victorian, un-Australian activists appeared outside their hotel, having stalked them and tracked them down to actually really behave in such a disgraceful way. I know others from Southern Metropolitan Region in particular, but most in this chamber, will be shocked and horrified at what they have seen and heard. It is un-Australian, and it is un-Victorian. I stand by Israel on this. I stand by the families of the hostages. Those hostages should be released. The fact is that many of these activists want to destroy Israel. There is no question of what is going on here, and there are lessons for us worldwide. *(Time expired)*

### Community safety

**Georgie CROZIER** (Southern Metropolitan) (10:32): I also want to rise and speak to the appalling display, which was witnessed overnight, by those protesters that Mr Davis just referred to. Families and friends of Israeli hostages and those murdered and terrorised in the 7 October Hamas attacks were subjected the most appalling display by protesters who blocked them from getting to their hotel last night. Again Melbourne is making world news for all the wrong reasons, and this display, where it was deliberate intimidation by these protesters of these family members and friends of those people who were taken hostage or murdered in the 7 October terrorist attacks, was just horrific. Those people were in the Parliament yesterday. They were telling their accounts and they were pleading, 'Bring our hostages, bring our loved ones, home.' It beggars belief that people would do that to these families and friends last night in Melbourne, in Victoria, in Australia. I think it is a terrible display of what is going on. It is divisive and unnecessary, and it must stop. I know there are others in this chamber, like Mr Batchelor, who also agree with that.

### Felicitations

**Georgie CROZIER** (Southern Metropolitan) (10:34): On a happier note, can I wish all in the chamber and the Parliament a very happy Christmas and a safe holiday period and to all of my constituents of Southern Metropolitan Region the very best wishes for the Christmas and new year period.

### *Business of the house*

#### Notices of motion

**Lee TARLAMIS** (South-Eastern Metropolitan) (10:34): I move:

That the consideration of notices of motion, government business, 171 to 263, be postponed until later this day.

**Motion agreed to.**

### *Bills*

#### **Crimes Amendment (Non-fatal Strangulation) Bill 2023**

#### *Second reading*

**Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

**Samantha RATNAM** (Northern Metropolitan) (10:35): I rise to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. The bill introduces non-fatal strangulation laws as specific criminal offences in recognition of the seriousness of these acts. This amendment to Victoria's Crimes Act 1958 will finally bring our state's laws into alignment with the rest of the country. The Greens are pleased to be supporting this important reform. Family violence advocacy groups have been calling for this reform, and it is in alignment with recommendations from the Royal Commission into Family Violence. The royal commission noted that strangulation in intimate partnerships is often a precursor to serious abuse and death but is not treated differently or more seriously by police and courts than other less serious offences such as assault. It is imperative that we act to strengthen protections for victim-survivors of gender-based violence and ensure the consequences for perpetrators appropriately reflect the seriousness of their actions.

We acknowledge that this is a complex area of law. Domestically and internationally non-fatal strangulation laws vary in the way they are crafted. Some provide definitions of 'strangulation' while others rely on common-law interpretations. Some restrict the application of the law to a domestic relationship context while others apply the law more broadly. The element of mens rea also varies, with some laws requiring an intention to harm and others not. I note that concerns have been raised by sexual violence services that the proposed laws would exclude sexual strangulation outside the context

of family violence. I also note concerns that the new offences could inadvertently capture people in the BDSM community. Given these complexities, it will be important to monitor the application of these laws to ensure they are capturing all undesired behaviour and not criminalising people unduly.

Reforms such as this bill are crucial as we know how dire the reality of family violence is across Australia and that there is impetus for change. Every nine days a woman is killed by her current or former partner. Despite ongoing efforts, reports of family violence are on the rise. In part this is due to better reporting as more victim-survivors feel empowered to seek assistance. However, it also means that we must collectively do a lot more to stop all forms of gender-based violence. Recent research on family violence services demand by the sector peak body Safe and Equal shows that services constantly operate above capacity and wait times are lengthy for victim-survivors seeking case management and support. The result of under-resourcing is increasing risk for people seeking help and greater risk of burnout for staff. We must appropriately fund services which are on the front lines of this crisis.

It is apt that we are talking about this issue today, as we are currently in the midst of the United Nations campaign 16 Days of Activism against Gender-Based Violence. Over these 16 days people from around the world are taking action to show their support for an end to violence against women and girls. Last Friday I joined the 15th annual Walk Against Family Violence as thousands of Victorians marched and called for change. The sheer number and scale of actions planned worldwide for these 16 days demonstrates the urgency with which we must act. This year as part of this campaign the UN is calling on governments worldwide to share how they are investing in gender-based violence prevention. Primary prevention work is complicated, and it takes place over the long term. It involves collaborative work across many sectors, including education, health and community services, to change the gendered social norms and structures that drive inequality. I commend all the teachers, social workers and healthcare professionals who are doing this incredibly hard and necessary work.

As we fight for the right of women to be safe it is critical to know that intersecting forms of disadvantage can exacerbate people's experiences of family violence. Women with disabilities, First Nations women, LGBTQIA+ people and refugee and migrant women experience family violence at far higher rates than the rest of the population. I must stress that this is not due to any deficiencies within these communities but rather it is a result of structural inequalities which create stigma, discrimination and marginalisation. The lack of availability of appropriate services further marginalises these groups.

I want to commend the important work of organisations like the Multicultural Women's Alliance Against Family Violence, which are passionately advocating for improved access to culturally responsive family violence services in Victoria. This is a grassroots organisation run by women which has brought to the fore the lack of funding in this space and how this is shutting down important community organisations. Culturally appropriate support services not only provide culturally safe services, they also play an important role in providing expert advice to governments about how best to support multicultural communities. Without funding for organisations such as these, Victoria simply cannot support its growing multicultural population.

It was an honour to attend the AGM of the Multicultural Women's Alliance against Family Violence in the last week. As mentioned, these are a powerhouse of women from culturally diverse communities advocating for more resources for grassroots culturally diverse services providing support for family violence, and they are advocating for culturally responsive family violence refuges. There are not enough refuge beds in Victoria for women fleeing violence. We have been hearing horrific stories of women having to stay in refuges for months on end, for much longer than is recommended, because there are just not enough homes for these women to move into to be safe from their violent perpetrator partners.

If you are wondering why the Greens will not stop talking about solving the housing crisis and building more public housing, it is because of situations like this, which are getting worse. It is unacceptable



that women cannot find adequate housing that will keep them safe and protect their lives. We must solve the housing crisis if we are to address the family violence crisis also. In order to truly address gender-based violence in our homes and public spaces we must not condone violence against women, we must change societal attitudes towards women and we must dismantle the systems of inequality which oppress vulnerable members of our community. This bill sends a strong message that family violence is absolutely unacceptable, but the work to end violence against women is far from over. The government must increase funding for services on the front line, especially those that are working to support marginalised communities.

**Rachel PAYNE** (South-Eastern Metropolitan) (10:41): I rise to speak to the Crimes Amendment (Non-fatal Strangulation) Bill 2023 on behalf of Legalise Cannabis Victoria. This bill introduces two new offences of non-fatal strangulation into the Crimes Act 1958. The first offence, of intentional non-fatal strangulation against a family member, carries a maximum penalty of five years imprisonment. The second offence, where strangulation of a family member causes injury and where no consent defence is available, carries a maximum penalty of 10 years imprisonment. The bill will also ensure non-fatal strangulation is recognised as an act of family violence for the purposes of family intervention orders, in protections for witnesses giving evidence and in the consideration of bail applications. These changes bring Victoria into line with many other Australian states, and we hope they will have the effect of improving knowledge among frontline workers of the risks of strangulation as an indicator of escalating patterns of violence and coercive control.

Those who are subject to non-fatal strangulation by a current or former intimate partner are seven times more likely to be seriously injured or murdered by that same partner. This is the dangerous fact that underpins this reform. Family violence is an epidemic, and something that we as members of Parliament should be up in arms about. Sixty-four women have lost their lives this year, having been violently murdered by someone they know – men they have been in intimate relationships with, have had children with, once loved. It is absolutely tragic. Family violence impacts so many directly and indirectly. I know within my own family my mother and her sisters are completely traumatised by growing up in a violent household, seeing their mother beaten, fearing their father and coping beatings themselves. The abuse was insidious, ongoing and harmful both physically and emotionally.

This bill takes a step in recognising the complexity of family violence and how perpetrators operate. However, it would be remiss of me not to review this legislation for all unintended consequences, and there are some. At law ‘causes injury’ is a relatively low threshold. At its lowest it could mean temporary pain. Paired with a broad definition of ‘strangulation’ in the bill – applying pressure to one’s neck – this could unintentionally capture consenting family members who are not at all engaged in family violence. It could be two siblings who are involved in the ever-increasingly popular sport of jujitsu practising their chokeholds, which is a central part of that popular sport. Choking and strangulation techniques are quite common in this sport, as in many other martial arts.

Or it could be a couple who are engaged in completely consensual BDSM in the bedroom, and we are not necessarily talking about a small minority of the population here. For those unfamiliar, BDSM stands for bondage, discipline or domination, sadism and masochism. It is sexual activity involving such practices as the use of physical restraints, the granting and relinquishing of control and the infliction of pain. Most generically think of *Fifty Shades of Grey*, which was the fastest selling paperback of all time. At its peak two copies of that book were being sold every second. Worldwide by 2015 more than 150 million copies had been sold. This phenomenon brought BDSM into the mainstream, and you cannot tell me this has not led to widespread experimentation in many Victorian homes, at least. There is minimal data on the prevalence of the BDSM community in Australia, and what data does exist is becoming increasingly outdated as our society moves towards a more tolerant and sex-positive place. But 2003 figures suggested that over half a million Australians had engaged in BDSM in the last 12 months. The reality is that in the course of many sexual relationships, parties may desire the intentional infliction of pain and consensual sexual choking and not necessarily in small

numbers. This means that in its current form this bill could unintentionally criminalise thousands of members of the Victorian community for consensual sexual activity that is not family violence.

I would like to thank the government for taking the time to meet with us on this aspect of the bill and for listening to our concerns on the potential for this bill to capture activities outside of its intended scope. We know the BDSM community is one for all ages. It is a community that engages in informed conversations and understands consent, often in a much more nuanced and understanding way than the wider community. As kink educator Roger Butler puts it, what is often neglected in mainstream media depictions of BDSM is:

... the incredible negotiation and consent-giving process that goes into the scene before it even starts. How to look after each other, how to keep each other safe. All that communication doesn't make for good television, but it does make for great sex.

There is also the potential for this bill to unintentionally criminalise a much wider group of consenting adults. To that point – and thank you to my zoomer staffers for pointing this out to me – currently at the top of the ARIA singles chart is Jack Harlow's *Lovin On Me*. In this song Jack says:

I'm vanilla, baby (I don't like no whips and chains and you can't tie me down)  
I'll choke you, but I ain't no killer, baby ...

For those unfamiliar with the term 'vanilla', in a sexual context it describes someone with a conventional approach to how they have sex. I am quite enjoying how red-faced everybody is getting in this room. Now, I do not know about the research methodology Jack Harlow used when writing this song, but the message is clear. Even someone who has self-proclaimed vanilla sex says he includes consensual choking in his sexual repertoire. As I said, that is the most popular song, thanks to my staff informing me of this, on the ARIA charts right now, which is as mainstream as you can get.

I make this point to stress that the unintended consequences of making these laws could be broader than this Parliament realises, and perhaps there is a wider conversation to be had here about the need for comprehensive sex education to enable sexual empowerment and to reduce harm. But my point is that the potential unintended consequences of this bill are far from niche. This legislation is so important, but it is important that we fulfil its intention without the government stepping into the bedrooms of consenting adults.

We, like the government, are supportive of amendments to insert a review clause for no later than two years after this bill commences. I would suggest that the review considers a consent defence for both new offences, a more precise definition of 'injury' or possibly a higher threshold for 'serious injury'. A review of this kind will help ensure that the bill is operating as intended, and we do take comfort in that. In the meantime I look forward to some assurances from the Attorney-General in the committee of the whole as to the intention of this bill and, importantly, what it is not intended to do, and we urge the government to bolster this reform with well-funded education.

To return to the central purpose of this bill, these are very important reforms, and we unequivocally support the policy intent of the bill to address dangerous family violence and coercive control.

**David LIMBRICK** (South-Eastern Metropolitan) (10:50): The Libertarian Party will support this legislation to address family violence, because our philosophy is fundamentally a philosophy about respect for others and we oppose coercion of all kinds. What kind of person puts their hands around the neck of a partner or family member with the intent to cause harm? I could use all kinds of names, but the evidence tells us they are dangerous. There is a strong correlation between choking behaviour and escalating family violence. These people need to remove themselves from intimate relationships and get help immediately, or else they should be locked up. Unfortunately the worst family violence is perpetrated by men against women. Some of these men may have been socialised in violent households, but that is no excuse. We know this because, to their credit, many men from rough upbringings leave their violent past behind them and become great partners and fathers.

Forgive me if I inject a little scepticism into this debate. I am old enough to remember people here who voted against an inquiry into whether women should be allowed to carry pepper spray. Some here not only believe women should not be allowed to defend themselves, they believe we should not even talk about it. I remember in 2019 attending a 420 cannabis legalisation rally in Flagstaff Gardens where a 15-year-old girl was handcuffed and appeared to be hit in the head by a police officer. This footage can still be seen on the *Age* newspaper website. I spent nearly a year asking questions about this in Parliament and getting no good answers. Somebody finally slipped a note onto the desk of my empty apartment office declaring that the police had investigated the incident and found themselves innocent.

Others here were silent when the pandemic came and the standard they walked past became the standard they accepted. They accepted it when police choked a woman in the street and arrested a pregnant woman in her house. They said nothing when a 70-year-old lady was pepper sprayed at a protest, and they immediately believed false media reports that she was really a man because she was wearing a wig. These are just a handful of incidents caught on camera. For every one of these we saw on film, there must have been many, many others. For a very long time Parliament enabled this violence. Despite my scepticism, let us hope that this bill works as intended to prevent family violence. I commend this bill to the house.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (10:53): It is a pleasure to sum up on a really important bill, and I thank members for their really thoughtful contributions. Nearly everyone has referred to this legislation as complex, and that is certainly an understatement for someone in my office who has been involved in the development of this policy for some time. To be here today is an achievement.

I want to acknowledge the tireless and powerful advocacy for the creation of a standalone offence of non-fatal strangulation by the family of the late Joy Maree Rowley. Joy was tragically murdered by strangulation and suffocation in 2011 after being subjected to non-fatal strangulation by her former partner prior to her tragic death. Joy's children Aaron, Nadine and Renee and their father Les have campaigned tirelessly for the creation of an offence which better responds to and better identifies the risks of non-fatal strangulation. I deeply thank them for their patience, for their time, for their contribution. I am just so grateful for their advice on what this law needs to practically achieve. Thank you to Les, Annalisa, Nadine, Renee and Aaron. I know that you guys have joined us today. I extend my thanks to everyone who has participated in the process of the development of these laws. I acknowledge that it has taken some time, but I am proud to finally be delivering on the reforms and progressing our strong women's safety and family violence agenda through this bill today.

Shockingly we know that weekly, often daily, we wake to news of yet another woman being killed, very often at the hands of a partner or former partner. It is happening across Australia, and sadly, it is happening here in Victoria. Family violence is such a pervasive issue in our community. Coercive control underpins this behaviour, and it can lead to violent assaults and, as we know, murder. Reporting yesterday indicated that the number of Australian women who have died by violence in Australia in just 2023 has reached 53. This constant reminder of the awful reality should motivate all of us in this place to push for change and keep looking for solutions. I am sure this is what motivated the thousands of people that participated in the Walk Against Family Violence in Melbourne last Friday.

The opportunity to progress women's safety reforms is one of the key reasons many of us are in this place and is one of the reasons that motivates us. The bill before the Parliament today is part of our government's women's safety agenda. As people have outlined, it will introduce two new offences of intentional non-fatal strangulation of a family member into the Crimes Act 1958. With this bill we want to acknowledge that non-fatal strangulation is particularly prevalent and concerning in the context of family violence. Non-fatal strangulation is highly dangerous and potentially life threatening. When it is committed in the context of family violence it is very often an indicator of significant future risk of serious harm, including homicide. Non-fatal strangulation, we know, is rarely an isolated event. It is a means of terror and control. It can intimidate and will also be an indication of an escalation of violence and coercive and controlling behaviours in family violence contexts. Research indicates that

women who survive a non-fatal strangulation incident are seven times more likely to be seriously injured or murdered by that perpetrator.

Of course one new law will not end family violence or violence against women – laws do not necessarily change behaviour – but it is an opportunity to look at consequences and have a really important conversation, which we hope leads to better behaviour. Family violence is a deep-seated societal problem embedded in often gendered cultural norms, but it is incumbent on us as a Parliament to keep trying and to use the levers we have to highlight the issues and reform the system so that we can better identify and manage the risks and indeed use our voices for education. The absence of a standalone offence in Victoria has represented a barrier to identifying, reporting and prosecuting this type of offending. This has made it harder to monitor its impact and also assess its risk.

In terms of the summary of the bill, many people have spoken in detail, so I will just summarise briefly. The bill will introduce two new offences, reflecting their relative seriousness: a five-year offence, which covers non-fatal strangulation committed against a family member, with a maximum penalty of five years imprisonment, and this offence does not require proof of injury; and a 10-year offence of non-fatal strangulation committed against a family member which intentionally causes injury, which has a maximum penalty of 10 years imprisonment. The offences broadly define non-fatal strangulation as ‘choking, strangling or suffocating, including applying pressure to the front or sides of the neck, obstructing or interfering with a person’s respiratory system or impeding respiration’. These offences will only apply to conduct between family members.

I will just take the opportunity to reflect on how we have landed here. This is the core rationale for the reforms. This is the behaviour and the context that we know is what we want to respond to and what the fundamental purpose of this legislation is. ‘Family member’ allows the penalties to be tailored to specifically respond to that heightened risk profile that I spoke of earlier and is a way of better holding family violence offenders to account. It also means the offences will enhance protections for victim-survivors by providing a clear indicator of risk to both the police and the family violence sector. The bill will use the same broad and flexible definition of ‘family member’ as contained in section 8 of the Family Violence Protection Act 2008. Whether the two people meet the ‘family member’ definition will be determined by the individual facts and circumstances of each case, but the definition can capture wide concepts of family and reflects community views about what ‘family member’ can mean.

During the consultation processes, stakeholders emphasised that the broad nature of the definition of ‘chokes, strangles or suffocates’ meant that offences with universal application could inadvertently capture lawful conduct that was not intended to be covered by the offences. Some of the examples that we spent many, many hours talking about in relation to how these laws would work were things such as massage, sports and genuine consensual sexual activity. We are not intending to criminalise lawful consensual behaviour that does not cause harm to people. That is not the intention here, and it is really hard to write laws that do not capture that, which is just one of the reasons that it took a very long time to land this in the way that we have.

We also did not want to disproportionately impact vulnerable community groups within Victoria. One of the examples that stakeholders were concerned about was capturing the touching of a police officer’s neck while resisting arrest, so somebody that perhaps was having a psychotic episode or somebody that had a cognitive impairment and the like – people were very concerned that that type of behaviour could be captured. Requiring the non-fatal strangulation to be of a family member significantly reduces or mitigates against those risks that people identified could be captured by the laws if we cast them too wide.

It has been a delicate balancing act. We had to look at achieving the policy goals with limiting the risk of inadvertently applying offences very broadly to conduct which is common, consensual and obviously not considered problematic. We decided to broadly define the conduct because we know that narrow interpretations have been a challenge in other jurisdictions. Jurisdictions including Queensland, South Australia and the ACT have standalone offences which have seen courts narrowly

interpret the terms ‘choke’, ‘strangle’ or ‘suffocate’ because the terms were not clearly defined. These narrow interpretations have imposed inappropriately high evidentiary burdens on the prosecution, which could further traumatise victim-survivors. The broad definition in our bill aims to avoid that issue.

I am going to struggle with my time. I will keep going, but I might ask for more time at the end.

In relation to the 10-year offence, we required injury to be intentionally caused because we wanted to provide an important safeguard against inappropriately criminalising legitimate behaviours. When you combine the deliberately broad approach and the lack of consent defence, you need to be careful about the breadth of some of the other elements. For example, if the offence captured reckless conduct, it would be highly likely to capture a range of legitimate conduct that falls outside the intended scope, such as massage that a person knew could but did not intend to cause bruising.

We do want to target the most egregious forms of offending. That also justifies the significant maximum penalty in this case. Further, requiring intent is consistent with existing offences such as assault that carry a high maximum penalty. Adding ‘reckless’ as a possible mental element would require a third offence, and this would attract a maximum penalty of five years imprisonment, consistent with reckless assault. But we already have a better targeted five-year offence in this instance. Also, most non-fatal strangulation offences in other jurisdictions require that the injury be intentionally caused, which was an important consideration in developing our legislation. As I said, we do not want to create unnecessary confusion and complexity; however, we know that we will be closely monitoring this legislation for any gaps, and we are watching how they operate.

I briefly want to go through some of the defences and exemptions, because concerns have been expressed about potential unintended consequences of the new offences. We have tried to limit the impact of the offences on ordinary consenting behaviour, as I have outlined. While some ordinary conduct may technically fall within the elements of the offences, the impact will be limited by lawful excuses in defences and exemptions.

Existing statutory and common-law defences will apply to these offences, except for consent in the 10-year offence. Statutory defences of self-defence, duress and sudden or extraordinary emergency will apply for both offences. There has been a lot of discussion of examples of this in the other place, such as a family member having a medical episode and it being necessary to check their pulse, for example, or even parents having to break up a fight between their teenage children. It can be problematic to guess how a court will apply in all of these hypothetical situations, because it will always depend on the circumstances, but in those scenarios I am comforted by the existence of the sudden or extraordinary emergency defence, which may be relevant if a person reasonably believes that that exists and the conduct is the only way to respond. This will likely apply to medical emergencies, which we have thought is probably the most likely example.

Consent is a defence to the five-year offence. This partly mitigates the risk of unintended application to legitimate commonplace activities which could be captured by the broadly defined conduct of ‘chokes, strangles or suffocates’. The standard of defence will depend on the context. In most contexts – that is, non-sexual contexts – the common-law defence of consent will apply. If the conduct occurs in a sexual context, a tailored statutory consent defence will apply. This adopts the affirmative consent model for sexual offending, which our government reformed in 2022. This different standard is appropriate given it has long been recognised that the common-law defence of consent is not appropriate in sexual contexts. As you can see, it is very complex legislation, so it is just important to get a couple of these things on the record.

Consent is not available as a defence for the 10-year offence. This reflects the seriousness of the risks – that non-fatal strangulation that intentionally causes injury of any kind is unsafe and cannot be consented to. However, the bill is not intended to criminalise legitimate medical procedures or body modification. The bill includes an exception so that a person does not commit an offence where the

relevant conduct occurs during a procedure or a medical procedure such as piercing or tattooing, for example. To ensure that this does not impact legitimate medical and other conduct, the offence contains an exception if these are carried out in good faith.

I acknowledge that there have been a range of views that have been brought to the government in the development of this bill. Some stakeholders hold concerns that the offences could have unintended application because 'conduct' is broadly defined and the 10-year offence could apply to ordinary consenting conduct as it requires injury as opposed to serious injury and there is no consent defence, which I know Ms Payne has been speaking about in her contribution as well.

**The ACTING PRESIDENT (Michael Galea):** Apologies, Minister. With leave of the house I will grant the minister extra time.

**Leave granted.**

**Jaclyn SYMES:** Thank you, I appreciate that. For example, I know that there are concerns that offences might capture siblings, participating in martial arts or those who practise BDSM. It is unlikely that such conduct would be reported to police in general – that would be our expectation – but I do acknowledge that it is possible. But what we have wanted to do is create laws that as much as possible do not criminalise behaviour that we would all accept is not criminal.

On the other hand, there are some stakeholders that are concerned that the offences are too complicated and difficult to prove, that causing injury recklessly should be added and that consent should be available in either offence or should not be restricted to family members. These are all legitimate concerns. They have all been ventilated over a long period of time. It has been difficult to land this legislation, but I can assure you that all of those considerations have been thoroughly examined and I have taken advice from a range of stakeholders and the department in relation to that. That is why it did take a long time to balance those divergent views.

We think we have got the right balance, but as I have said time and time again, I am never one to say I am right and others are wrong. We just think this is the best approach at this time. Reforming the justice system is a job that is never completed, and we are committed to reviewing the offences as they come into operation. But given the complexity, it is not my intention to oppose an amendment that will be put up in relation to a formal statutory review. Again, I think similar to some other pieces of legislation, it would not be my intention to wait for a formal statutory review in and of itself. We would continue to consult with police and the sector and victims in relation to how these laws work.

They have the potential to save lives, these laws, and I think we should really focus on the fact that that is their intention. They are complex; there is some clumsiness in it. It is really difficult to make these laws perfect, but fundamentally when you sit down with family members such as those of Joy Rowley, I keep coming back to that as the reason the laws look as they do. It addresses their issue. There are a range of other consequences for getting here, but fundamentally I wanted to say to that family that we are doing this because of what happened to them. We know that we want to make sure that, as best as possible, this does not happen to other families.

It is also really important to have a conversation about this behaviour and how risky it is and how damaging it can be. It is the reddest of red flags; I think I have described it as such before. If you are a victim of non-fatal strangulation, if you survive that conduct, you are in major danger. I would encourage anyone that knows of anyone they are talking to that has experienced this to reach out and seek help. As I said, it is conduct that can lead to dire fatal consequences. I think these are important laws, but this is also a very important conversation and education piece for the community.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT:** We are going to start with clause 1, but before I do that I might ask Mr Bourman to circulate his amendments.

**Jeff BOURMAN:** Could I get my amendments circulated, thank you.

**Clause 1 (11:15)**

**Jeff BOURMAN:** I move:

1. Clause 1, line 6, omit “2”.

I am going to be fairly quick with these. The amendments, to get down to the bottom line, are to include non-family members. There is a reason I am moving these. I was contacted by Sexual Assault Services Victoria (SASVic), and without putting words into their mouth, they were perplexed as to why this current bill does not cover non-family members. We had a good chat, and I agreed I would do the amendments. Now, I must admit that I do not think I have done the amendments justice. It took a long time to get them, through no fault of anyone. I did not get a chance to socialise them very well. I did attempt to have a chat with the Attorney-General about it and I got a less than positive response to that.

But there is a reason I am doing this, and it is not just because of Sexual Assault Services Victoria. Someone very close to me has had an experience that is not captured by this bill. It does not count for instances such as stalkers and people like that – people that are not family members but are known to people – and that is what the upshot of all this was. I have got a thick hide in this place, but I was pretty unhappy to be brushed off as I was. I am not going to have a division over these; I know they are not going to get through. But I think it needs to be raised that there are people outside the family context that are deserving of the same protection that this bill gives. I have moved an amendment, and that is pretty well all I have to say on this.

**Jaelyn SYMES:** Mr Bourman, I am not surprised by your amendments, because it is the position I started at three years ago. I would have liked to have been able to craft laws that cover conduct that is non-fatal strangulation in every instance. I am sorry that you felt brushed off. I had my 12-year-old and my 11-year-old right next to me, so I did not really want to get into an involved conversation about non-fatal strangulation in a sexual context in front of my children. The fact is that this bill has been in the Parliament for three weeks, and the fact that you chose to have that conversation in a hallway two days before the debate – perhaps there might have been a more appropriate way to engage with the government in relation to your amendments.

I see that you have described SASVic, in terms of coming to you, that they were perplexed that it did not cover non-family violence situations. I am surprised by that because I am not sure how they could be perplexed when they have been involved for many, many years in relation to the crafting of this legislation. They have been a stakeholder that has been engaged. I accept that not everybody agrees with where we have landed, but as I have sought to articulate, we have attempted to balance everyone’s views. Sometimes when a bill does not reflect your view, people think that they might argue that we have got it wrong. I would put on record that we have thoroughly consulted on this bill. It is the reason that it has taken so long to get here.

We had a proposal that looked at covering non-family members and all of the consequences. All the genuine non-criminal behaviour would all of a sudden have become criminalised. There just was not a way to land it. I know this law is not perfect, but expanding it to this situation that you are proposing is something that on balance is not the right way to go. We went over it again and again, so many meetings. Can we work this out? We just could not without it being bad law that would potentially pick up the hairdresser, the massager, the sports conduct – a range of things. That is not to say that some of the behaviours you have talked about in terms of non-fatal strangulation type behaviour in a context where it is not inflicted on a family member do not count for the purposes of the laws – there are other laws that can apply. There is intentionally causing injury. There is assault. There are many,

many laws that can apply, but what we are trying to capture here is: what we know is that non-fatal strangulation when it has been perpetrated against someone in a family member situation has led to people being murdered. It is a precursor. It is a pattern of behaviour that has resulted in – we know it for a fact because we have spoken to families that it has happened to – the death of a woman. That is what we are trying to pick up here.

I know that there are instances that we would like to pick up outside that, but fundamentally that is the behaviour that we are most concerned about, that is the behaviour that we know of from the stakeholders and from families that have experienced this. The stats speak for themselves. If you are a victim or if you are a survivor of non-fatal strangulation, you are seven times more likely to end up very injured or dead. That is in the family violence scenario, so that is why these laws are targeted in that way and that is why we wanted to target that without capturing a broad range of other behaviours. In reality, who is going to make a legal complaint about the masseuse accidentally pressing too hard on the neck? I get that. But it still would have been possible. We have tried to avoid criminalising regular behaviour as much as possible, even though it is unlikely it would happen. It has been a very circular conversation. I do want to thank those in the box. We have people that have been working on this for so long trying to land this.

As I said, Mr Bourman, it nearly did not proceed because of how difficult it was to get good laws. I had Joy's family come and see me, and when I was explaining to them all of the unintended consequences of a broad application of a non-fatal strangulation offence it dawned on me, 'Let's not try and fix that broader problem of creating a perfect offence that covers all of the potential behaviours that we are attempting to. Let's just bring it back to why we're doing this.' And it is because of what happened to this woman and others. That is why it looks like it does, because I did not want to say to that family, 'I can't do it because it's too hard and there are too many unintended consequences.' I wanted to be true to the commitment we gave, which was in response to the murder of Joy Rowley, and that is why it looks the way it does.

I know lots of people have got different views on this, and I can assure you I have heard them all. I do not want to dismiss your concerns or your intentions, but I want you to understand that I get it and it would have been great if we could do that but we could not find a way to do it. What we are doing today is as best as this law can be. And coming back to the fundamental reasons of why we are doing it, we want to save women's lives. It is the women that are subjected to family violence that are the ones that are being non-fatally strangled, and we want people to know that that is the most dangerous situation you can be in. We want the police to be able to act, we want people to know that we are taking it seriously and we want it to stop. It is not perfect, but that is where we are at today.

**Evan MULHOLLAND:** Just firstly, I want to pay tribute on behalf of the opposition to Renee, Aaron, Nadine and Les. I pay tribute to you particularly on behalf of my colleague Michael O'Brien as well and on behalf of the opposition.

Attorney, how does the government intend to build awareness of this law as intended by the coroner?

**Jaclyn SYMES:** I thank Mr Mulholland for his contribution and his question. I too extend my thanks to the opposition in the development of this bill. The Shadow Attorney-General has had a lot of conversations with my office and has been brought up to speed on the ins and outs of where we landed and has been really understanding in relation to this. He is a pretty detailed lawyer. So for him to land where he has in accepting where we are – I am pretty happy that he kind of accepts the challenges that we had, because as I said, it is not perfect, but to have opposition support from someone who understands these things better than a lot of people has been important.

Education and conversations about these matters – I think it is similar to coercive control. These are behaviours that have not necessarily always been talked about in the open as much as they need to be. We will have no current campaign, but commencement of this is not until October 2024, which will allow us to work on training with police, and I know that a lot of media outlets are particularly



interested in this law in responding to family violence concerns, coercive control and the like. As I said in my summing-up, laws are effective and laws are appropriate. It is a responsibility as the Attorney to bring these in, but you hope that these laws do not actually need to be used, because in crafting them, in introducing them in the Parliament, talking about them and the media reporting them, you get more and more awareness both from perpetrators, potentially, but also victims knowing that this is something that is very concerning behaviour and that they should be not only concerned but perhaps seeking assistance in relation to their concerns about this kind of underlying behaviour. So it is good to have the conversation, and we think that that will bring about better community education and better behaviour.

**Evan MULHOLLAND:** Thanks, Attorney, for your comments about my colleague Mr O'Brien and the opposition's approach to this. I think many people on the outside of this place often only see all sides of politics going against each other, but I think it is a fitting tribute to draw in this particular bill that we are able to work together very constructively to achieve a good outcome. On to my question: what obligation is there on police and domestic violence hubs to notify each other where reports of non-fatal strangulation are made?

**Jaclyn SYMES:** Mr Mulholland, there is nothing in our bill that changes any standards of reporting, but I think coming back to the previous conversation we were having in relation to education and to calling this out, making it a standalone offence will empower social workers and those that are at refuges and family violence support services and the like to be able to use the laws as a way to have a conversation with a victim: 'You're a victim of family violence, but if this has happened to you, you're at risk of being murdered, so you should report this to police.' So I think in terms of it being a tool to have targeted conversations about the high risk that predominantly women are facing, it will be a good outcome for our service providers.

**Evan MULHOLLAND:** You might have already answered this, but I will ask it anyway: are there obligations on hospitals to make referrals to police or family violence hubs where presentations of non-fatal strangulation are made?

**Jaclyn SYMES:** There are no changes to any reporting requirements or mandatory reporting in relation to this, but you have identified an area where there are good partnerships between community legal centres and the health sector. For example, we know that our medical professionals are often the ones that are uncovering or receiving disclosures from victims because they are either receiving medical treatment for violence, or indeed a lot of women might be accessing maternity services. We know that that is where a lot of disclosures are made, and there are good networks between our health providers and our legal networks. Again, being able to have conversations about non-fatal strangulation as a standalone offence will strengthen that support.

**Evan MULHOLLAND:** Will police be educated that the new law is now available as an option?

**Jaclyn SYMES:** Yes. Police have been heavily involved in the development of this legislation. Obviously it is Victoria Police that will be determining charges under the new law, so it was very important to have all of their feedback. It is one of the main reasons that the consent defence argument kind of fell where it did in relation to how they want to be able to ensure that it is a law that they can apply. So they will undertake their normal training for their workforce when it becomes operational in October next year.

**Evan MULHOLLAND:** Just one final question, and I will move my amendment after Mr Bourman does later on: how will prosecutors and the courts understand what this bill will do and the intention of it?

**Jaclyn SYMES:** It is just normal practice in relation to when the Parliament passes laws – the courts adjust appropriately. They will have their practice notes et cetera, and as I said, this is a law that I really want to keep a close eye on. We have got a statutory review that we are happy to accept. Again, you do not want people charged with this, because you just do not want them doing the behaviour. To

have a standalone offence that can apply is something that we think will make women safer, and hopefully through the debate and the legislation we have given the courts a good indication of what the intention is here.

**Rachel PAYNE:** Firstly, I would just like to thank the Attorney-General and her staff for assisting us with some of these questions. I really do appreciate that this is a huge body of work. It is such important legislation, and we are all here to make sure that this legislation passes the house. But it would be remiss of me not to talk about – and I know that the Attorney has mentioned consent defence in summary – my previous job where I was an advocate for the adult industry. I have had interactions with police regarding people in BDSM relationships where that consent was removed, and it was quite complex to deal with how we navigated that legislation at the time. My question concerns the offence of non-fatal strangulation against a family member intentionally causing harm. The reality is that many members of the BDSM and wider community desire the intentional infliction of pain and consensual sexual choking. That is not family violence. Can the Attorney-General confirm it is not the intention of this legislation to capture consensual sexual activity of this type?

**Jaclyn SYMES:** It is certainly not the intention, but I acknowledge that it could. Again, we have had many hypotheticals and conversations in consultation with sexual health stakeholders, and of course they have advised us similarly to your contribution. We know that non-fatal strangulation is becoming increasingly common as a consensual, legal activity in relation to what people do in their private time. Pressure on the neck and/or restriction of breathing is often referred to as ‘breath play’ and may be consensually engaged in by some members of the BDSM community. I guess I am comforted by the fact that it is not anticipated that people who engage in consensual sexual activities are going to make a police complaint; however, as I said, it could be captured if they did. In the conversations I have had with Mr Bourman we have tried to limit the laws as much as possible to not capture genuine consensual activity, but I will acknowledge that some BDSM practices could be considered to meet the elements of the 10-year offence, and we know that that is especially because we have removed the excuse of consent.

I acknowledge that this is not an unintended consequence. We know that it could happen, and as I said, we will keep an eye on these things, but removing the consent defence is consistent with the longstanding principle from the Brown case that a person cannot consent to being seriously injured. While that case relates to serious injury as opposed to injury in this instance, it provides a background rationale that the risk of harm is too great to render it a social, acceptable activity. Narrowing the offence to family members will avoid unintended consequences in a lot of situations, but I acknowledge that people from the BDSM community will very likely fall within the definition of ‘family member’. As I said, I am comforted that consenting adults would be unlikely to report these matters to police, and in the event that a matter is reported by a partner or someone else, police and prosecutorial discretion can act as a safeguard. Again, I know it is not a perfect answer; it is just as perfect as what we could make it.

**Rachel PAYNE:** Given that that is the case, can you confirm that you expect the police and/or the Office of Public Prosecutions to exercise their discretion and not proceed with charges in these types of cases?

**Jaclyn SYMES:** What I will say, Ms Payne, is that application to ordinary, consenting BDSM conduct is not the intention of these reforms. While there is some risk, I do not want this bill to be taken as any judgement or discouraging of such behaviour. It is not the focus of this bill, and as I said, I would hope that police and prosecutorial discretion will act as an appropriate safeguard as much as possible in any of the conduct that may be captured.

**Rachel PAYNE:** My question again concerns the offence of non-fatal strangulation against a family member intentionally causing injury. The current definition of ‘injury’ at law includes mental and physical harm, whether temporary or permanent, with the definition of ‘injury’ including substantial pain – ‘substantial’ of course being quite a subjective word. With this broad definition of

'injury' and the potential for this offence to apply to something as simple as siblings playing jujitsu, my question is: do you expect the police to exercise their discretion and not lay charges where the injury suffered is insignificant, such as an injury where there is temporary substantial pain?

**Jaelyn SYMES:** I think my answer is pretty similar to the last one. This is targeted. The intention of this bill is to cover family violence situations – we know that these practices are leading to dire outcomes. As I said, it was in conversations with police to not have the consent defence – they were one of the supporters of that – but they acknowledged that that was to enable them to capture the behaviour they wanted to, not to broaden it out so that they could pick up non-intentional harmful behaviour, particularly between other family members – teenage siblings and the like. But again, we are conscious of those types of scenarios potentially being captured. We do not think they will be, but that will also be a situation where we can keep an eye on things for the review. We can continue to engage with stakeholders on any proportionate impacts.

**Rachel PAYNE:** I am going to continue on that similar theme. Given the leading authority around consent in this area, the UK case of *R v. Brown*, applies only to serious injury, is it injuries that only fall towards the more serious end of the injury definition that you expect should attract prosecution under this new charge?

**Jaelyn SYMES:** In relation to the Brown case, it was in reference to serious injury as opposed to injury, and it does provide the background to the rationale that the risk of harm from non-fatal strangulation intentionally causing injury is too great to render it a socially acceptable activity. Non-fatal strangulation can cause a range of injuries that may not be considered substantial and protracted or to endanger life, such as loss of voice, temporary memory problems, difficulty breathing or swallowing, or indeed bruising. These injuries may be difficult to prove, as they may not always leave visible signs. It is also difficult to measure what degree of impaired bodily function is dangerous, as even a brief deprivation of oxygen to the brain can be serious and lead to later complications, with a range of health issues such as pneumonia or embolisms. Setting the threshold at injury reflects this risk and strongly conveys the message that any intent to cause injury by choking, strangling or suffocating a family member is not acceptable.

**Rachel PAYNE:** This will be my final question for the Attorney, and I thank the Attorney for her responses. My final question concerns the definition of 'chokes, strangles or suffocates'. The current definition includes 'applying pressure to the front or sides of a person's neck'. With stakeholder concern that this definition is too vague and can include merely the placement of a hand, my question is: would you expect the review of this bill to consider the potential benefits of reframing this definition for the purposes of reducing ambiguity and better fulfilling the policy intent of this bill?

**Jaelyn SYMES:** Ms Payne, the review is all about making sure the intent of the policy can be realised, so definitions such as what constitutes non-fatal strangulation will certainly be in scope.

**Amendment negatived; clause agreed to; clause 2 agreed to.**

**Clause 3 (11:44)**

**Evan MULHOLLAND:** I move:

1. Clause 3, page 11, line 27, omit '34AE.'" and insert "34AE.".
2. Clause 3, page 11, after line 27 insert –

**'34AL Review of amendments made by Crimes Amendment (Non-fatal Strangulation) Act 2023**

- (1) The Attorney-General must cause a review to be conducted of the operation of –
  - (a) this Subdivision; and
  - (b) section 5(2)(ba) of the **Family Violence Protection Act 2008**.
- (2) The review must be commenced no later than 2 years after the commencement of the **Crimes Amendment (Non-fatal Strangulation) Act 2023**.

- (3) The review must be completed no later than 6 months after it commences.
- (4) The Attorney-General must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it.’.

I think it is important to have a statutory review to see not just the change we implement through this bill and if it has had an effect legislatively but how police are responding to it, how family violence groups are responding to it, how hospitals are responding to it, and how the courts and the broader Victorian community are responding to it. Parliament did this recently with the bail reform changes, and I am very, very grateful that this appears to have received bipartisan support. I understand my colleague the Shadow Attorney-General Michael O’Brien has spoken to the family, who are very supportive of this review as well.

**Amendments agreed to; amended clause agreed to; clauses 4 to 6 agreed to.**

**Reported to house with amendments.**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (11:46):  
I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (11:46):  
I move:

That the bill be now read a third time.

**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 has agreed to the bill with amendments.

### **State Taxation Acts and Other Acts Amendment Bill 2023**

*Second reading*

**Debate resumed on motion of Jaclyn Symes:**

That the bill be now read a second time.

**And Evan Mulholland’s amendment:**

That all the words after ‘That’ be omitted and replaced with ‘this bill be withdrawn and redrafted to:

- (a) take into account consultation with key housing industry stakeholders on the impact of this bill; and
- (b) ease cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides.’.

**John BERGER** (Southern Metropolitan) (11:47): I rise today to speak on the State Taxation Acts and Other Acts Amendment Bill 2023. This is another bill in a long line of tax reforms to update our state revenue system. This is to ensure that every tax held in Victoria is fit for purpose and delivering for Victorians. This bill amends several acts. Expanding the provisions of the Land Tax Act 2005 is going to encourage the owners of hundreds of unoccupied homes in Melbourne’s outer areas and regions to make these places available. Under the amended act the period that properties can be deemed vacant will start on 1 January 2024, with the tax changes commencing in 2025. Existing exemptions will continue to apply statewide, including for holiday homes, properties recently acquired

or regularly occupied for work purposes and properties being built or renovated. As has been reported this week and many in this chamber will know, we are going to be introducing amendments to make the vacant residential land tax (VRLT) more effective at boosting housing supply by increasing the rate to 2 per cent, and 3 per cent for properties that remain vacant for consecutive years.

This bill is making changes to a variety of different pieces of legislation. This includes the Duties Act 2000, the First Home Owner Grant and Home Buyer Schemes Act 2000, the Land Tax Act 2005, the Local Government Act 1989, the Valuation of Land Act 1960, the Property Law Act 1958, the Sale of Land Act 1962, the Windfall Gains Tax Act 2021 and the Treasury Corporation of Victoria Act 1992 – a mouthful, I know, but these reforms and amendments are essential to our work going forward and I am happy to endorse them.

These various amendments will be for a far fairer system and a more effective taxation system in Victoria which helps those who need it the most right now. State revenue is key to financing our numerous services and crucial infrastructure projects. It is essential to funding our hospitals and key to keeping schools open. Beyond that our state taxation system and other services provided by that revenue help those struggling to get ahead and shape what our state looks like.

Getting the balance right is important, and the Allan Labor government is committed to building a fairer tax system for all Victorians. We want to make sure that we are helping those doing it toughest and make it clear that they can always trust this government to have their back. In times of economic prosperity and times that are a little tougher on the hip pocket, the Labor government is always swift to address people's needs to ensure the Victorian public service are delivering for Victorians and ensuring their money is spent wisely. We also want to make sure that our tax system is shaped in a manner that encourages positive development going forward and that our next generation inherits a Victoria that is fairer and more prosperous, and I know the Allan Labor government is committed to doing this.

We know the housing crisis is real, and we are dealing with it. Our actions will bring long-term, strong and meaningful change to our housing market. We have had the opportunity to bring about nation-leading reforms and we have not wasted it, ushering in a new era for housing in this state through substantial reforms and amendments which will help with pressures on the housing and rental markets. This government believes in Australia's dream, and we believe it is our responsibility to do everything that we can to help Victorians achieve that dream and keep the dream. This government's commitment to housing is undeniable. Just a few months ago the former Premier Daniel Andrews announced the Victorian government's housing statement, which included a commitment to building 800,000 new homes. This is the most ambitious housing program that the state and for that matter this country has ever seen, and no matter what the naysayers think, it will forever change Victoria for the better.

Victorians living in public housing deserve more than towers that do not even meet basic building standards. That is why a key aspect of this bill explores how we can help address the housing crisis through incentivising landowners. In Victoria we have a tax on vacant residential land. Any residential land that is not occupied by either the owner or the tenant for more than six months in any given year will be taxed around 1 per cent of the capital improved value. This tax is distinct from other taxes that apply to vacant land and properties at both state and federal levels, and it makes sense. Vacant land should not be left to collect dust on the shelf. It should be used to contribute to the economy instead of sitting around empty with no plans, and as our population grows and the housing crisis worsens, vacant land is a massive waste.

At this stage the tax does not extend to unimproved land, which is defined as residential land without a residence on it. With the intent of incentivising landowners to improve land and therefore increase the housing supply, this tax will expand and encompass unimproved land. From 1 January 2026 residential land undeveloped for more than five years in an established area of Melbourne – so since 2021 – will become liable for a VRLT, applying to an estimated 3000 undeveloped properties. Once construction commences a further two years are provided before the tax applies, and the State Revenue

Office commissioner can extend this in some circumstances. Increasing housing supply is key to tackling the housing crisis, and vacant unimproved land stands in the way. It is like it is gathering dust. It is not a good policy, and I think it is about time this changed.

The inclusion of unimproved land in the tax will apply to property that has been left unimproved, without any sign of construction for five years or more. Changes will expand the VRLT to residential land undeveloped for more than five years in established areas of Melbourne to discourage long-term land banking and spur the development of new housing across thousands of sites in high-demand areas. This will close the loopholes where the VRLT did not apply to unimproved land, enabling this valuable land to slip through the cracks despite being appropriate for residential development. This is to distinguish between land that will likely be left unimproved indefinitely and land that the owners are in the process of planning to build on. It is very reasonable to amend our tax system to reflect the urgency of increasing our housing supply and the wasteful nature of vacant spaces. A similar provision already exists that reflects these facts.

At this stage in Victoria if a residence is left vacant due to building or renovations for more than two years, the owner of that residence will be taxed. Of course there are exemptions that will apply to vacant land to ensure that landowners are not unfairly taxed. These include land that is not able to be improved or built on for reasons outside the owner's control or land that borders the perimeters of the owner's primary residence, where it is unlikely that this land will be utilised anyway. The government expects that this will have the biggest effect on metropolitan areas and the supply and cost of housing in metropolitan Melbourne, an area where it is needed.

As I said earlier, the tax amendment is very reasonable. There is no reason for a lot of land to be left vacant or not used for what it is zoned for. It is not our intention to punish ordinary landowners by surprise. We want this to be fair and just for the common good, and I think these amendments will do just that.

The bill also amends the Windfall Gains Tax Act in Victoria to expand and broaden the circumstances in which obvious or technical errors lead to land being rezoned to correct for planning errors. The Windfall Gains Tax Act 2021 holds implicit policy to exempt rezonings for the purposes of planning corrections and that that should not result in owners being dealt a windfall gains tax liability. However, the existing exemptions fall short of ensuring that the principle is employed across all corrective rezonings. Currently the exemptions only apply to corrections to planning schemes made by the Minister for Planning. Under this bill exemptions will be given to properties that the commissioner determines satisfy the requirements to be correcting a planning error. This means that corrections not made by the minister – for example, a council-made rezoning for the purpose of correction – will be eligible for a windfall gains tax liability waiver. The amendments are about ensuring that this bill is precise, and while altering some of the settings, will make it fairer and reasonable.

The bill prohibits the apportionment of land tax between the vendor and the purchaser under a contract of sale and makes it an offence to pass on the vendor's land tax liability to the purchaser under the contract. What does that mean in reality? It means that if we are going to protect purchasers, as has been reported this week, in response to the consultation with industry, the government will be moving amendments so that property purchases of more than \$10 million will be excluded from this prohibition on the basis that more sophisticated purchasers are not in need of such protection and this may be for the reason that flexibility in contracting is to the benefit of both parties to such transactions. In addition to the prohibition on land tax apportionment, the government made a commitment at the time of introducing the windfall gains tax that consumers would not pay it. That is why the government will also put beyond doubt whether it can be apportioned to the purchaser.

I want to conclude this speech by saying that the bill reflects the need to update and improve our state tax revenue system to be fit for purpose for the 2020s and into the future. Beyond the services and infrastructure, the state taxation system builds the financials by which our great state can fund the many operations and mechanisms to help shape what Victoria looks like not just today, not just

tomorrow but for several years going forward. The reality is we need to act. We are not going to pass the burden on to our children or our grandchildren. For some of us in this chamber, I hope this happens soon. In 20 to 25 years time you would not want to have to tell your kids that we had the opportunity to help future generations but we did not.

800,000 homes is a big target. It is ambitious to say the least, but I believe it is right for the state. Many social housing projects and initiatives are already underway in Victoria. We are just beginning. We need to take substantial pressure off our housing market to stop the upward spiral. These amendments are part of the vision. We can now encourage construction and development on undeveloped and unused land. It is part of the holistic vision for the state. We are providing and building infrastructure into the future to ensure that homes are built, that you can get them and you can resource what you need.

To that end, we can look to the future and removing 72 level crossings which are encroaching on Melbourne's roads and rail lines and just slowing them down. The Suburban Rail Loop is going to fundamentally change how we live and how we get around the suburbs. I commend the bill to the house.

**Business interrupted pursuant to standing orders.**

*Questions without notice and ministers statements*

**Melbourne Airport rail link**

**David ETTERS HANK** (Western Metropolitan) (12:00): (382) My question is to the Minister for Transport Infrastructure in the other place. The recent federal government strategic review of the infrastructure investment program showed the federal government's commitment to partnering with Victoria to build the Melbourne Airport rail link. This is good news for the people of the western suburbs. It will certainly result in improved public transport connections in the west as vital transport infrastructure projects such as the redevelopment of Sunshine station are linked to the airport link. So my question to the minister is: will the Allan government commit to funding the development of the Melbourne Airport rail link?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:00): Thank you, Mr Ettershank, for that question, and I will seek an answer from the minister in the other place in accordance with the standing orders.

**David ETTERS HANK** (Western Metropolitan) (12:01): I thank Ms Shing for her response on behalf of the Minister for Transport Infrastructure. The Melbourne Airport rail project is effectively linked to a range of key transport infrastructure in the west, including the Sunshine station precinct and Albion station redevelopments. By way of supplementary, if the Allan government will not or cannot commit to the airport rail link, will it commit to funding promised critical upgrades to projects such as those at Albion and Sunshine stations?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:01): Thank you, Mr Ettershank, for that supplementary. Again I will seek an answer for you in accordance with the standing orders.

**Suicide prevention**

**Georgie CROZIER** (Southern Metropolitan) (12:01): (383) My question is to the Minister for Mental Health. Minister, in 2016 the Victorian government launched the 10-year suicide prevention strategy. This included a commitment by the government to halving the number of deaths by suicide in Victoria by 2025. Tragically, the government has failed this target. Rather than half the suicide rate, there have already been five more deaths to suicide this year than in 2016. Minister, why has the government broken its promise to halve the suicide rate?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:02): I thank Ms Crozier for her question. Of course from the outset I want to acknowledge how sensitive and how distressing these issues can be for those people in the community who have tragically lost a loved one to suicide. Of course each death by suicide is one too many, and there is absolutely no doubt in my mind that it is an area of policy that we need to continue to make every effort to have a positive impact on in our community. That is one of the reasons why we are working so hard to reform our mental health system through the significant report from the royal commission into mental health and wellbeing and the 74 recommendations that flowed from that royal commission. Certainly suicide prevention is a big focus of that work. We have committed significant resources to addressing suicide and to helping promote prevention, particularly for rural and regional communities, where we know there is a particular issue that needs to be addressed.

In terms of the number of suicides that have been reported, of course the coroner does report annually the number of suicides that we see in the community, and those figures are troubling. I acknowledge that there has been an increase in those numbers. Obviously the factors that contribute to suicide are often very complex, and so for that reason I do not think it is wise for us to draw conclusions about the reasons behind those numbers. But what I will say is that behind those numbers are the stories of individuals and their loved ones, and the government remain absolutely committed to doing whatever we can in terms of both our direct investments into this area and our continued implementation of the royal commission recommendations to make sure that we do everything we can to try to address this issue in the community.

**Georgie CROZIER** (Southern Metropolitan) (12:04): Minister, thank you for your response. Yes, it is a complex issue and of course there are many factors, and unfortunately the lockdowns and other aspects have contributed to too many people tragically taking their lives. Last year saw the highest number of Victorian deaths by suicide on record, yet there have been 25 more tragic deaths by suicide this year than at the same time last year. Minister, why can't Victorians in distress get the mental health support they desperately need?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:05): Thank you, Ms Crozier, for your supplementary question. I do want to reiterate that I personally do not want to draw any conclusions about what can often be very complex reasons behind each of these statistics. As I have said, behind these statistics is the tragic aftermath of these events. In the rebuilding of the mental health system in Victoria there has been a very strong focus through the recommendations of the royal commission on early intervention and –

**Georgie Crozier** interjected.

**Ingrid STITT**: I am answering your question, so let me continue – making sure that regardless of where you live in the state you have access to local services throughout the community. That goes to a number of the key recommendations contained in the royal commission, which our government has been continuing to roll out, including the locals, including increasing acute beds and including building the supports that we need to address suicide in our community.

#### **Ministers statements: Victorian Multicultural Commission**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:06): Recently I had the pleasure of joining the Victorian Multicultural Commission and members of our multicultural and multifaith communities to mark the 40th anniversary of the VMC's establishment. Since its coming together in 1983 under the Cain Labor government following the passage of the inaugural Ethnic Affairs Commission Act 1982, the VMC has acted as a critical leader and an active voice for the community.

Forming close links between multicultural and multifaith communities and the Victorian government, the VMC has advocated for the diverse communities that call our state home. It has played a vital role in promoting and celebrating cultural diversity within Victoria, providing the missing piece of the



policy puzzle, forging connections and giving voice and visibility to communities that might be otherwise marginalised in policy debates and development. Victoria is one of the most culturally diverse societies in the world, with almost half of Victorians either born overseas or having a parent who was born overseas. The Allan Labor government believes that Victoria's diversity is one of our greatest strengths. We are committed to working to ensure positive and equitable outcomes for all Victorians – work that remains ongoing.

As we mark this important milestone I thank the chairperson Viv Nguyen, commissioners and staff at the VMC for bringing our community closer together over the past four decades, working to create a stronger sense of belonging for all and contributing to a more inclusive and fairer Victoria.

### **Bendigo housing**

**Gaelle BROAD** (Northern Victoria) (12:08): (384) My question is to the Minister for Housing. A tragedy is happening in Bendigo for a mother and her four children, two of whom have autism, one non-verbal. They have been given notice to vacate their rental home because it is being sold. She has unsuccessfully applied for 320 rental homes. The family needs to stay in the Bendigo area, as one of her children attends a specialist school and they depend on local health services. This mother is concerned she may need to put her children in care if she cannot find a house to rent. Can the minister please assist this family to find a home in the Bendigo region before this family is torn apart?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:08): Thank you, Mrs Broad, for that question. It is a question of significance not just for this family but also for so many families around the state who are facing real challenges around rental affordability. We know that some of those issues come about because of an increased cost of living. There are also challenges arising from a range of other factors, and every year we support at least 100,000 people with programs and services around homelessness and around rough sleeping. We are doing an awful lot of work within the social housing space as well and adjacent to that within crisis accommodation and supports.

Without having additional detail about the example that you have provided, it is difficult for me to be able to provide assistance now on my feet. I am, however, very happy to look into this matter to see what can be done to assist the person who you have raised in your question and her circumstances and those of her kids. Proximity to school and to education is of particular importance, and that importance is only augmented when we know that kids have particular needs, including for neurodivergent kids who rely upon routine and on established relationships in order to be able to continue to attend and to make progress in an educational setting. I am very happy to take some further details from you and to look into that matter, as I am also really very available to do the same for any other member who may have particular questions or concerns, particularly as we head into the festive season and particularly as we have peaks in holiday demand for housing in rural and regional Victoria and in various coastal areas where available rental stock is also already in short supply. Let me see what I can do to find some further answers and, if those connections are not already established, to link this person up with the services and with supports that are available through a range of different service providers.

**Gaelle BROAD** (Northern Victoria) (12:11): Thank you, Minister. I appreciate that, and she has given me permission to pass on the details. In February this year the government announced that work was starting on building a village at Flora Hill to accommodate 1600 people. The government cancelled this tender soon after cancelling the Commonwealth Games and has since committed to building 1300 social and affordable homes in regional Victoria, including Bendigo. Can the minister inform the Bendigo community when these homes will be completed and those desperate for housing will be able to start moving in?

**The PRESIDENT:** I respect the seriousness of the topic, but I am concerned the question is not supplementary to what was asked in the substantive question. The minister can answer as she sees fit.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:12): Thank you for that supplementary question, noting that again I do not want to create a link between the substantive question, where it does not relate to social and affordable housing or where it may not relate, and the supplementary question, which is centred around social and affordable housing. That is just an important distinction to make. Again, I will look into that matter you have raised. The Big Housing Build, which already has a \$1.25 billion allocation, has been added to with that \$1 billion commitment as part of the regional package, which is to bring at least 1300 additional homes to rural and regional Victoria. There is ongoing work happening not just on those sites that were identified across Ballarat, Bendigo, Geelong and Morwell but on worker accommodation as well, which is part of the \$150 million fund administered under Regional Development Victoria. I am very happy to provide you with information and with updates on the work associated with that work and, again, what this looks like more broadly as accommodation goes immediately to its final locations.

### Housing

**David DAVIS** (Southern Metropolitan) (12:13): (385) My question is for the Minister for Housing, and I ask: has the minister or her department undertaken a stocktake of how many public and social housing dwellings have gas appliances, and if so, how many are there?

*Members interjecting.*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:14): Thank you, Mr Davis, for that question. One of the things that we have done throughout public housing and throughout community housing, thus overarchingly social housing, is made sure that we are providing as much support as possible to people, including on energy-efficient upgrades. With that in mind, I just want to confirm that one of the first things that I did when I was sworn in as the Minister for Housing was seek information on upgrades and improvements to energy efficiency. I note also, Mr Davis, that as part of the Big Housing Build we have addressed the issue of affordability, including with all-electric appliances at new social housing dwellings that have come about, including through the ground lease model. And of course all homes built on and from 1 January next year will be all electric in accordance with the *Gas Substitution Roadmap*. The energy efficiency and social housing program is part of a \$447 million energy efficiency upgrades for homes program. This is about delivering upgrades to public and community housing properties, and they include the work that we are doing around reverse-cycle air conditioning, improvements to thermal performance through ceiling insulation and draft –

**David Davis:** On a point of order, President, I am very interested in what the minister is saying, but it is actually separate from the question that was asked. It was a very specific question about –

**Harriet SHING:** Ms Bath's interjection took it in an entirely different direction, Mr Davis. You know that.

**David Davis:** No, it was a very specific question about whether there has been an audit, and if so, how many.

**The PRESIDENT:** I call the minister to the question.

**Harriet SHING:** Again, Mr Davis, if you were actually interested in the work that is being done to reduce the energy footprint and therefore the cost of living for people in social housing, then you would have been listening to the answer, including as it relates to responses to interjections, about the work that we are doing overall with amenity and livability and design standards for social housing.

Upgrades, as I was saying, to homes within the stock that we currently have include the thermal performance of homes, ceiling insulation and draught and gap sealing. The average upgrade is being done at a cost of less than \$3000. The Commonwealth has provided an additional \$46 million for energy efficiency in social housing in Victoria. Mr Davis, I would be really pleased – I am not going

to take you around to these locations – perhaps to arrange for you to visit some of the sites where electric and induction cooktops are part of the –

**David Davis:** On a point of order, President, it was a very narrow, specific question about whether an audit had been conducted and how many had gas appliances. It was not a broad question. Whilst all of that is interesting, it is not an answer to the question.

**The PRESIDENT:** I will call the minister back to the question.

**Harriet SHING:** In the aggregate, a total of 18,285 homes have had energy efficiency upgrades completed across the state under the program I have referred to, as at the end of September 2023.

**David DAVIS (Southern Metropolitan) (12:17):** I notice that the minister still has not answered this very specific question. I would understand if she did not know the exact number now and wanted to take it on notice – that is absolutely logical – but just to ignore it is not right. I therefore ask: is it the policy of the government and Homes Victoria to replace existing gas appliances in all public and social housing, and if so, how much has been allocated for this task and in how many properties?

**Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:18):** Further to the interesting answer, Mr Davis, on energy efficiency across social housing, as you have described it, it is important to note that all of the new housing that we develop, including across the social housing estate, which involves a 10 per cent uplift as part of the redevelopment of the 44 tower sites in metropolitan Melbourne, will have electric energy available under those rebuilds. All new builds from 1 January next year will have that, and we have provided ongoing support and energy efficiency upgrades to existing stock around the state as part of energy efficiency investments that we are making. The bottom line, Mr Davis, is that this work is ongoing and that this is part of an overarching commitment to making sure that people can get electricity and other bills that come in that are significantly below what they would otherwise have been under a government like yours.

**David Davis:** On a point of order, President, I did very specifically ask how much has been allocated to this task.

**The PRESIDENT:** The minister was being relevant to the question.

#### **Ministers statements: training and skills**

**Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:19):** 2023 has demonstrated the power and purpose of Victoria's TAFE and training sector. This was absolutely on show at the recent Australian Training Awards, Apprentice Training Awards and Learn Local Awards, where the variety and depth of training and skills in Victoria shone brightly. These awards made it very clear that our skills and TAFE system is relevant, connected, aligned with industry, embedded in community and delivering the skills needed to get rewarding careers.

The Australian Training Awards were recently presented in Hobart, and I am so proud of every finalist, especially our gold award winners: the women in Apprenticeships Victoria electrical program, who received an Industry Collaboration Award; and the Beaufort and Skipton Health Service, who received the Small Employer of the Year Award for delivering excellence in industry-aligned skills and training. I must also mention our very own Mary Faraone, CEO of Holmesglen TAFE, who won the Outstanding Achievement in the VET and Skills Sector Award.

**Nick McGowan:** Were you there, Minister?

**Gayle TIERNEY:** Yes, I was. Skills and training are about people. The recent Learn Local Awards and Apprentice Training Awards highlighted what people can do and achieve. All Learn Local Awards finalists demonstrated the importance of foundation and workplace skills designed to meet local community need. Our apprentices demonstrated that their qualifications are valued and have earned

them great skills that are in demand. I applaud every finalist and would like to congratulate every winner of these awards. Under this government every part of Victoria's skills and training system gets the recognition it so richly deserves.

**Office of the Victorian Information Commissioner**

**Katherine COPSEY** (Southern Metropolitan) (12:21): (386) My question today is to the Attorney-General. The Office of the Victorian Information Commissioner, OVIC, has suffered budget cuts and been forced to make redundancies. The Freedom of Information Act obliges OVIC to conduct an independent review of professional standards for FOI at least every four years. These standards apply to all Victorian agencies subject to the FOI act and aim to ensure the act is administered by agencies in a way consistent with the objects of the act. The professional standards review was due to be completed this week, but because of budget cuts OVIC does not have enough funding to comply with the act. Attorney, will you provide more funding to OVIC to ensure it can meet its statutory obligations, including independent FOI professional standards reviews consistent with the recommendation of the report into the performance of Victoria's integrity agencies?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:22): I thank Ms Copsey for her question, and of course it is my responsibility to support agencies to fulfil their statutory obligations. I am happy to have a conversation in relation to OVIC's priorities and in relation to that matter. I can assure you in relation to freedom of information it is a matter that has been discussed with me and the former information commissioner, and it led to the request for the IOC to undertake a review of freedom-of-information laws in Victoria to ensure that they are modern and fit for purpose, and we look forward to the findings of that report in relation to any future changes that we need to make. It is incumbent upon the department of justice to work with OVIC in relation to their budget and to ensure that they are supported to perform their duties whilst also meeting savings targets and ensuring that government is focusing its resources as the public would expect it to do.

**Katherine COPSEY** (Southern Metropolitan) (12:23): Thank you, Attorney, for your answer, and I look forward to continuing that conversation. The report into the performance of Victoria's integrity agencies was clear that there are concerns about OVIC's ability to fulfil its statutory obligations and to meet expectations around timeliness and performance in relation to FOI should funding not be available. Do you accept that if we do not properly fund OVIC the performance of Victoria's freedom-of-information regime will continue to worsen?

**The PRESIDENT:** I think that might be asking for an opinion. I will call the minister, and she can answer as she sees fit.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:24): Ms Copsey, I guess I can just give you an assurance that I am always happy to work with agencies in relation to their duties, their challenges, their priorities and their requests for legislative reform as well as budget.

**Economy**

**David LIMBRICK** (South-Eastern Metropolitan) (12:24): (387) My question is for the minister representing the Treasurer. The *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2022–23* highlighted some serious financial concerns looming on the horizon. State debt is at an all-time high, and Victorian general government sector debt is the worst in the country. It also said:

The government have not laid out a plan for when and how the state will pay down existing and future debt.

Without a plan:

... further additional unplanned debt may occur or announced government priorities may need to be curtailed.

My question to the Treasurer is: what is the government's plan for addressing the state's runaway debt?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): Mr Limbrick, I will pass your question on to the Treasurer, and I am sure he will be not only happy to respond but more than happy to catch up with you on these matters.

**David LIMBRICK** (South-Eastern Metropolitan) (12:25): I thank the Attorney for passing that on. I would also like to point out a win that was identified in the Auditor-General’s report:

The general government sector’s ... operating cash result ... a surplus of \$4.3 billion. This was only possible because of the \$7.9 billion proceeds received from the VicRoads modernisation joint venture arrangement ...

which is really a fancy, roundabout way of saying ‘partial privatisation’.

A \$3.6 billion operating cash deficit would have resulted without these proceeds.

Will the government be considering any further privatisation to curtail this debt?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:26): I will allow the Treasurer to add that to his response to Mr Limbrick.

### **Ministers statements: prison programs**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:26): Last week I had the pleasure of visiting the Greyhound Adoption Program at Tarrengower Prison. I was joined by my colleague in the other place the Speaker of the Legislative Assembly and member for Bendigo West Maree Edwards. The Greyhound Adoption Program first started at Dhurringile Prison in 2007 and commenced at Tarrengower Prison in 2009. It was started in recognition of the rehabilitative effects that caring for and training dogs can have for people in custody. Delivered in partnership with Greyhound Racing Victoria, former racing dogs are trained by selected participants over a four-week period to ensure they are suitable for adoption. The dogs are schooled in walking on a lead, basic obedience training and adapting to life in a home. Through this fantastic initiative, hundreds of dogs have been rehomed and have no doubt become much-loved members of families right across Victoria.

But the dogs are not the only ones who benefit from this program. We know that people leaving prison with a skill or trade and connections to the community are more likely to successfully reintegrate into the community and are less likely to reoffend. The Greyhound Adoption Program serves this objective by providing the opportunity for participants to gain valuable new skills that can assist with their ability to find new employment once released. There is also an opportunity to obtain an animal management qualification through a partnership with Bendigo Kangan TAFE. Rehabilitation and reintegration programs like the Greyhound Adoption Program are invaluable in providing people in custody with the important skills and self-esteem to support their reintegration back into the community. That improves community safety for all of us. I am proud that our corrections system in Victoria is providing an opportunity for people in custody to work together and achieve a common goal, benefiting both the greyhounds and the women at Tarrengower Prison.

### **Medically supervised injecting facilities**

**Evan MULHOLLAND** (Northern Metropolitan) (12:28): (388) My question is to the Minister for Mental Health. Minister, you have been in the job for a few months now and had time to consider the latest version of the Lay report. When will you release the shortlist of sites within the CBD?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:28): I thank Mr Mulholland for his question, a question that I think I have had a couple of times since becoming the mental health minister two months ago. I have had the opportunity to read, digest and fully get my head around the Ken Lay report. I do want to thank Mr Lay for his extensive work in this important policy area. We absolutely understand that there is significant drug harm going on in the CBD, and as a result of some changed patterns in drug use we did extend Mr Lay’s work until the end of May this year. So I have had the opportunity to read his report. What

I will say is that these are complex matters that the government is in the process of considering. The government will release Mr Lay's report in due course and respond to the recommendations that are contained in the report.

**Evan MULHOLLAND** (Northern Metropolitan) (12:29): The government has had the latest version of the report – there have been quite a few – for seven months. Will you provide certainty to CBD businesses and residents and commit that you will not put an injecting room in the Salvation Army site on Bourke Street or the former Yooralla building in Flinders Street?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:30): I thank Mr Mulholland for his supplementary. As I have indicated in the house previously, there has been no decision made about the location of a CBD supervised injecting service. As I have already indicated, the government is in the process of considering the report. I have been the mental health minister for two months. The government will respond to Mr Lay's report in due course, and I have got nothing further to add today.

### Child protection

**Georgie CROZIER** (Southern Metropolitan) (12:30): (389) As Mrs Deeming is not in the house, I will ask a question of the Minister for Children. Minister, I refer to the Commission for Children and Young People's recently released report *Let Us Learn: Systemic Inquiry into the Educational Experiences of Children and Young People in Out-of-Home Care*. The inquiry found there was an 83 per cent increase in the number of children aged nine to 11 in residential care and a 33 per cent increase in children aged six to eight since 2019. Minister, how can you guarantee the safety of these young children, given the high numbers of sexual exploitation, abuse, criminal activity, self-harm and other serious incidents that are occurring in residential care?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:31): Thank you, Ms Crozier, for the question. There certainly is a lot in that question, from the commissioner's *Let Us Learn* report through to residential care, the age of children in residential care and also the sexual exploitation of children and vulnerable children in particular. So there is a lot in that one question.

Can I firstly thank the commissioner for children and young people for her report. This is a report I have discussed with her a number of times and indeed also with the commissioner for Indigenous children and young people Meena Singh. This report is an important report, and it is one of the reasons that I am particularly excited about the new Premier having seen the opportunity to create a portfolio for children and indeed a more holistic approach to bringing together the needs of vulnerable children and young people, and in particular children and young people in our care system, with our early education and care settings, our education settings and of course our maternal and child health settings. We know that families and children do not exist in silos, and the opportunity to bring together and wrap all of those services around children and young people is indeed so important and does go to many of the matters that the commissioner has raised in the *Let Us Learn* report. She herself, both in relation to the work she has done through *Let Us Learn* and in other comments she has made around her annual report and the creation of this portfolio, has also recognised that the government is prioritising children and young people, particularly vulnerable children and young people, in the creation of a holistic portfolio that goes to both child protection and family services alongside the education services and the maternal and child health services that allow us to deliver for these children and young people.

To go specifically to the elements that you have raised in relation to residential care, children and young people who end up in our residential care facilities are amongst the most vulnerable and in many instances the most complex of children in our care system. They are children who have highly complex needs, from their health and wellbeing needs through to their education needs and the daily services that we wrap around those children. Indeed, as we have talked about a number of times in this chamber in relation to many of the questions that Dr Bach has asked in the past, the wraparound

services that we provide around these children are so important and the budget investment that we have made to ensure that we are providing wraparound services around all of the children in residential care is crucial. Those budget announcements also included additional supports for combating the exploitation of children and vulnerable young people in care. In particular we are funding extra sexual exploitation practice leads so that we are across the entire state, across all 17 regions, rolling out a response to those revolting people who might prey on children and young people in our care system who are most vulnerable.

**Georgie CROZIER** (Southern Metropolitan) (12:34): Minister, thank you for that response. As you identified, there are some very vulnerable children that are under the care of the state. This increase in numbers, I think, is a concern to all. Minister, can you guarantee that none of those young children, with the increase in numbers that has been identified since the commissioner released the report, have experienced any form of harm?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:35): Thank you, Ms Crozier, for the question. Indeed, as I said, the children and young people in our residential care facilities in particular but children across the whole of our child protection and family services system are vulnerable children. They are complex people. Very, very sadly there are people in our community who seek to prey on people of all ages who might be vulnerable or have complex needs. What we are doing is investing more in the child protection and family services system than ever before – more than \$3 billion in recent times. Our budget very specifically went to providing money for sexual exploitation practice leads, as I said, across the entire state so that we are ensuring that we are working with police –

**Georgie Crozier** interjected.

**Lizzie BLANDTHORN**: Sorry, Ms Crozier, would you allow me the opportunity to complete my answer to your question. As I said, we are investing more in child protection and family services than ever before – more than \$3.1 billion in recent times. In just the last budget we invested significantly in seeking to combat those people who seek to prey on children and young people in vulnerable positions.

#### **Ministers statements: housing**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:36): On the question of renewable energy, energy efficiency and lower household bills across social housing, I was so delighted to be at Dunlop Avenue in Ascot Vale at the beginning of this week. It is one of our recently completed Big Housing Build sites. It has got 200 new social and affordable homes. They have been expertly designed, and they are energy efficient and equipped to meet tenants' needs in a range of different ways.

This particular location also has the most beautiful communal open spaces, including a community garden. It was wonderful to meet with Omar, one of the residents there, in that great garden, which the renters have planted out with all sorts of things, to talk about the impact of the local energy network arrangement, which is, in partnership with Energy On, delivering renewable energy and energy efficiency to that site, including through 405 kilowatts of solar energy coming from PV panels. These sites are, across the board, required to have at least 5 per cent components of electricity from onsite solar, and the remainder is sourced from offsite renewable energy. We are doing this across a number of parts of Melbourne. This includes in Ashburton at the Markham estate, which the coalition alongside the Greens actually opposed; Ascot Vale; Heidelberg West; Hawthorn; and North Richmond.

What we will be doing is seeing that renters continue to save hundreds of dollars a year below the Victorian default offer, which then means that they have an opportunity to meet the cost of living in another way through that measure of assistance. It is also important to note that renters have the opportunity to opt out, but in the case of Dunlop Avenue, not one has asked to do so. And a big shout-out to Eliza and Malala from Evolve Housing, who showed me around this wonderful estate.

**Written responses**

**The PRESIDENT** (12:38): For today's questions, I thank Minister Symes, who will get, in line with the standing orders, answers from the Treasurer for both of Mr Limbrick's questions, and Minister Shing, for Mr Ettershank, from the Minister for Transport Infrastructure. Can I also ask Minister Shing if she could get a written response to Mr Davis's substantive question to her.

**Constituency questions****South-Eastern Metropolitan Region**

**Michael GALEA** (South-Eastern Metropolitan) (12:39): (607) My constituency question today is for Minister Blandthorn in her capacity as Minister for Children. Minister, when Topirum Primary School kindergarten opens in 2025 how will local parents and children in Clyde North and the surrounding area benefit from this new facility? Clyde North is one of the fastest growing parts of the south-east, with many families now calling the suburb home. Demand for early childhood, primary and secondary education facilities is growing fast. Topirum Primary School is just one of the many important projects to deliver more education facilities for the local community. I look forward to the primary school opening in early 2024 ahead of the kindergarten. This brand new, modern school will be able to enrol up to 525 students. An integrated kindergarten facility will allow for more early childhood education places and for parents to drop off and pick up their kindergarten and primary school aged kids in a single trip. I look forward to its completion in 2025.

**Western Metropolitan Region**

**Trung LUU** (Western Metropolitan) (12:40): (608) My question today is for the Minister for Environment. It was brought to my attention that the barbecue shelter in Brimbank Park, managed by Parks Victoria, has been fenced off for over a year. This is a major tourist attraction and is widely used and visited by Victorians. Can the minister please provide some information as to how and when it is going to be fixed and open for people to use? In Australia we love a good barbecue, and in the west we love to go down to the park on a sunny day with our family and friends and use the barbecue. Unfortunately my constituents cannot use the barbecue in Brimbank Park right now as it has been fenced off for a whole year. The barbecue shelter is an eyesore. How long does it take to fix a barbecue shelter? It is not like the rail line to the airport. I know the government is in debt, but I am confident that Parks Victoria can get this done if the government stops neglecting the west and putting it on the back burner. Summer is almost here. People want to get out and enjoy the beautiful park. Minister, fix the Brimbank Park barbecue in time for summer, please.

**Northern Victoria Region**

**Georgie PURCELL** (Northern Victoria) (12:41): (609) My constituency question is for the Minister for Environment. Earlier this year I was lucky to meet one of the many baby possums being cared for at Waratah Wildlife Shelter in my electorate. One of them had been poisoned by a cruel blood-thinning poison after drinking her deceased mum's milk. After months of rehabilitation she was finally released last week back into the wild. Indiscriminate poisoning of native species is common in Northern Victoria. These specific toxins, known as second-generation anticoagulant rodenticides, or SGARs, have already been regulated or banned in many countries, but here you can buy them at the supermarket or hardware store no questions asked. I had the honour of naming this possum, so I named her after animal activist icon Jennifer Coolidge. I am pretty sure if Jennifer the possum could speak, she would say, 'These SGARs are trying to kill me.' Will the minister regulate the sale of SGARs to move them over the counter alongside other poisons, drugs and controlled substances to help stop the secondary poisoning of countless animals across my electorate?

**Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (12:42): (610) My question is for the Minister for Climate Action in the other place. Energy storage will be a crucial piece of the puzzle to meet our ambitious



emissions reduction targets. Victoria has put in place nation-leading targets of 2.6 gigawatts of renewable energy storage capacity by 2030, with an increased target of 6.3 gigawatts of storage by 2035. Minister, what is the Victorian government doing to ensure that we reach our battery storage targets so that we can put downward pressure on electricity prices and reduce emissions? Recently I visited the new 150-megawatt Hazelwood battery, which has capacity to power 75,000 homes during peak periods. The battery is one part of the wider rehabilitation work at the mine, which employs hundreds of people and is setting the area and Victoria up for the future. Renewable projects, including energy storage projects, are vitally important in Eastern Victoria to ensure a just transition for workers and communities away from fossil fuels.

#### Northern Metropolitan Region

**Evan MULHOLLAND** (Northern Metropolitan) (12:43): (611) Broadmeadows station in my electorate serves as a significant transport hub for much of Melbourne's north, serving the Craigieburn railway line along with V/Line services to Seymour, Shepparton and Albury and through to Sydney, and it serves no less than nine bus routes, but it frequently tops the list as one of the worst train stations in Victoria. The former member for Broadmeadows promised an upgrade to Broadmeadows train station, but the government was forced to clean up his mess and basically say the former member was freelancing and there was not a promised upgrade. Previously the Andrews government promised to upgrade Broadmeadows station as part of the Suburban Rail Loop – in 2052. Will the minister provide the people of Broadmeadows with a time line for when their train station will be upgraded and supposedly completed, before 2052?

#### Northern Metropolitan Region

**Samantha RATNAM** (Northern Metropolitan) (12:44): (612) My question today is to the Minister for Education. The Ballerit Mooroop (Strong Spirit) Site is located on Hilton Street in Glenroy in my electorate on Wurundjeri land. After years of advocacy by local First Nations communities, in 2021 the Merri-bek council commissioned a feasibility study which found that the site is culturally and educationally significant for First Nations people, including being home to the Spirit Tree or Uncle Tom's Tree. It was previously the site of the Ballerit Mooroop Koorie Pathways School. Since advocacy work began on the site, a range of actions have been taken to establish a steering group and facilitate the lease and management of the site by the Wurundjeri Woi Wurrung corporation. The successful Ballerit Mooroop Day was held on 28 May this year to give the community an opportunity to explore and reconnect with the site. The First Nations vision for the site is for it to become a first-of-its-kind community health, education and cultural hub for First Nations people and the broader community. Minister, to secure this inspiring vision will you please provide support to facilitate the transfer of the title to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, with guaranteed funding to build the multipurpose First Nations community precinct?

#### Southern Metropolitan Region

**Ryan BATCHELOR** (Southern Metropolitan) (12:45): (613) Southern Metropolitan Melbourne is home to much of Melbourne's Jewish community, and so my question to the Minister for Multicultural Affairs is: what action is the government taking to combat antisemitism in our community? The conflict between Israel and Hamas following the terrorist attacks on 7 October has affected many in our community. There are deeply held views on all sides, and we have seen grief writ large. On 17 October I said, in the context of the condolence motion in this chamber, that in the maelstrom of conflict we cannot lose our shared humanity. Shared humanity was one of the things I spoke about yesterday with the families of the Israelis either killed or captured by Hamas. The terrible lack of humanity of those who protested in the hotel of these families yesterday was shameful. They are not the actions of those who accept our shared humanity, and those actions should be condemned.

**Western Victoria Region**

**Joe McCRACKEN** (Western Victoria) (12:46): (614) My constituency question is for the attention of the Minister for Housing, and it relates to a constituent of mine in Ararat who also lives in public housing. Her name is Sally and she has significant challenges, including difficulties moving and seeing. She is not completely incapable but certainly faces very significant challenges. Sally has actually been in touch with the Department of Families, Fairness and Housing to get her bathroom fixed. There are a number of different challenges, but basically it is old, it is mould-ridden and it has uneven surfaces, even in the shower. The workmanship to get it upgraded and the challenges that she has had with the department have been completely ridiculous. She has even had to go to VCAT twice to get orders done on the house. The first order was not completed, so she had to get a second order and a rent reduction just for compensation for that. So my question to the minister is: will you look into this case and fix it? This type of treatment of someone in a vulnerable position is not acceptable.

**North-Eastern Metropolitan Region**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:47): (615) My question today is to the Minister for Health, and it relates to the public dental waiting list. People who live in Eltham are waiting up to three years for public dental appointments – three years. During this time their dental issues are just going to get worse. Good dental hygiene is important for so many reasons. It affects how we eat, how we look, how we present ourselves publicly and other elements of our health and wellbeing. While I would like to see dental care fully included federally as part of Medicare, in the absence of that it is critical that we have properly resourced public dentists that are available to everyone who needs them in our state. Minister, what will you do to reduce the waitlist for public dental care in Eltham?

**Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (12:48): (616) My question is to the Minister for Environment on behalf of Aurora and Georgie, who are in grades 5 and 6 at Winters Flat Primary School in Castlemaine. They sent me a letter on behalf of the school about those annoying plastic fruit stickers that end up in compost and take hundreds of years to break down. Students have written articles, won awards and made movies trying to encourage people to collect their fruit stickers on a piece of paper instead of putting them in the compost, but they are finding things still are not changing. New Zealand has banned plastic fruit stickers, and Aurora and Georgie would like Victoria to as well. South Australia is also working towards banning different single-use plastic products in the near future. The students pointed out environmentally friendly alternatives to plastic that could be made edible, recyclable or biodegradable. I spoke with Fruit Growers Victoria, who are keen to explore the options to find a solution. I commend the students at Winters Flat Primary School on their work and ask the minister to help Aurora and Georgie achieve their goal and to work with industry to find a solution to see the end of plastic fruit stickers in Victoria.

**Western Victoria Region**

**Sarah MANSFIELD** (Western Victoria) (12:49): (617) My constituency question is for the Minister for Housing. The Ormond Road housing project in East Geelong, part of the Big Housing Build, is replacing 18 public housing dwellings with 54 other homes. Constituents have raised concerns about what will happen to the public housing tenants of the 18 original dwellings and whether they will be able to return to public housing at the site. How many of these new dwellings will be public housing?

**South-Eastern Metropolitan Region**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (12:50): (618) My constituency question is for the Minister for Education. Will the minister meet with me and the leaders of Emerson primary school to understand why it is essential to revoke the decision by the Department of Education to rezone Emerson School in Dandenong in terms of its bus service? This school was established in 1973

as a special school to provide for students with intellectual disabilities. The issue relates to the bus services that are now being removed from current students of Emerson School as they are going to be rezoned to other pilot program schools, which means these students who are doing so well will not be able to use the bus services in 2024 to get them to school. The proposed changes are not going to have a grandfather clause, and this is going to impact a number of students that really need to continue in this particular learning environment. Minister, please meet with us and meet with the school and see why this is a very bad decision.

#### **Eastern Victoria Region**

**Melina BATH** (Eastern Victoria) (12:51): (619) My question is for the Minister for Emergency Services. With the use of electric vehicles increasing, there does come a serious new challenge: vehicles with lithium-ion batteries can be especially dangerous when they catch fire. F-500 fire extinguishers are required to put these fires out. Our CFA brigades and emergency services personnel will be increasingly required to respond to lithium battery fires, and they are incredibly challenging to put out. Traditional firefighting equipment just does not cut it because the fires are spurred by runaway thermal energy. CFA brigades, such as the Phillip Island CFA in my electorate, are being asked, required or forced to fundraise to purchase this equipment. I ask the minister: when will the Allan Labor government supply my Eastern Victoria fire brigades with these specialised new pieces of equipment?

#### **Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (12:52): (620) My question is to the minister for tertiary education, and it relates to the former Swinburne campus in Prahran taken over by Melbourne Polytechnic, but there are other parts of the site and it is yet to be brought forward as the arts precinct that had been intended. I have met with a number of people from that site, and it has not been utilised appropriately since Swinburne left. It is important. There is community support and arts sector support for this campus, but we are now years down the track and the state government has not moved. I ask the minister for tertiary education whether she will act to ensure that the arts precinct moves forward as swiftly as possible.

#### **Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (12:53): (621) My constituency question is for the Minister for Environment and concerns the continued closure to climbers of Mount Arapiles in my electorate. This state park includes some of the best natural climbing in the world and has been closed since 2020 to allow archaeological surveys assessing Aboriginal cultural heritage. Excuses from Parks Victoria are wearing thin. The area is covered by a recognition settlement agreement signed by the Barengi Gadjin Land Council, which commenced on 13 December 2022. While the Mount Arapiles–Tooan State Park was previously managed under an Indigenous land use agreement with Parks Victoria, the RSA now grants the whole park to the Barengi Gadjin Land Council as Aboriginal title. Minister, what difference will this change in status make to climbing in the Grampians, and is this the cause of the totally unacceptable delay?

#### **Northern Victoria Region**

**Wendy LOVELL** (Northern Victoria) (12:54): (622) My question is for the Minister for Roads and Road Safety, and it concerns the alarming state of the C351 Lancaster-Mooroopna Road between Echuca Road and Lancaster. The C351 Lancaster-Mooroopna Road is an arterial road which connects Echuca Road to Lancaster and extends through to Kyabram. The Lancaster-Mooroopna Road is heavily relied upon by domestic and freight vehicles, with numerous milk tankers using the route daily. However, the damage, which has gradually worsened, has placed drivers in unwarranted danger. With sections of poor visibility, potholes and surface damage, this road is unsafe. Motorists deserve better. They do the right thing by keeping their cars roadworthy, but this government lets motorists down by

not providing roads that are carworthy. My question for the minister is: will you order immediate repairs of the Lancaster-Mooroopna Road on the westbound and eastbound lanes?

### *Bills*

#### **State Taxation Acts and Other Acts Amendment Bill 2023**

##### *Second reading*

##### **Debate resumed.**

**Adem SOMYUREK** (Northern Metropolitan) (12:55): I rise to speak in support of the State Taxation Acts and Other Acts Amendment Bill 2023. The most controversial aspect of this bill is the land tax on vacant homes and land as well, so I will speak directly to that particular part of the bill. I have said numerous times in this chamber, almost every second speech, that I think the housing crisis is the single biggest issue facing Victoria, indeed Australia, at the moment, and I have been critical of the government for not doing enough in this space. In a time of crisis we innovate and governments innovate. In this instance the government should be coming back with policy innovation.

In the context of the housing crisis that we are going through, unfortunately this might mean compromising things like local democracy, such as calling in the planning powers of local councils or implementing other measures that may circumvent procedural orthodoxy for the greater good of building more homes. Obviously I believe in transparency, I believe in accountability and I believe in decentralisation too. I am not normally a centrist, as I am making out here, but I think these measures are hard to roll back. Once government starts centralising it is difficult to roll back, and once you start eroding local democracy it might be difficult to restore. But we do need extraordinary measures during this time of crisis.

I think this bill takes a step in the direction of addressing or ameliorating a little bit the housing crisis – not as much as the Treasurer makes out, and I am sure there is a bit of revenue raising in this given the finances of our state. However, it would be hypocritical of me to keep banging on about the housing crisis and asking the government to do more and then fail to support a bill that takes even a minor step towards addressing that important issue. Land banking by greedy developers is a big issue and needs to be confronted by government policy, but we have also got individuals who are perhaps wealthy enough, fortunate enough, to have land sitting there or houses sitting there when we have got a housing crisis. I think it is fair enough that they are given some incentive to utilise the housing stock of our state to help people less fortunate or people that actually do want to buy a house and might have a bit of money. With that, I support the bill and commend the bill before the house.

##### **Sitting suspended 12:59 pm until 2:03 pm.**

**Georgie CROZIER** (Southern Metropolitan) (14:03): I rise to speak to the State Taxation Acts and Other Acts Amendment Bill 2023. As we know, this government just loves to tax Victorians, and they have done that consistently. As my colleague in the other place has noted, a new tax has come into being every couple of weeks but more frequently under the new Premier. That just demonstrates the dire state that Victoria is in. Our financial state is very, very serious, and as a result, this government is taxing Victorians any way they can.

I note that what this bill is about is another tax on Victorians. It is to expand the vacant residential land tax. It will also tax any residential land that has been undeveloped for more than five years, and it will prohibit the apportionment of land tax and known windfall gains tax liabilities between a vendor and a purchaser. That all sounds very well, but like all of these things with any of these taxation bills, the devil is always in the detail. I think it was Benjamin Franklin who said that if there is something that you can be sure of, it is death and taxes. Under this government you sure can rely on taxes, and I hope I am wrong in saying it is the death of the state. But you cannot tax your way out of this incredible death that you have put us into. The Labor government has done that, and as a result they are going after property owners. They are going after aspirational Victorians who want to have choice and send

their kids to independent schools. They want to tax those hardworking Victorians who have got a holiday home or an investment home. They want to tax businesses, and they are taxing businesses.

**Melina Bath:** GPs.

**Georgie CROZIER:** And now, as Ms Bath just said, which I wanted to get to, they are going after GPs – a health tax. It is a health tax that will see retrospective payroll tax being applied to medical clinics, where GPs, dentists and allied health professionals are going to be taxed. When I speak to the proprietors of those medical clinics, they tell me that they cannot afford to stay open. Some of them are struggling. When I spoke to Dr Geetha in Broadford with Mrs Cleeland, she said, ‘I can’t even afford the recruitment costs to get a new doctor into our clinic, which services our community and which looks after those veterans and other vulnerable members in the community – people that come to the clinic to get assistance and be bulk-billed.’ Well, bulk-billing will go, but so will this clinic. This clinic will close down, and that is just going to put more pressure on other clinics in the area but also on already busy emergency departments. It makes no sense that this government continue to apply this retrospective payroll tax in the way they are to medical clinics. It makes no sense whatsoever yet the government is insisting on doing it because the state is broke. That is where we are at. The state is in such a dire situation financially that the government sees that the only way out of it is to tax, tax and apply more tax.

I cannot go without saying that, well, the former Premier is done and dusted. He is just a feather duster now. No-one wants to know him – certainly no-one in a golf club. He looked down the barrel in 2014 of that Channel 7 camera and said, ‘I give you my word – no taxes.’ Well, we have had 53 new or increased taxes under this Labor regime in nine years, and it is causing so much distress. The government are racking up a debt because they are so hopeless at managing projects and so hopeless at managing taxpayers money. There is gross financial mismanagement across the state, across the board. The stories we are hearing day in, day out about the appalling waste of money, the appalling way that projects are being handled and the cover-ups and what is occurring that is leading to these blowouts show that it really does seem that clearly nothing is getting better. In fact, it is only getting worse. As a result, and as those that have spoken out have said, look at Victoria’s financial position, look at that economic management and be very careful because what is happening in Victoria is a lesson to other states and territories on fiscal mismanagement and bad government policy. Now, the government will argue otherwise, but it is there to see, and we know that it is there to see through those figures – through that data and through those figures.

I say again: you cannot continue to tax your way out of this enormous debt that you have placed on not just this generation of Victorians but generations of Victorians to come. That is the alarming thing. They seem to not care. They seem to think it is just like a household budget – ‘Oh, yeah, well, we’ll pay it off in due course.’ No. There is an enormous amount of interest that is paid each day that cannot be applied to services that needs to be applied to services.

Our standards are falling. When a woman has got excruciating pain and needs an ambulance and does not get one for 4 hours and subsequently loses a leg because of no ambulance being available, that is not an isolated story. When there is story after story after story where Victorians have appealed for help to get the services they need and they cannot get them, you know our standard of living is falling. We have got a cost-of-living crisis that is wreaking so much damage across households and businesses because of the cost of energy and the cost of goods going up. The cost of running a household is just becoming out of reach for so many people because of those increasing costs, largely driven by a lot of government expenditure and the ongoing mismanagement.

We have got to drive these taxes down. We do not want more taxation applied. It is absolutely disgraceful what is happening. So I say that this Premier, who is just exactly the same as the former Premier, is ideologically driven in the same way, does not understand prudent fiscal management, does not care about prudent fiscal management and just sees spending taxpayers money in the way

they do as a vote winner. You put on a hard hat and go out to the Metro Tunnel but have no real regard for what you are actually doing.

So I say that, as my colleagues have pointed out, we are very concerned about the increasing taxes put onto not only this generation of Victorians but future generations of Victorians. This bill is another bill that goes to the heart of what this government will do. It will tax, tax and tax more Victorians, and we will not be seeing the last of it I am sure because of the rising debt, the out-of-control debt that this state is being placed under because of the mismanagement and bad policy decisions driven by government. I think it is pretty clear where the opposition stands in relation to tax, and we do not support the government's latest tax grab.

**David ETTERSANK** (Western Metropolitan) (14:11): I am delighted to make a brief contribution to the State Taxation Acts and Other Acts Amendment Bill 2023. This bill amends several acts in relation to Victoria's taxation and land valuation laws. Among other things it closes some loopholes to prevent land taxes and windfall gains taxes being passed on to unsuspecting buyers and reforms the Land Tax Act 2005 to expand the definition and geographical boundaries of vacant residential land. This is designed to encourage the owners of those vacant and unoccupied homes to make them available for rent or occupation. Other members have spoken and I am sure will speak on these and other aspects of the bill.

I would like to turn my attention to part 8 of the bill, which specifically reforms the capital improved value of land provisions. Part 8 amends the calculations for capital improved value of land by including the value of the fixtures on the land – so the infrastructure on the land – regardless of whether those fixtures are owned by the owner of the land or the tenant or any other occupier of the land. During our consultations with various stakeholders we learned that the changes to part 8 affect how the fire services levy is calculated, and this is where it gets a bit tricky. An increase in fire services levy under the new capital improved value would significantly impact renewable energy facilities. Renewable energy facilities such as wind, solar and battery facilities do not generally own the land on which they house their infrastructure, and that infrastructure is very expensive. One wind turbine typically will cost around \$6 million, so the value of a wind farm with 50 turbines and a 25-year life span would see its capital improved value go from around \$10 million to \$300 million and lead to an increase in the fire services levy from around \$200,000 to over \$6 million over the course of the facility's life.

We heard from stakeholders, including the Clean Energy Council, the Clean Energy Finance Corporation and Environment Victoria, that this would have a chilling effect on investment in Victoria's renewable energy sector and create a genuine disincentive to renewable energy project development in this state. That is surely the last thing the government wants to do given its ambitious renewable energy targets. It would also see a rise in the cost of renewably sourced electricity, which would inevitably be passed on to the consumers. Legalise Cannabis Victoria brought this to the attention of the Treasurer and to our colleagues in the Greens, as it happens. To the government's credit, they took on board our concerns and consulted with the Clean Energy Council and the Clean Energy Finance Corporation. They have developed an elegant solution, amending the fire services act to place wind, solar and battery facilities in the 'public benefit' category for the purposes of calculating the fire services levy. This means renewable energy facilities will pay 5 cents per \$1000 in place of 77 cents per \$1000. This is a massive reduction in FSL fees, and we commend the government for this amendment.

This is a win for the renewable energy sector and ultimately for every Victorian struggling to pay their power bills. I would like to sincerely thank the Treasurer and his advisers for the constructive approach they took in working with Legalise Cannabis Victoria and the rest of the progressive crossbenchers. It has resulted in a better bill and proof that a collaborative approach can yield positive outcomes. I commend the bill to the house.

**Melina BATH** (Eastern Victoria) (14:16): I believe that Victorians are a fair group of people. The overwhelming majority of Victorians understand that their hard-earned cash needs to be paid in taxes –

proportional taxes – to provide all the services that are so vital: our hospitals, our schools, our roads that are supposedly car worthy, our police force, our ambulance services, and I could go on. They are fair people, but I believe they also have a limit. I believe we are reaching a point now where, with the Andrews government, now the Allan government, since 2014, since Mr Andrews actually looked down that camera lens and said, ‘I will not introduce new or increased taxes’, we are up to the 52nd tax. I believe fair Victorians are quite reasonably and quite justifiably sick to death of these new taxes.

Some will say, ‘Well, this one is only going to apply to the wealthy.’ I think middle Victoria – those mums and dads, those grandmas and grandpas – are getting increasingly burdened with these sorts of taxes. The government’s commentary around this tax is that it will increase housing supply, so let us tax vacant land, let us tax vacant property and let us tax Victorians as a way of increasing housing supply. The government has failed to show Victorians what basis for that modelling exists, because it does not exist. It is an apparition. It is a thought bubble. It is a cash grab of the Treasurer – the poor, suffering Treasurer. He has the job of dealing with this government’s incompetence, waste and mismanagement. It is his role to scratch around and find another tax. Well, here he has found one today. There is no modelling to demonstrate how this new tax will deliver greater housing supply.

We already know that Victorians are the highest taxed people in the nation. It is not an award that we want to win. Over \$5000 per person – it is the highest in the nation, and it is not a crown that we want to wear. We see increases so far in the fire services property levy. We see increases to WorkCover average premiums, and we know that that has still got to be worked through and fixed because it is a burden that businesses are having to bear. We know that there are increases in payroll taxes on businesses and on the health tax. I was just listening to my colleague Ms Crozier talk about the local health tax on GP clinics, on dentists and on other health providers – this retrospective payroll tax. At a time when country Victorians are screaming out to get a doctor and to be able to book in for one earlier than a month in advance – we respect our doctors enormously and we value them enormously – to have this level of stress on those local clinics, who are small businesses too, and have that retrospective tax is unfathomable.

A payroll tax on independent schools – the Nationals and the Liberals certainly helped to wind that back slightly, but that does not help people provide additional choice in the education sector. We have seen holiday and tourism taxes, and even this week we have seen the government increase charges on Victorian ports. Post COVID we need all the additional funds into our lovely state that we can get, yet we have got a government arcing up, increasing the taxes into ports so that cruise ship operators are now rethinking whether they will actually choose Melbourne as a port. Will they choose to put thousands of visitors into our state with their cash to spend in our fair city? No, they will not. They are saying they are walking away from that as well.

We see this vacant residential land tax. To my mind it is counterproductive to put a tax like this on other people. We understand the rental market is getting harder and harder. There are more people, and we heard today from Mrs Broad that one mother in Bendigo had applied for 300 rental properties and was turned away from 300 rental properties. It is getting harder and harder to rent. I know my own family members, my relatives in Melbourne, have gone back to live with mum and dad for a while – not me, but relatives – because there are 50 people at a rental property inspection at any given time. We know that rents are at record highs and growing. The median house rent is growing by over 11 per cent and the median unit rent is up by 22 per cent year on year. This makes it oh-so-extremely challenging.

The Nationals the other day had a conversation with Quentin Kilian from the Real Estate Institute of Victoria on rental landlords and their stress. The government seems to think that if you tax landlords, if you push them, then somehow this will further add to rental markets. What it is actually doing we do understand. We do know, the facts are there, that 70 per cent of landlords are mum-and-dad investors and 43 per cent of those earn less than \$100,000 combined per year. They are not exorbitantly affluent people. These are normal everyday people thinking about how they can take their hard-earned

cash and make something of it but also provide that service. If you are going to tax land, tax property and continue to tax these sorts of people, it is going to be a disincentive.

What is clear also from the Real Estate Institute of Victoria is that when those houses go back onto the market indeed there are a percentage that just do not go to rentals. Of course, when you put those houses back onto the market, people who are in rental situations are not necessarily the people who can afford to buy them. Unfortunately or otherwise there will be renters who will continue to rent for their lives. Taking houses off the market is unfortunate, and it does not help the situation. We need to see incentives for properties to go into this rental market, not deterrents.

The vacant residential land tax bill before us today is increasing taxes on property owners. This bill is going to apply to residential properties, as it stands, in inner Melbourne and Melbourne's suburbs which are empty for six months, but this is going to be expanded to unoccupied residential properties across the entire state. It taxes residential land that has been undeveloped for more than five years, but now we see the government is looking at deals with the Greens to change that via amendments to three years. It is a frustration for people.

Unfortunately the expansion of the existing vacant residential land tax to outer Melbourne, regional Victoria and right across the state is expected to raise about \$6 million a year from January 2025. The change will include land that has been vacant for, as I said, what was five years and now is going to go down to three under a nice little deal with the Greens. It is a challenge when we see the modus operandi of how this tax will work. Will neighbours be looking to do in somebody whose house is next door and to whom they can see that this tax might apply? I do not feel that that is a very positive step in our great society.

The Liberals and Nationals certainly are very focused on cost of living, focused on people being able to make their way through life and support everyone, which I think is aspirational, to be able to have a roof over their head and to have that stability, that hierarchy of needs, that is so very important and very needed. One of our policies is in relation to reducing Victoria's taxes. We have made the commitment, through our Shadow Treasurer, to have a whole taxation review, and I think this is a very wise and important step.

With those few words, Acting President McArthur, I will clearly state that the Nationals oppose this bill. I am sure you will be pleased to hear that as well. We oppose this bill. Victorians do not need another tax.

**Samantha RATNAM** (Northern Metropolitan) (14:27): It is my pleasure to rise and speak to the State Taxation Acts and Other Acts Amendment Bill 2023. The bill contains a range of changes, mostly minor, but there are two parts of the bill I will focus my comments on: the changes to the vacant residential land tax and the changes to valuations for the fire services levy.

Victoria is in a housing crisis. That cannot be disputed. Rental vacancy rates are historically low, meaning not just that renters cannot find homes to rent but also that renters are at the mercy of their landlord or real estate agent when it comes to unlimited rent increases. We have heard so many stories of renters just accepting horrific rent increases that are creating real cost-of-living pressures because they know the difficulties of finding somewhere else to live. Investors are hoarding empty properties while renters struggle to find affordable homes. In a housing crisis homes should not be sitting empty.

A tax on empty homes is an important tool to ensure houses and land are being used as homes and not just hoarded for wealth generation. Indeed this gets to a key driver of the housing crisis here in Australia. Over many years both Labor and Liberal governments have prioritised housing as a wealth-generating asset rather than a human right. There is an incentive for investors to invest in housing for the capital gains rather than for the provision of homes. House prices in Australia are continuing to



rise, providing gains to investors while keeping young people out of the market for good. As Alan Kohler puts it:

Australia is a junkie hooked on rising house prices, which is killing us.

A tax on empty homes can provide a disincentive to hoard property and an incentive to make use of homes for people to live in, but such taxes have to work. The current vacancy tax simply does not work, and we were not going to agree to expand something that does not work without significant changes. I want to thank the Treasurer and his office for working with us to realise a package of reforms that will ensure Victoria has an effective tax on empty homes. Going into our negotiations on this bill we had two main issues we needed addressed, because we were not going to support something that would not work to provide relief to renters: (1) increase the rate so the tax acts as an incentive to use a property for people to live in and (2) ensure the tax is enforced.

One of the most ridiculous things about the current tax is that it is essentially voluntary. Analysis from the Parliamentary Budget Office suggests around 18 per cent of those liable for the tax pay it – that is, four in five landowners liable for the tax just simply do not pay it or have an incentive to change their behaviour. This is a joke. We desperately need empty homes made available for renters, and there are a lot of them out there. The PBO estimates that under the current version of the tax 5000 investors are liable to pay, and with the expansion in the bill 10,000 empty homes would become liable under the tax.

The Greens are very pleased to have secured changes that will see an increasing tax rate if investors keep their homes vacant year after year, with a 3 per cent rate on homes left vacant for three years, and that the government will now trial an enforcement regime that will see every property covered by the existing tax assessed for its liability. This trial will ensure those 80 per cent of investors currently not paying the tax will have to pay the tax or rent their vacant home or sell their property.

The report and data from the trial will be made public. We expect the trial to result in a better ongoing enforcement regime for the expanded tax, making it effective in providing relief for renters across Victoria and – as a bonus for the Treasurer – more revenue. We will also have better data so as to make further changes if more can be done to incentivise investors to make homes available to renters. As a result of these changes the 10,000 vacant homes and land that the Parliamentary Budget Office estimates should be captured by the revised tax could become available for renters or owner-occupiers.

There remains much more to do for renters. The cost of living is hitting our whole community hard, and rent and mortgage payments are really hurting. Unlimited rent increases should be illegal. Victorian renters need rent control. While the government and opposition seem content to ignore the plight of renters if it means doing anything to upset the property industry, we will not. We will continue to fight for renters. We will also continue to fight for real solutions to the housing crisis. An effective tax on empty homes is one part of what is needed, but what we also need is an effective regulation of short stays to bring even more homes into the rental market, as well as rent control.

Victorians struggling to find an affordable place to live also need the government to stop the wholesale privatisation of public housing and commit to building more. Privatisation never works in the interests of the community. The winners are always corporations. The solutions to the housing crisis do not lie with giving property developers carte blanche. Affordable housing will only become a reality when governments are prepared to intervene and build more public housing to end unlimited rent increases and, at a federal level, get rid of the tax breaks that encourage investment in housing as a wealth-accumulation strategy. Instead, all governments should start to treat housing as a human right.

The other issue I wish to address is the amendments that will ensure the bill does not act as a disincentive for renewable energy projects in the state. The changes in the bill to the definition of 'fixture' could have seen renewable energy projects having to pay tens of thousands, if not hundreds of thousands, of dollars in levies and rates. The Clean Energy Council was very concerned that this could lead to fewer solar and wind farms and battery storage projects. Thankfully, the Treasurer

listened to these concerns and the proposals put forward to fix it, as a solution. We are pleased that renewable energy projects will now pay a much lower rate of the fire services levy and that the government has committed to ensuring commercial battery storage will also have rate relief from the implications of the changes in the bill.

We look forward to supporting the amendments that the government will be moving in committee and to the relief these changes will bring to renters. People are crying out for solutions and for people in this place to work together on the big crises that face us. We were pleased to work constructively with the Treasurer to achieve this outcome. Let us hope that we can continue to achieve much more by working together with genuine dialogue and a commitment to outcomes.

**David DAVIS** (Southern Metropolitan) (14:33): I am pleased to make a contribution to this much-delayed bill that the government got itself into so much trouble with, the State Taxation Acts and Other Acts Amendment Bill 2023. This is a bill that puts new taxes in place – new taxes that will hurt the economy, hurt families and hurt businesses. This is the story of this state government: a massive level of new tax – more than 50 new taxes since coming to government in 2014 – despite promises in 2014, in 2018 and in 2022 that they would not introduce new taxes and not increase the levels of taxes. On each occasion they have lied, and after each occasion they have brought in a raft of new taxes, which have smashed families and businesses.

It is not surprising that Victoria is now the most taxed state and also the most regulated state. Those materials from Victorian Chamber of Commerce and Industry make it very clear that we have got an entirely uncompetitive state because of the decisions of the state government, principally the former Premier and the current Treasurer. The new Premier seems to have no plan to get out of this, and the Auditor-General made it very clear in the report the other day on the financial state of Victoria. They have now gone after him. He has done too much. He has exposed too much, and they have now got him in the gun and they are going to go right after him.

**Michael Galea:** You have no idea what you're talking about.

**David DAVIS:** I sure do. I know exactly what they are doing. We have seen this before. I have been in this place before when a government has gone after an Auditor, and it is not a pretty sight. It is the wrong thing to do. Independent officers should not be attacked in the way that we have had the government go after the Parliamentary Budget Officer. They have gone after the Ombudsman. They have gone after the Auditor-General. They went after Robert Redlich. We heard what happened here. We saw what happened at the Integrity and Oversight Committee. We saw what happened there – Harriet Shing cut the feed. We saw what happened at the Integrity and Oversight Committee. Let us be clear. This government has so much hatred of independent officers that they will go after them, and that is what they have done.

Let me be clear. The Auditor dropped a report just a few days ago, and it looks at the debt in Victoria. It is an extraordinary set of figures. It is clear that the debt is going up and up and up, and if anyone wants any sort of understanding, they should go to figure 2F on page 16, and they will see the comparative debt figures that are entirely the result of the Labor government since 2014. And the surge in debt began before COVID. It began when the government decided it was going to embark on a series of major projects without costing them properly, without controlling the costs on them properly. On these major projects it said it was going to increase the level of debt as a share of gross state product from 6 to 12 per cent. That is what Andrews and Pallas said in the week before the election in 2018. You may not have been here, but I was, and I remember and I heard them say it. Michael O'Brien went out and said this was the start of it, they were going to go nuts and they were going to spend money like drunken sailors, and that is what they have done.

Let us be quite clear: the state's indebtedness has got worse, and the percentage of gross state product that we will have to pay has also gone up massively. I want to also draw attention to the waste. It is not just the more than \$30 billion of waste on projects, where projects have started at a certain figure

and surged massively beyond that. If you look at the West Gate Tunnel, it has gone from \$4.7 billion now up to over \$10 billion. That is all because of incompetence and the failure of the government to cost these things properly. If you look at the level crossings, we still have not had the prices of any single level crossing released.

*Members interjecting.*

**David DAVIS:** Tell me how much any of those 72 cost. Tell us how much any of those 72 cost. The cost of a level crossing that has been completed has never, ever been released by this government, not one of them. The reason is because they are ashamed of the blowouts. They do not want to see the blowouts in the public domain.

The Metro is massively over budget – almost every project they touch. The Mordialloc bypass – pick a project and it is over budget and often over time as well. But there are other types of waste too, and the Auditor also brought down that very enlightening report on contractors, consultants and Victorian public servants.

*Members interjecting.*

**Joe McCracken:** On a point of order, Acting President, the interjections are just unbelievable and I cannot hear Mr Davis make his valuable contribution.

**The ACTING PRESIDENT (Bev McArthur):** Continue, Mr Davis.

**David DAVIS:** The Auditor's report on consultants and contractors in the Victorian public sector makes it clear that billions and billions of dollars are being squandered, that the amount of spending on consultants is surging, that the amount of spending on consultants has not been managed properly. We know that more than \$24 billion has been spent on consultants, contractors and labour hire since the government changed in 2014. That is money that has not been well spent, by and large. A large chunk of it has been wasted, squandered and could have been reflected in lower taxes, lower charges and a stronger economy and less debt. This is a state government that is addicted to tax, addicted to debt and addicted to waste.

On the narrow points of this bill I want to draw the community's attention to a couple of key points. The bill, in its original version, the version that we have in front of us today before the government circulates its amendments – I thank the government for sending the amendments so we have seen them today. They are not yet in the public domain, but I am going to foreshadow them in that sense, as others have in the chamber.

The bill as it currently is imposes a new and big fire services levy on renewable energy projects. It is an especially dumb new tax. We say we want new renewables; okay, let us have them. Bring them forward. You want to bring them forward –

**Michael Galea** interjected.

**David DAVIS:** No, no, it is your bill with the extra taxes. It is your mates who put the extra taxes in the bill. That is what it is all about. And we have said we do not want those new taxes, as have the Greens. They have said, 'We don't want the new taxes on renewables; we think it's a dumb idea. A brand new tax on renewables and on batteries, a brand new tax on wind farms, a brand new tax on solar – what on earth is going on? You have got the federal government pumping new money into renewables and the state government putting a new tax on renewables. Let me be clear: the Attorney-General will come in here in a short period of time – I think there are two speakers left – and the Attorney will then circulate the amendments that say, 'Uh-oh, we got it completely and utterly wrong.' I thank the wind sector for the briefings they have provided me and the detailed notes they have provided me. The Clean Energy Council briefing note is very instructive on the impact. Let us be clear what happened here: the Supreme Court struck out some of the state government's attempts to garnish extra tax out of the wind and solar energy industries. That is what happened, and the Supreme Court

said, 'No, you can't.' The difference between chattels and fixed assets is a fine legal point, but actually the Supreme Court made a decision. The government lost; the proponents won.

**A member** interjected.

**David DAVIS:** Well, it was your plan to put tax on the renewables. I am picking up your interjection here. I do not want to put a new tax on renewables in that way. I do not know why you did. That is what your Treasurer sought to do. That is what this bill has got in it. If you want to read it yourself, go and read it. Rather than the printed notes that you are handed, go and read what is in there. You will see that there is a brand spanking new tax on the renewables sector.

*Members interjecting.*

**The ACTING PRESIDENT (Bev McArthur):** Order! Mr McIntosh, if you want to interject, you need to be in your place. Get in your place, Mr McIntosh.

**David DAVIS:** Even then, Acting President, interjections are disorderly. He also needs his speaking notes, which he reads very, very closely. We know that.

But the short story is that there was a Supreme Court case, and I am happy to provide the member with a copy of the case if he would like. I have had a good read of it –

**A member** interjected.

**David DAVIS:** Well, it would take a while. But I am precisising what happened. The government lost, the proponent won and the attempt to redefine the fire services levy tax – let us call it what it is – was overturned. So the government comes in through the back door. You know, this is typical State Revenue Office behaviour and typical behaviour out of this Treasurer: 'No, no, no, we don't like what the independent umpire said over here; we'll go back and we'll go into the Parliament and overturn what was decided in the court.' So that was what the bill tried to do, and I will welcome it when the Attorney comes in here with her tail between her legs on this and says, 'Oh well, we got it wrong; we're actually going to change the bill and we're going to take the spanking new tax off renewables and we're going to let the existing situation lie.'

That is what they are going to do. That is what the Attorney is going to do. And then it will go down to the lower house and they will stamp it, because the government realised eventually that there were enough people in this place that had woken up. We had been briefed by the people in the sector and the industry, and we understood very clearly that it was a dumb idea to put a brand spanking new tax on the renewables sector. The federal government pumping money in and the state government pulling money out – it is a bit like what is happening with the health tax. We want to strengthen primary care and we want to strengthen GPs, and the state government's solution to that is to put a brand spanking new tax on GP clinics and say, 'You're going to have to pay this new tax.'

**A member** interjected.

**David DAVIS:** No, this is true to form. This is true to form for this government.

I want to also pick up a number of other points that are occurring with taxation at the moment. It is very clear that the decisions of this government with respect to contractors and consultants deserve much more scrutiny. We did the simple analysis. We added it up out of the Public Accounts and Estimates Committee (PAEC) figures. We now know, and it is proven in the Auditor-General's report on contractors, that the definition between contractor and consultant is woolly. It is unclear. I might say I am troubled that the Department of Treasury and Finance has not agreed to clarify this and to implement what the Auditor has said. I am troubled because for years now the state government has been using this blurred line between contractors and consultants to avoid reporting what is actually going on. You can get to the list of consultants, but of course the consultants list looks a little smaller if the department just fudges it across and says, 'No, no. This one's a contractor.' The definition is woolly – it is unclear – and the Auditor tested this. They tested the inaccurate and varied application

of the definitions of ‘consultant’ and ‘contractor’. I think this has done a service, but I think DTF is going to have to come to the party. We are going to hound them and hound them until they do, because Victorians deserve to see the waste stopped.

The first part of stopping the waste is to have it accurately reported. We want to know how many contractors and how much. We want to know how many consultants and how much. We want to know how much labour hire and how much. And we want the aggregate figure in each and every department and each and every agency. That is not too much ask for. But at the moment you cannot get that figure easily anywhere. You have to go and dig for it. You have to dig for it out of PAEC. You have to piece together pieces of information, and you are never sure if the consultant and contractor numbers are right, because there is this fungible spread between the two definitions. You can only get to an aggregate for all three, because it is only in the aggregate that you actually know the full amount that has been spent, which is why when we did that \$24 billion analysis that was all about the aggregate. And it has gone up massively over the period of this government – massively – despite them promising in 2014 that they would cut the number of consultants and contractors. That was a promise that was made in 2014, but it was not kept. Every year since then they have surged upwards.

Then we had Steve Dimopoulos make one of the strangest statements. He said that they were going to take on board the problems with contractors and so forth and consultants. This was a few months ago that he said this. He said they were going to cut it by 1 per cent, by \$50 million. He said –

**A member:** Did he?

**David DAVIS:** That is what he said on the telly. I have got the clip. I have got it. He said they would cut it right across government by \$50 million. But actually billions and billions are spent every year by this government on consultants, contractors and labour hire. Dimopoulos says we are going to cut it by \$50 million. Well, do you know what that is? 1 per cent – we are going to cut it by literally 1 per cent.

We heard the Attorney-General here in the chamber yesterday or the day before – whenever it was. We asked that question about consultants and contractors, and in her department consultants and contractors have gone up massively over the period of this government. She is clearly looking at this and saying, ‘Actually, this is getting out of control’ – and it is. It is money that could be spent on people in need in her portfolio. It is money that could be spent on more court services, speeding up VCAT, speeding up the Supreme Court or the County Court – all manner of things. More police, for example, would be another alternative. The waste in this government is extraordinary. At the same time, the services are slipping. Health, education, ambulance – all of those services are sliding. (*Time expired*)

**David LIMBRICK** (South-Eastern Metropolitan) (14:49): On the last day in Parliament before the summer break, what a Christmas present this government is leaving for the state’s tourism industry.

**David DAVIS:** Oh, my God. It’s shocking, isn’t it?

**David LIMBRICK:** Yes, it is shocking, Mr Davis. Just yesterday we learned cruise ship companies who usually buy millions of dollars worth of food and fuel and bring thousands of tourists to Melbourne will give us a wide berth, quite literally, because of excessive taxes. We also learned this week that the government will have to refund taxes from their misguided tax on electric vehicles – and I would like to put for the record that I opposed that tax.

People that have been paying attention to the ongoing discussions around housing affordability and particularly investor sentiment would have learned that investors are fleeing interstate. We also learned this week that, under guidance from the economic gurus in the Greens, the government will be expanding taxes on people’s homes. But getting advice from the Greens about economics is like invading Russia in wintertime – it is one of those things you should never do. Only the Greens see a housing crisis and think the answer is to scare away property investors with red tape and more tax. And who could blame investors for going elsewhere? Why would you bother dealing with this red

tape when you can invest in Queensland or New South Wales? The legislation will also need people to administer it – people who might otherwise be doing something useful. But mark my words, this scheme is so complicated I would not be surprised if it fails to make any money anyway.

And this war on short-term rentals is silly. People who use Airbnbs are not a problem. They are people who buy tickets to the theatre and concerts and museums. They go to restaurants and stadiums and other places that employ people. I will never understand the mindset of entitlement carried by people who are envious of the house next door. I believe there is nothing wrong with people owning more than one property, and what they choose to do with that property is their own business. Property and tourism are among this state's most successful industries, but they are now suffering from death by a thousand cuts. The lesson we have learned and will continue to learn over the coming years is that taxes have consequences. Businesses and people change their behaviour. Economic reality will always trump socialist fantasies. The passing of this law will be a great day for Victorians who aspire to shuffle paper and for the economies of all the other states of Australia, which will suddenly become more attractive places to invest, and a rotten day for everyone else. The Libertarian Party never votes for higher taxes, and we reject this bill.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:51): I will sum up and try and give a bit of an explanation about how this bill will proceed for the rest of the afternoon. Thank you to all the speakers and everyone that has participated in the development of this bill both within the Parliament and outside it. It is a government tax bill that is usually done twice yearly. It contains a raft of minor amendments et cetera to ensure that things are operating as intended. There are also in this bill, as we well know, changes to the vacant residential land tax to encourage more existing properties to be made available to renters right across Victoria and to encourage faster development of vacant land in established areas around Melbourne and also changes to protect consumers by prohibiting property developers and others from passing through their tax liabilities to often unsuspecting purchasers.

There are a range of amendments that will be subject to discussion in this chamber and also in the Assembly. Following advice from the clerks we have attempted to do this in the most streamlined way possible, bearing in mind some constitutional limitations on our place to make certain amendments. To prevent the bill bouncing between the two chambers today, which is not really going to be appreciated on the last day of Parliament for the year, we are proposing to do a series of amendments in this chamber which would not have to be suggested amendments for the Assembly, and they refer to the amendments in relation to the fire services property levy in regard to how this would impact renewable energy generation assets that may be located on land, such as wind farms and solar farms. The proposal is to move from the industrial classification to the public classification, which will have a significantly lower rate apply from 2024. They are cancelling each other out to make sure that that is a good policy outcome.

We will also be looking at amendments in relation to land tax and the windfall gains tax apportionment prohibition based on a property value threshold of \$10 million indexed annually by CPI, land tax and windfall gains tax apportionment prohibition in relation to clarification that it does not apply to contracts entered into prior to 1 January and we are also providing clarity on the factors that a commissioner will or must consider when exercising their discretion to extend the five-year period in relation to unimproved residential land if there is an acceptable reason for not improving the land.

They are amendments 1 to 11 – 3, 7, 8, 9 and 10 – which we can deal with as substantive amendments here. It would be my proposition that we deal with those amendments and, depending on how they fall, they would form part of a final bill that we would vote on and send to the Assembly. The Assembly would then be looking at amendments which I will circulate in this chamber along with the circulation of the formal amendments. I might ask for that to be done now for optimum clarity.

**Amendments circulated pursuant to standing orders.**

**Jaelyn SYMES:** Members will receive a copy of the amendments that we are proposing to make that I have just gone through in summary. You will also receive a document which outlines, for your information, what the amendments will look like that the Assembly will be proposing to deal with. Those amendments for the Assembly relate to the 1 per cent, 2 per cent, 3 per cent proposition. They will also deal with the vacant residential land tax holiday home exemption to allow the 28-day requirement to be fulfilled by a close relative. They will extend the two-year new residential premises exemption to three years to provide a concessional rate of 1 per cent thereafter until sold and require the commissioner of state revenue to report on exemptions and also amend the transitional provisions for uninhabitable properties and properties under construction in the expanded area to clarify that the transitionals only apply to lands that were under construction or uninhabitable as of 31 December 2023.

As I said, there have been a lot of discussions within the Parliament and outside the Parliament. I thank the Greens party for their consultation with the Treasurer and his office, also the Property Council of Australia and others who also sought to engage with the government on this bill and provide recommendations that have led to the house amendments that are split across the two chambers today. As I said, it would be my proposition, because I am taking responsibility for the committee stage of this bill, that on all amendments, whether they are to be dealt with here as substantive amendments or telegraphed that they will occur in the Assembly, questions can be asked in this chamber. I do not have any restrictions in relation to that.

I would also take the opportunity just to take the house through some changes that the government are committing to that do not form part of the legislation but form part of the package of changes. As I have said, there have been a lot of conversations with stakeholders inside and outside the Parliament. The government has committed to trials of enhanced compliance efforts with regard to the vacant residential land tax. There will be a compliance trial in the remainder of 2023 involving apartment towers and in 2024 involving inner and middle suburbs of Melbourne. The compliance trials will look at every dwelling in the areas covered. The State Revenue Office will use existing capabilities and compliance tools to identify properties that appear vacant and then seek further information from property owners to establish whether they are liable for the vacant residential land tax. The State Revenue Office will provide data on these trials to the government in 2025 and the government will publish this data.

The government will also include commercial battery storage facilities in the payment in lieu of rates scheme that already applies to electricity generators, including wind and solar farms. This change is to be worked through in the first half of 2024. Section 94 of the Electricity Industry Act 2000 allows electricity generators to seek to pay an amount in lieu of local council rates under the payment in lieu of rates scheme. The Electricity Industry Act does not account for battery storage technologies, which are relatively new and not strictly defined as generators. However, storage as we know will play an increasingly important role in supporting renewable generation, so to ensure consistency we will include batteries in the pillar scheme.

In the budget earlier this year the government introduced a new land tax exemption for land protected by a conservation covenant for the Trust for Nature from 1 January 2024. This move was welcomed by not only the conservation community and the Greens party but also the member for Sandringham in the other place. A conservation covenant is a voluntary legal argument made between a private landowner and Trust for Nature to permanently conserve land. This exemption was designed to encourage landowners to protect the conservation of land value. Any land that is exempt from land tax is also exempt from vacant residential land tax, including land protected by a conservation covenant with Trust for Nature.

The government has become aware through consultation that there may be some property owners within Melbourne who are or who wish to conserve natural vegetation but who do not currently have a conservation covenant in place and may become liable for vacant residential land tax on the vacant

land from 2026. The government has committed to providing funding to help such landowners establish conservation covenants with the Trust for Nature.

Finally, the government is moving an amendment to extend the vacant residential land tax exemption for holiday homes used by owners for more than four weeks every year to include those that are used by family members. The government is also committed to extending the holiday home exemption to property owners in a trust or company as of 28 November 2023. Due to drafting complexity those specific changes are not being brought forward as part of the amendments today but will be brought forward in the first half of 2024 in a relevant piece of legislation.

With that, hopefully members are clear on the process for passage of this bill and the interaction with the Assembly this afternoon. I know there will be a few votes and a committee stage following Dr Bach's valedictory.

**Council divided on amendment:**

*Ayes (16):* Matthew Bach, Melina Bath, Jeff Bourman, Gaelle 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

*Noes (22):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendment negatived.**

**Council divided on motion:**

*Ayes (22):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (16):* Matthew Bach, Melina Bath, Jeff Bourman, Gaelle 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

**Motion agreed to.**

**Read second time.**

**Lee TARLAMIS** (South-Eastern Metropolitan) (15:11): I move:

That we adjourn debate on this bill until later this day.

**Motion agreed to and debate adjourned until later this day.**

*Announcements*

**Photography in chamber**

**The PRESIDENT** (15:11): The clerks have asked me to alert members that we have a member of the Parliament staff that is going to take photos, and like the first speeches this term we do not care if people in the gallery, family members, take photos as well, because that is all right.



*Members***Matthew Bach***Valedictory statement*

**Matthew BACH** (North-Eastern Metropolitan) (15:11): *(By leave)* President:

I know no life that must be so delicious as that of a writer for newspapers, or a leading member of the opposition –

wrote Anthony Trollope back in 1855 –

to thunder forth accusations against men in power; to show up the worst side of everything that is produced; to pick holes in every coat; to be indignant, sarcastic, jocose, moral, or supercilious; to damn with faint praise, or crush with open calumny!

It is a jaundiced view, yet with the very notable exception of the latter this has been my lot during the period of my occupation of this place, and this life has indeed been quite delicious. It has been a unique and wonderful privilege to serve both the Liberal Party and, importantly, the people of Melbourne's eastern and north-eastern suburbs in the Parliament of Victoria. And it has been an honour to do so with all of you. I leave now entirely absent rancour or ill will. Indeed I go with a great sense of optimism, certainly about the position of the party that I represent and I love and also about our state and our country.

Before compiling these remarks I sought a briefing from the boffins in the library. I am advised that valedictory statements should contain one or two humorous or embarrassing anecdotes, dwell upon a member's perceived successes, comprise commentary about the current state of affairs and contain relevant thank-yous, and that all of this must be delivered in around 15 minutes. And in a startling first, I am determined to stick to my brief.

I thought about starting by telling you of the time that a current Labor member saw me naked, but that would be unkind to Michael Galea. Thankfully I do not have any such racy stories about my Liberal colleagues. Nonetheless, some interesting things have happened in our party room during my time. Notably there have been several contests, contests that invariably leave egos bruised and friendships strained. I will take one example.

My friendship with Mr Battin has never fully recovered from one contest, nor has my ego. Cast your mind back about two years. It is well known that Mr Battin was plotting, doing the numbers, seeking to secure for himself the second most sought after prize in this place: sexiest shadow minister. It was the custom and practice of the former Premier's staff to hand out a series of awards at the end of every year to members of the opposition front bench. Now, two years ago I was in slightly better shape, had fewer grey hairs and certainly fewer wrinkles, and so, despite my natural modesty, I knew I had it in the bag.

It is not for me to speculate, therefore, on the dodgy factional deals that Mr Battin did at that time, but somehow he came over the top of me, and I was left holding the booby prize – most annoying shadow minister. Yet being annoying, as Trollope implied, is, I am afraid, a key role for members of the opposition. We are duty bound to attempt to hold the government to account with all the vim and vigour that we can muster. Yet in truth I have gained the most satisfaction from working collaboratively and hopefully constructively with colleagues in an effort to gain the best outcomes for the citizens of Victoria.

I probably take the greatest pride in the support that my team and I gave one particular family back in 2021, who were seeking to become permanent carers for vulnerable children in the child protection system. After engagement with the minister of the day and departmental officials, obstacles were overcome and now this family has provided a loving home for numerous vulnerable and precious children. At a broader level, it really has been a great privilege to work quietly and confidentially in particular with the Attorney-General and also with Minister Blandthorn on legislative issues of

bipartisan concern. These sorts of interactions, which are based on trust, are unseen and I suppose often of far less interest – certainly to most – than the chaos that can sometimes come to characterise this place. Yet I think if more people were aware of them, perhaps we would all be held in higher regard.

I also had many beautiful interactions with colleagues after I shocked my party room and my parents, when I recently announced my intention to resign and move to the UK – I'm sorry, Mum! I do not normally divulge the goings-on of the party room, but I am going to make an exception today. When I said that I was going, there was much sorrow in the room, even weeping – all by one person, actually – and colleagues said lovely things. One comment was particularly gratifying. It was provided to the *Guardian* – anonymously, naturally – and here is the comment about me: 'He's just a normal guy.' I read that and I was gratified, because since setting foot in this place I have successfully enacted a cunning political strategy in order to convince you all of my normality.

I have three proof points, and my staff laugh at me because they tell me that I include these proof points in almost every utterance, both public and private. Firstly, I was kept down in grade 2 at my local state primary school – I do not say where. Secondly, my daughter Phoebe goes to local sessional kindergarten – I definitely do not say where. And thirdly, that my brother lives in Officer. These proof points have successfully obscured the truth – the truth that I had the most wonderful and privileged upbringing thanks to my incredible mum and dad Heather and Neil. But I am just a normal guy, and I have recently had to endure dreadful hardships. Just the other week my German au pair Jule hurt her leg, and I had to both pick up my daughter Phoebe from kindergarten and cook dinner.

The kindness that has been shown to me by my colleagues is, I suppose, one of the key reasons that I have for optimism. There are others. It is natural when we turn on the television or when we check social media to be confronted with images and stories of doom and gloom, but on most metrics right around the world things are actually getting better. Despite recent tragic events, wars are becoming less frequent; we are living longer, healthier lives; and free trade and other liberal economic reforms have dragged billions around the world out of poverty. Notwithstanding big challenges here in Victoria with strong and enduring institutions, we can continue to boast of being the world's multicultural success story, which I think is something meriting serious reflection in these days.

My chief concern, as I said in my maiden speech, is an increasing tendency for us to retreat into tribes and to embrace identity politics. Now, this is not a partisan comment. Of course many on the left are criticised for their identitarianism, but the right is just as bad. I quoted Professor Francis Fukuyama on the end of history in my first speech; as a Liberal it is more or less obligatory to do so. His recent work on identity I think is just as noteworthy. On the right and on the left, right around the Western world more and more people are ceasing to see themselves either as unique individuals or as small but important cogs in a broader and wider societal machine, and our obsession with identity is yielding bitter fruit. It encourages us not to empathise with others. Indeed, identity politics teaches us that those we disagree with are not only wrong but bad. This makes debate impossible, yet the free exchange of ideas is vital for human flourishing. The good news is that there is ample room for us all – Liberals, conservatives, social democrats and even socialists – to resist further movement along this ill-fated pathway.

Let me finish with some thank-yous, firstly to the people who put me here and have supported me. I joined the Liberal Party when I was still at university. I did so because I believe in the party's values of free individuals and free enterprise. I still do, more than ever, as do our wonderful members. I want to thank the party's membership in my region for placing its trust in me. I am only standing here because the party put me in a winnable position on our ticket. There are so many wonderful volunteers that I could thank. Let me name, though, just a few to whom I will always be grateful: people like Peter Clarke, Fran Henderson, Frank Greenstein, Holly Byrne, Sean Armistead, Mary and Toby Wooldridge, the Mulholland family, David Kitchen, Grant Hutchinson, Heath Wilson, Shilpa Hegde, Margaret Kirby, Adrienne Jardine – there are so many more.

I have been very lucky to hold a series of shadow portfolios in this place. In these various roles I have been fortunate to have the support of many senior stakeholders, who are not partisan people but simply want good policy: in education, people like Glenn Fahey and Jordana Hunter; in child protection, people like Deb Tsorbaris and Rowan Pulford, but also amazing young people with brilliant insights from their lived experience like Hayley Prasad and Nikita Martin-Cu; in transport infrastructure, people like Marion Terrill and Jonathan Spear; and in all justice matters, people like Paul Hayes KC, Marcus Clarke KC and Joel Cranshaw.

If time allowed I would wish to make some remarks about each and every one of my colleagues. Mercifully for you, it does not. Let me start nonetheless by paying tribute to Michael O'Brien, Matthew Guy and John Pesutto. The leaders under whom I have served have all made very notable contributions to our party and to our state. I have much hope that John will be able to make an even greater contribution as Premier after the next election. All have been immensely kind to me and given me fabulous opportunities. Michael mentored and promoted me to shadow cabinet. Matthew then ushered me into more senior roles, and John welcomed me into his leadership team.

Ms Crozier and Mr Southwick continue to serve with distinction on that team. Everyone knows that I love Ms Crozier; I will miss her very much. Mr Southwick is a rare beast – a highly effective politician but also the embodiment of decency. I am pleased that Mr Mulholland has replaced me in this team, in particular given his energy and intellect. I must mention Mr Davis's many kindnesses to me. I will not soon forget his selfless support of me, especially when I was new to this place. Mr McGowan has been a wonderful colleague in the North-Eastern Metropolitan Region. He has also been my training partner and sometime therapist. I will miss him very much. Finally, Amy and I have loved getting to know our new local member Jess Wilson. She has made a fine start to what I trust will be a long and illustrious parliamentary career.

I am almost done, but before I take my seat I must talk about my amazing staff. We all know how vital our staff teams are to us, and I have been so lucky to have so many fabulous people wish to work with me even though I know full well that they could go elsewhere to find a far more remunerative place. Firstly, Paul Burns worked with me from the start. Paul got me through lockdowns. He has amazing judgement and on many occasions stopped me from doing deeply stupid things. Jordy Robertson was someone who I sought out, who I had worked with previously in education. She is not a political person but someone who simply loves helping others. It has been great to share this time with Jordy, especially as our families have both grown.

Tiffany O'Keeffe is someone of great intelligence, and her legal expertise was really important to me when I was pitted against the Attorney-General. Tristan Layton has been with me for some time now. He has a precocious intellect, and I utterly relied on him when I was Shadow Attorney-General and also Shadow Minister for Transport Infrastructure. He will go far, and when he does, I intend to take all the credit. Deb Chan is just the most beautiful person. She deals with all manner of very complex electorate and portfolio matters with empathy and expertise. She is a true professional. Tori Lane is tough, smart, so much fun, fiercely loyal and thrives under pressure. Tori led our team for some time. She is immensely valued by me, and I love her. Phil Pease is a wonderful Liberal person. He has fabulous skills that I do not, particular skills in areas like campaigning and also social media. Again, for some time now Phil has led our team incredibly well. He performed exceptionally when I was fortunate enough to have the education portfolio. Over this time Phil and I have become the best of friends. My hope is that one day, perhaps one day soon, we will see him sitting in this place.

I must briefly mention my family. It is wonderful to have Mum and Dad here, as it was when I gave my first speech. They have given so much to me. Amy – no-one could ever wish for a better partner than I have in Amy. When I prevaricate, she is steadfast. When I am stuck in a fog, she sees things clearly. She is a fierce advocate of mine and has always loved me so well. I really do not deserve her, but I am so excited about this next chapter with her. It is great to have Phoebe here, who was such a little girl when I stood up here just a few years ago to give my maiden speech. I am so proud of Phoebe. In so many ways she is just like her mum. She is fiercely determined. She always tries her best, and

most importantly for me, she is becoming a very kind girl. Finally, we have recently welcomed Alice into our family, who cannot be with us today, because I do not think she would be sitting through this as patiently as Phoebe.

**Phoebe Bach (from gallery):** She'd be too noisy!

**Matthew BACH:** I think she would be too noisy. She did not used to be too noisy, but she is becoming more noisy. And we are loving seeing her little personality blossom. She has brought us so much joy.

Finally, President, I know this is a point that you wish to pick up a little later. My departure today is not the most important matter that we are dealing with when it comes to the occupants of this place. We are so lucky to be so well served, and this place is so lucky to be so well served, by so many amazing staff, like Mr Greg Mills, our principal attendant. More will be said on these matters a little later.

So, President, friends, based on these reflections and on the goodwill that has been shown to me by so many – certainly by so many members opposite as well – perhaps we should conclude that Trollope was not quite right all those years ago. Speaking 55 years later, Teddy Roosevelt had a different take on opposition politics and politics in general. He said this:

... credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again ... but who does actually strive to do the deeds ... who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

My hope is that in some small way these words may be deemed to be true of me and of you.

*Members applauded.*

### ***Bills***

#### **Crimes Amendment (Non-fatal Strangulation) Bill 2023**

##### *Assembly's agreement*

**The PRESIDENT (15:32):** I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Crimes Act 1958** to provide for 2 non-fatal strangulation offences and to make a consequential amendment to the **Family Violence Protection Act 2008** and for other purposes' the amendments made by the Council have been agreed to.

#### **State Taxation Acts and Other Acts Amendment Bill 2023**

##### *Instruction to committee*

**The PRESIDENT (15:33):** In consideration of the amendments circulated by Minister Symes, in my view amendments 1, 2 and 11 are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction motion to the committee is a procedural motion.

**Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:33):** I move:

That it be an instruction to the committee that they have power to consider amendments and a new clause to amend the Fire Services Property Levy Act 2012 in relation to the Australian Valuation Property Classification Code for certain land uses.

**Motion agreed to.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT:** Before we start, I remind members that under section 64 of the Constitution Act 1975 the Council does not have the power to make amendments to certain clauses of this bill that impose a tax. No question will be put on these clauses, and any proposed amendments must be in the form of a suggestion to the Assembly. Standing order 14.16 sets out the procedure for dealing with those suggested amendments.

**Clause 1 (15:36)**

**Jaclyn SYMES:** Just for your information, Deputy President, we are going to seek to be pretty flexible given the arrangement of the committee here, amendments over there, so pretty much we will just step through it as much as you want to without restrictions.

**David DAVIS:** I get the Attorney-General's desire to be flexible here. On clause 1 I just thought it was worth noting that there is an amendment to clause 1 with respect to the fire services property levy land use classification. This principally relates to renewable energy projects, and I wonder if the Attorney might provide to the committee the amount of tax that was intended to be collected but will now not be collected under the changes proposed with the amendments.

**The DEPUTY PRESIDENT:** If we are going to ask questions on the amendments, wouldn't it be better that we actually –

**David Davis** interjected.

**The DEPUTY PRESIDENT:** Just moving the amendment – it does not have to be voted on.

**David DAVIS:** Let me explain, Deputy President. The bill as it is at the moment imposes a new tax on renewable energy, and the government clearly must know how much tax it is collecting there. The government has foreshadowed that it will move amendments to remove that change, so we can have the figure in either direction. I do not mind.

**Jaclyn SYMES:** Mr Davis, wind, solar and battery farms will pay roughly \$3 million less in fire services property levy in 2024–25 with this change than they would have paid without it.

**Evan MULHOLLAND:** Attorney, how many additional properties is it anticipated that the vacant land tax will apply to by expanding the tax to the entire state? How many additional properties will that capture?

**Jaclyn SYMES:** Mr Mulholland, my advice is, as we have indicated previously, the expansion of the vacant residential land tax to all of Victoria is estimated to affect around 900 additional landowners.

**Evan MULHOLLAND:** How many additional properties is it anticipated that the vacant land tax will apply to by expanding the tax to include vacant undeveloped land that is zoned for residential use if it has not been improved within five years?

**Jaclyn SYMES:** The expansion to unimproved land is estimated to affect 3000 owners of unimproved land.

**Evan MULHOLLAND:** What is the start date of the vacancy period or unimproved period? For example, if land has not been improved for 20 years, would the vacant land tax immediately apply to this property, or would it apply five years after the tax begins?

**Jaclyn SYMES:** 1 January 2026.

**Evan MULHOLLAND:** Does the government actually have any modelling on the effect this will have on housing affordability and housing supply and how many extra properties will be on the market or rented out as a result?

**Jaelyn SYMES:** Thank you, Mr Mulholland. I certainly appreciate your question. The government has considered the impact on supply but is not in a position to provide quantitative estimates. However, it is clear from the data of current vacant residential land tax that the 1 per cent has not been a strong enough incentive for some property owners to bring dwellings onto the market. We are hoping that this improves the current situation.

**Evan MULHOLLAND:** I understand the government has no quantitative estimates, but I might try this question: does the government have any modelling on the effect this tax will have on property prices or rents?

**Jaelyn SYMES:** Mr Mulholland, you have articulated the motivation for the changes. We want more housing supply because more housing supply to meet demand will have a positive impact on rentals and housing affordability.

**Evan MULHOLLAND:** Does the government have any modelling on the effect of the 3 per cent rate after three years compared to the initial rate?

**Jaelyn SYMES:** Mr Mulholland, what we do know is that the current rate of 1 per cent is arguably not a strong enough incentive for some property owners to bring their properties to market. That is why we are making the changes to increase the rate to 2 per cent and 3 per cent in relation to those that are vacant for consecutive years to add an additional incentive to shake up those properties.

**Evan MULHOLLAND:** I wanted to ask about the trial to make the tax enforceable and how it will work. For example, how will the State Revenue Office identify potentially empty properties to then ask the owners to provide proof that people live in their residences? How will it work, and could the State Revenue Office demand proof from owners?

**Jaelyn SYMES:** Mr Mulholland, for obvious reasons the SRO does not publish detailed information about their compliance activities and the types of measures. But I can confirm that they look at various data sources to establish if a property is occupied, either by an owner occupier or a renter. And if based on data matching or other external sources of information a property appears vacant for six months or more than a year, then the SRO may contact the property owner. If there is evidence that suggests no-one is there, it will prompt contact from the SRO and people will be provided with an opportunity to provide evidence in relation to the vacancy or otherwise of that property.

**Evan MULHOLLAND:** Could the government or the Attorney provide any information on the location or locations of this trial, when the trial might take place and over what period?

**Jaelyn SYMES:** Mr Mulholland, my advice is in relation to the compliance trial it will involve apartment towers in 2024 and in 2025 involve inner and middle suburbs of Melbourne.

**Evan MULHOLLAND:** How does the trial differ to the usual compliance and enforcement activities undertaken by the SRO?

**Jaelyn SYMES:** Mr Mulholland, the State Revenue Office will use existing capabilities and compliance tools but will be looking at a larger number of dwellings.

**Evan MULHOLLAND:** How much will the trial cost the State Revenue Office and how much will the expansion of the scheme cost the SRO to administer?

**Jaelyn SYMES:** The compliance activities are expected to bring in more than they cost, and I saw some figures. Initial estimates are that the compliance trial may cost around \$3 million to \$4 million, although we will be able to revise that number after the initial 2023 pilot is completed over the next month or so. It is anticipated that we are looking at around \$7 million to \$11 million, as the best estimate, in relation to revenue that would be recouped from those activities.

**Evan MULHOLLAND:** Does the government have any estimates on the compliance cost to property owners of complying with the expanded vacant land tax?

**Jaclyn SYMES:** Do you mean in having to pay the tax or in having to demonstrate that you are living there when you are not?

**Evan MULHOLLAND:** The compliance cost to property owners. I assume there might have been some sort of impact modelling of the expansion of the vacant land tax; that is what I am asking about.

**Jaclyn SYMES:** Do you mean on the individual landowner or the SRO?

**Evan MULHOLLAND:** The property owner.

**Jaclyn SYMES:** Mr Mulholland, compliance cost is always considered by the SRO and will be considered by the SRO as part of the trials. And in terms of complying with a request to demonstrate whether you are liable for the tax or not, we do not expect that to be onerous. You can just provide a utility bill, for example.

**The DEPUTY PRESIDENT:** Attorney, I invite you to move your amendment 1, which is a test for your amendments 2 and 11 on your sheet JS36C.

**Jaclyn SYMES:** Given Mr Mulholland knows what I am talking about, I move:

1. Clause 1, page 2, after line 6 insert –

“(ab) to amend the **Fire Services Property Levy Act 2012** in relation to the Australian Valuation Property Classification Code for certain land uses; and”.

**Amendment agreed to; amended clause agreed to; clauses 2 and 3 agreed to.**

**Clauses 4 to 7 (15:49)**

**Evan MULHOLLAND:** On clause 7, just in regard to the threshold formula and the rounding rules, it seems as if it could be rounded up by \$50,000. I am just wanting some clarification from the Attorney.

**Jaclyn SYMES:** I will seek clarification from the box on that one. Yes, Mr Mulholland, it is rounded.

**No question put pursuant to standing order 14.16(2).**

**Clauses 8 to 10 agreed to.**

**Clauses 11 and 12 – no question put pursuant to standing order 14.16(2).**

**New clause (15:51)**

**Jaclyn SYMES:** I move:

2. Insert the following New Part to follow Part 2 –

**Part 2A – Amendment of Fire Services Property Levy Act 2012**

**12A Amendment of Schedule**

- (1) In item 3 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for “615–623, 626–637,” substitute “615–620, 623, 628–637,”.
- (2) In item 5 of the Table in the Schedule to the **Fire Services Property Levy Act 2012**, for “640–642,” substitute “621, 622, 626, 627, 640–642,”.

**New clause agreed to; clauses 13 to 15 agreed to.**

**Clause 16 (15:52)**

**Jaclyn SYMES:** I move:

3. Clause 16, line 8, after “land” insert “for a sale price less than the threshold amount”.
4. Clause 16, line 16, after “land” insert “for a sale price less than the threshold amount”.
5. Clause 16, after line 24 insert –

“(3) In this section –

*sale price*, in relation to a contract, means the price of the land that is specified in the contract, however expressed, less any discount or rebate that is specified in the contract, whether or not the discount or rebate is contingent;

*threshold amount* has the meaning given in section 10I.”

6. Clause 16, page 16, line 9, omit ‘1997.’ and insert “1997.”.
7. Clause 16, page 16, after line 9 insert –

**‘10I CPI adjusted threshold amount**

- (1) The *threshold amount* for a calendar year is to be determined in accordance with the following formula –
  - (a) for a contract entered into on or after 1 January 2024 and on or before 31 December 2024, \$10 000 000;
  - (b) for each subsequent calendar year, the amount determined in accordance with the following formula –

$$TA = \frac{(A \times B)}{C}$$

where –

**TA** is the threshold amount being determined for a calendar year;

**A** is the amount of the threshold amount for the previous calendar year, as rounded up or down in accordance with subsection (2);

**B** is the sum of –

- (a) the consumer price index number for the last reference period in the calendar year preceding the previous calendar year; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the previous calendar year;

**C** is the sum of –

- (a) the consumer price index number for the last reference period in the calendar year one year earlier than the calendar year referred to in paragraph (a) of B; and
- (b) the total of the consumer price index numbers for each of the reference periods (other than the last) in the calendar year one year earlier than the calendar year referred to in paragraph (b) of B.

**Example**

In the case of a determination of the threshold amount for 2025, “A” is the threshold amount for 2024, “B” is the sum of the consumer price index numbers for December 2023, March 2024, June 2024 and September 2024 and “C” is the sum of the consumer price index numbers for December 2022, March 2023, June 2023 and September 2023.

- (2) The threshold amount determined under subsection (1)(b) is to be rounded up or down to the nearest \$100 000 and, if the amount of the CPI to be adjusted is an exact multiple of \$50 000, is to be rounded up.
- (3) The Director of Consumer Affairs must publish the threshold amount for a calendar year on an appropriate website on or before 1 December in the calendar year preceding the relevant calendar year.



- (4) A failure to comply with subsection (3) in respect of a calendar year does not affect the operation of section 10G in respect of the threshold amount for that year.
- (5) In this section –

*consumer price index* means the all groups consumer price index weighted average of eight capital cities in original terms published by the Australian Bureau of Statistics as at 15 November immediately preceding the date on which the Director of Consumer Affairs publishes the threshold amount under subsection (3).”.

**Amendments agreed to; amended clause agreed to.**

**New clause 16A (15:53)**

**Jaclyn SYMES:** I move:

8. Insert the following New Clause to follow clause 16 –

**‘16A New section 58 inserted**

After section 57 of the **Sale of Land Act 1962** insert –

**“58 Apportionment of amounts under contracts of sale of land**

- (1) Section 10G does not apply to a contract of sale of land entered into before 1 January 2024.
- (2) Section 10H does not apply to any of the following –
- (a) a contract of sale of land entered into before 1 January 2024;
  - (b) an option to enter into a contract of sale of land granted before 1 January 2024;
  - (c) a contract of sale of land entered into on or after 1 January 2024 under the exercise of an option that was granted before 1 January 2024.”.

**New clause agreed to; clauses 17 to 20 agreed to.**

**Clause 21 – no question put pursuant to standing order 14.16(2).**

**Clauses 22 to 26 agreed to.**

**Clause 27 – no question put pursuant to standing order 14.16(2).**

**Clauses 28 to 31 agreed to.**

**Clause 32 – no question put pursuant to standing order 14.16(2).**

**Clause 33 agreed to.**

**Clause 34 (15:54)**

**Jaclyn SYMES:** I move:

9. Clause 34, page 28, line 20, omit ‘tax.’ and insert “tax.”.
10. Clause 34, page 28, after line 20 insert –
- ‘(4D) In making a determination under subsection (4B), the Commissioner must have regard to guidelines issued by the Treasurer under this section.
- (4E) The Treasurer must issue guidelines for the exercise of the Commissioner’s discretion under subsection (4B) and cause those guidelines to be published in the Government Gazette.
- (4F) Guidelines issued under subsection (4E) are not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.”.

**Amendments agreed to; amended clause agreed to.**

**Clause 35 – no question put pursuant to standing order 14.16(2).**

**Clause 36 agreed to.**

**Clauses 37 to 46 – no question put pursuant to standing order 14.16(2).**

**Clause 47 agreed to.**

**Clause 48 – no question put pursuant to standing order 14.16(2).**

**Clause 49 agreed to.**

**Long title (15:56)**

**Jaclyn SYMES:** I move:

11. Long title, after “**Duties Act 2000**,” insert “**the Fire Services Property Levy Act 2012**,”.

**Amendment agreed to; amended long title agreed to.**

**Reported to house with amendments, including amended long title.**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:57):  
I move:

That the report be adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:58):  
I move:

That the bill be now read a third time.

**The PRESIDENT:** The question is:

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

**Council divided on question:**

*Ayes (22):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

*Noes (16):* Matthew Bach, Melina Bath, Jeff Bourman, Gaelle 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

**Question 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 bill has been agreed to with amendment.

*Motions*

**Budget papers 2023–24**

**Debate resumed on motion of Jaclyn Symes:**

That the Council take note of the budget papers 2023–24.

**Wendy LOVELL** (Northern Victoria) (16:04): I rise to speak on the budget of 2023–24, a budget that was handed down last May. I feel like I have made this speech a million times already, as I have spoken about so many of the projects that were not funded in my electorate in this budget. What I

would say about this budget is it is a budget of wasted opportunities. It is a typical Labor budget: it is high in debt, it has budget blowouts and it fails to meet time lines. We have seen underfunding in a whole range of areas, particularly roads et cetera, and we have seen a whole range of projects that were actually in this budget that we have seen backflips on already. One of those was the visiting teachers program, where they cut the visiting teachers program but then, after negative publicity towards the government, reinstated it. There are potholes in this budget. There are a lot of potholes in this budget.

But let us talk about the elephant in the room in this budget: the Commonwealth Games – the promised regional Commonwealth Games. They promised regional Victoria the world. They promised us the world would come to us. They were full of bravado at budget estimates, saying it was on time, it was being delivered and it was all fantastic. But what happened? They have been cancelled. The government promised us 5000 athletes would be competing in regional cities, that there would be hundreds of thousands of visitors to regional cities and that it would give us international exposure for our tourism. They promised us that the games would bring tourism opportunities galore and new sporting infrastructure into regional Victoria. But the Commonwealth Games turned out to be the con games, not the Comm Games. When Daniel Andrews, Jacinta Allan and Harriet Shing cruelly pulled the rug out from under regional Victoria's feet by cancelling the games, this was a devastating blow to regional communities. It was an international embarrassment to our state. Who would ever do business with this state again? First they cancelled contracts on the east–west link, costing the state over \$1.1 billion to cancel a road that only had \$2 billion of state investment in it, and now it will cost Victorians nearly \$1 billion to cancel a contract this government entered into less than 12 months earlier, to cancel the Commonwealth Games.

This not only affects the cancellation of government investment and the promised promotional opportunities, this also will affect private investment, so we will lose private investment in regional Victoria as well as government investment. We know that there were a number of planned private developments that were going to go ahead in regional Victoria. We know that Bendigo had proposals for two 5-star hotels. Will they go ahead now that the Commonwealth Games is not happening? These are things that were planned to go ahead because they knew that first boost was coming from the Commonwealth Games. They knew that that would get them up and running. The Huntly Hotel planned a 26-room expansion and expansion of their dining and entertainment areas; they knew the Commonwealth Games was coming. It was going to give them that initial investment that they needed. The Bendigo Oval Motel had planned a major upgrade and refurbishment, including all of their bathrooms. They are less likely to do it now. They had actually been booked out for an entire month by the English team. That has been lost to those private businesses, and perhaps that private investment in those businesses has also been lost to Victoria. Some of them may choose to go ahead, but some of them may think twice about doing those refurbishments. Other bars and restaurants in Bendigo were planning to do refurbishments and expansions, and we are now less likely to see that private investment as well.

The Commonwealth Games is just one embarrassment in this budget. There have been other embarrassments to the government, and I talked about one of those before – the visiting teachers, where they said that they would cut 85 visiting teachers to save costs. Also there is the schools tax, the payroll tax that was to be imposed on schools. We have seen backflips on these, so we know that there are major potholes and holes already in this budget.

Talking of potholes, and our regional roads, the road asset management budget in this budget has been cut. It was expected to reach \$702.2 million in 2022–23. That was the projected expected expenditure for that year, yet the 2023–24 target for spending is only \$441.6 million. That is a huge cut in the road asset management budget. It is a \$260.6 million cut this year, a 37 per cent cut out of a budget where the government is not keeping up with maintenance now. Roads in country Victoria are dangerous; the potholes are appalling. Even worse than the 37 per cent cut on last year is that there has been a 45 per cent cut in this budget since 2020. Regional roads are now falling apart. The lack of investment

prior to the floods was exacerbated by the floods, which caused further deterioration of the roads, and as it is we have huge numbers of lives lost on Victorian roads.

It is some time since I updated this, but to 18 October there had been 227 lives lost on Victorian roads this year, and that was an increase of 30 on the same time last year, or 15.2 per cent. In the metro area, there was an increase of eight deaths, or 9 per cent, but in country Victoria that figure was up by 22, or 20 per cent. In the community of Greater Shepparton there have been 12 deaths; in Moira, 13; in Strathbogie, five; in Indigo, five; in Campaspe, five; in Wangaratta, four; in Bendigo, five; and in Whittlesea, four. These are just some of the larger losses in my electorate. But we know, as I said, those figures are up until 18 October, and had I had time to update those again now, they would be even worse.

**Harriet Shing** interjected.

**Wendy LOVELL:** Minister Shing, you might say ‘Google it’, but I was chairing the committee stage of the bill right before this and I have come straight into speaking on this, so I did not have time to actually google it and update it today. As you say, between 18 October and now we have actually had an increase in the number of deaths, so there you go. That is something that you are obviously proud of, but the rest of Victoria is not.

**Harriet Shing:** On a point of order, Acting President, I ask that Ms Lovell immediately withdraw that.

**Wendy LOVELL:** I withdraw, but the minister has been pointing out to me that increase in deaths.

**Harriet Shing:** On a point of order, Acting President, I ask that Ms Lovell unconditionally withdraw that.

**Wendy LOVELL:** I withdrew my statement.

**The ACTING PRESIDENT (Michael Galea):** Thank you, Ms Lovell.

**Wendy LOVELL:** The housing assistance budget has had a cut of 18 per cent in this budget. We know that housing and homelessness is a huge problem in Victoria, yet the budget for next year is an 18 per cent cut on last year’s budget. That is appalling. This government keeps saying they are doing so much to help people, but they are not. We see in the actual budget performance measures for homelessness that they actually helped less people this year than they did in the 2021–22 year. Around 2000 less people were helped, yet we know the wait time for those who are waiting for assistance is getting longer. We now know that for those who are waiting with priority status for family violence that wait time has blown out from 17 months to 20.2 months. That is dreadful. That is nearly two years. You are waiting to escape from an unsafe environment, and this government is happy to let you wait for nearly two years. For other people on the priority list, in the last year it blew out from 15 months to 16½ months. They are delivering less services, delivering them to less people and yet the waiting time is going up, but the government seem quite happy to go ahead with that and just say that they are doing a wonderful job.

They are not doing a wonderful job. We all know that life is getting harder under Labor. We all know that we have budget blowouts under Labor, and this state is in a dreadful position. We know that the money that is being spent on interest is less money that can be spent on services in this state. Just the other day I was talking to somebody who said that in three years time Labor will spending more on their interest rates than they do on the education budget – interest will cost them more than they spend on education. Within six years they will be spending more on interest than they spend on health. This state needs to think about that. We cannot afford any more of this incompetence by this Labor government.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (16:16): It is a good opportunity at the end of the parliamentary year to rise, with the time

that I have available, to talk about the importance of investment in not only recovery, which continues under the \$18 billion pandemic response and recovery plan, but also in managing the growth of the state of Victoria. We know that with projections of more than 10 million people in Victoria by 2050 there are challenges but also many, many opportunities. I think it is important that in discussing these opportunities here today and discussing the budget response we look to the unique circumstances which are present not only in Victoria's economy but in the Australian and indeed international economy settings where macro-economic influences have had a significant role in the way in which services and programs, infrastructure and employment have oscillated and changed over time.

We are indeed in strange times. One of the things that this budget does is lean into the strengths of the government's priorities to date – the investments that have been made in new jobs, skills and training and education pathways; the record investments across rural and regional Victoria; making sure that people all over the state have opportunities that meet their needs; and indeed at the heart of all of this creating a better measure of equity and opportunity through helping people to manage the cost of living.

Starting with the unemployment work that we have been doing and the hundreds of thousands of jobs that have been created under the Andrews and now Allan Labor government, we see that, for example, in regional Victoria the data is very clear – we have the lowest unemployment rate on record. It is about 2.4 per cent. Now, there is some variation of course, as there always is, from location to location, but we see that where growth industries have been supported through a range of government interventions and supports, we follow that with growth. We support this through an ongoing investment, a record investment, in TAFE and training and in opportunities through the more than 80 courses that are part of the free TAFE list. This encourages people to earn and learn closer to where they live.

We also know that where we provide opportunities for households to move from one income to two incomes, or indeed from no reliable income to one income, the cost of living is assisted in almost immeasurable terms. Free kinder is one of the levers which is so central to delivering that respite from cost-of-living pressures. The Best Start, Best Life program has been instrumental in tackling some of those significant gender-related imbalances in opportunity and workforce participation metrics. Free three- and four-year-old kinder is saving Victorian families \$2500 a year per child. But it is going further than that.

It is also providing opportunities for a parent or caregiver, whether as a single parent or caregiver or indeed as part of a household with two parents, the opportunity to head into paid work, whether returning to paid work or entering the paid workforce for the first time. And I do say the 'paid workforce' because it is important that when we look to the budget investments that have been made under the Allan government and under the Andrews government since 2014 we note that gender is one of the significant factors in disadvantage. The statistics are very, very clear. When we look to whole-of-life earnings, when we look to job security and when we look to the challenges around access to services overall, we know that women are at a disadvantage. This is where gendered budgeting has been a central part of the work of the budgets that the Treasurer has been delivering and indeed the government has been delivering for many years.

Across rural and regional Victoria an investment of \$41 billion since 2014 has ensured that through everything from heavy infrastructure to new TAFE campuses and primary, kindergarten and secondary educational facilities; new hospitals, including through the latest investment in the \$320 million Regional Health Infrastructure Fund; and making sure that we have pathways for people in addressing disadvantage – whether through apprenticeship registration, the Veterans Card Victoria or the opportunities for free TAFE, free kinder, access to breakfast clubs and initiatives that are intended to make and keep people connected – we see very significant and enduring positive benefits.

We also know that in continuing to deliver on the recommendations of the Royal Commission into Victoria's Mental Health System, those 74 recommendations, and having delivered on the

227 recommendations of the Royal Commission into Family Violence, there is always more work to do. We also know that ignoring these problems or failing to address them in funding does not make for any long-term success. It does not make for anything more than a three-word political slogan sugar hit – those opposite know all too well about this sort of strategy. In fact when we say we have invested in infrastructure, the Regional Rail Revival or record investment in regional roads, it is against the backdrop of successive cuts under the former coalition government, against nine years of withering disregard from the former federal government and of an ignorance, wilful or otherwise, from the Commonwealth government around the importance of GST revenue and a fair share for Victoria based on population.

What a relief it has been in that regard to have found in Canberra an opportunity for partnership. And one of the examples that comes to mind for me in the housing portfolio is the commitment from Minister Julie Collins in Canberra to make sure that Victoria can take advantage of the social housing accelerator program – \$496.5 million – to deliver at least 769 new social housing homes. It is a real shame that, in this place at least, there are people who squander the opportunity to talk about what this means for people's lives: the dignity and the pride of a place to call home and a place that is able to accommodate their needs and their aspirations and their sense of desire, a desire we all have, to connect to and be a part of the communities around us. It is a great shame – it is a travesty, in fact – that we see people, for example, from the Greens, refusing to even acknowledge the importance of social housing through community service and community housing providers that make sure that people in the most vulnerable of circumstances can access support. It is a great shame that for the sake, again, of a small set of sugar hits at the expense of people's sense of certainty about their futures they can pedal misinformation and disinformation about the future of people living in the tower estates.

To be clear, the housing statement and the Big Housing Build are about making sure that we give people the right to secure, modern, fit-for-purpose, accessible, energy efficient and connected homes. The Big Housing Build, which has brought to book around 60 per cent of that \$5.3 billion investment since it was announced in 2020, has delivered alongside whole-of-government investments around 8000 homes across the state. We have also got more work to do in making sure that we, in acquitting the final 40 per cent and in addition to that a further \$1 billion across rural and regional Victoria and a further 1300 homes as well as \$150 million for the Regional Worker Accommodation Fund, lean into those challenges.

We note that the partnerships, to my point earlier, with the Commonwealth remain of key importance in the areas of homelessness, of rough sleeping and of crisis accommodation. What a sad disgrace therefore to have people in this place go around to the public housing towers and tell people that they are about to be kicked out of their homes. What a disgrace to have people say that they will not be given any notice or options, any chance to express priorities. What a disgrace for certain people in this chamber, certain people who will never have the responsibility of government, certain people who cry from on high about how it is that a certain way of doing things is the only way to do things and anything else is abject failure, to go about and to cause fear and confusion for the sake of political division.

We are determined as a government, as this budget shows, to make sure that ongoing investment is done in a way that is sustainable, is responsible and is equitable. The work we are doing to continue with our record investment into level crossing removals has, as so many of us in this place and so many of us across Victoria well understand, led to significant improvements in quality of life – in the time spent every day on a commute; in the capacity to deliver more trains, more services, more often; and in wide-open spaces that create corridors and parklands, created, built and supported by social enterprise. These are the sorts of joined up initiatives that provide us with opportunities to help communities not only to connect but to build a measure of resilience for further growth.

On the question of further growth, with the time that I have left I do want to touch on the housing statement – a statement which is a framework for responsible innovation in managing population growth and in prioritising livability. The housing statement is formative work. It is nation-leading work. It is work that begins with the housing statement and must continue, and we are determined to

do exactly that. In setting an ambitious but achievable target of 80,000 homes a year for the next 10 years, we have also announced an affordability partnership. This affordability partnership with peak bodies and with partnerships across the state and with all levels of government is about making sure that through planning changes, residential tenancies changes, dispute resolution mechanisms, the development of precincts, the creation of additional social housing in areas where there is that measure of connection that everybody deserves and of course making sure that we have at the heart of all of this coverage of the entire state, we have a framework by which this conversation, these funding rounds and these partnerships can continue. There is a lot of appetite to assist in facilitating this growth. This appetite exists across industry, across regional towns and centres in our peri-urban areas and in our outer metropolitan areas.

We are ensuring, for example, that second dwellings, the granny flat example, are able to be built on blocks of at least 300 square metres, provided that they are not greater than 60 square metres in size, without planning approval. Adding an extra 90 planners into the mix ensures that hundreds of outstanding planning applications can be resolved quickly. We are ensuring that the Minister for Planning has the capacity to make decisions on certain developments and proposals and that standardised plans for specific dwellings of medium density builds are able to receive de facto approval immediately because they comply with those standards that make for decent living. These are just a few of the examples of the sort of work that is happening that continues our commitment, our determination, to keep working toward a growing Victoria that is prosperous; that accommodates everyone; that has a measure of pride against how we represent ourselves to the world; that enhances our already world-class offering on the visitor economy, on tourism, on major events; and at the heart of it all, that represents the very best of the values of fairness that we have long talked about and long delivered and will continue to focus on from here.

**Nick McGOWAN** (North-Eastern Metropolitan) (16:31): Just over a year ago when I was elected to this place, as part of my maiden speech in this chamber –

**Harriet Shing** interjected.

**Nick McGOWAN**: Am I still going? That's right, I'm still going. I haven't finished. As a continuation of that speech, it is great to rise 12 months later and get the chance to finish it and bookend the year as it were. I will start off on a similar theme. Back then I reserved some of my judgement, some of my concern –

**Ryan Batchelor**: You've only got 14 minutes left.

**Nick McGOWAN**: Fourteen minutes left – okay, that's great: 14 minutes and 24 seconds. I need to dedicate quite a bit of that to one of my favourite subjects, and that is my contempt for the Reserve Bank. I will start with that, and then I will get straight into the government itself.

**Harriet Shing**: Go back to the Magna Carta.

**Nick McGOWAN**: The Magna Carta. I am tempted to go to the Magna Carta as well, but I need to reserve it particularly. To take us back for a moment though: 13 interest rate rises. As much as I perhaps give more levity to this debate than I should, for the folk out there who are doing it tough in my electorate of Ringwood and all the other surrounding areas – including Eltham and Ivanhoe, Mill Park, Bundoora, Box Hill, Glen Waverley, Bayswater, Warrandyte – there is a very stark reality occurring right now. People are struggling to pay their rent. People are certainly struggling to pay their mortgages. In fact I frankly do not know how they can juggle their finances enough to pay their mortgage and/or rent, whichever it is; still pay for the groceries; pay the electricity bills when they come in; pay the water bills; if they have rates, pay the rates; and have enough money for anything that they might have to provide for their children for schooling and so forth.

In our last Reserve Bank governor we had somebody who was completely, it would appear, tone-deaf. That governor finally left, and in my opinion he should have gone much earlier. He should have

resigned because of his commentary around the advice he gave at a particular point in time. I am not a Rhodes scholar, but people take it for granted that when the Reserve Bank governor says interest rates will stay like this, they will stay like this for some years and they act upon that advice. That was my view. Sadly, the legal world does not share my view on this occasion, because I would have loved nothing more than for the Reserve Bank governor and the Reserve Bank to be sued. That is exactly what should have occurred, because thousands, if not tens of thousands, of Australians would have made decisions because of the advice coming from the Reserve Bank governor, as inept as he proved to be. And he did not even have the dignity to resign. He stayed it out; he sucked out every last wage cheque he could. What a disgraceful effort that was.

Then we had a new Reserve Bank governor Michele Bullock, the rookie. What did she do this week? I will quote some of her comments, because they are nothing short of atrocious. I thought Philip was bad, but now we have gone from bad to worse. This is a unique achievement in Australian politics. She said:

We have, like other countries, raised interest rates much more quickly than we have in the past, and that has created, in fact, a lot of political noise and a lot of noise from the general public ...

Noise – what a demeaning, insulting way to downplay what in actual fact is not only media noise but families, mums, dads, singles – you name it – businesses too, expressing their inability to keep up with the bills and to be able to put food on the table. What an absolutely disgraceful comment that was.

But of course then she went one better. This is the Governor of the Reserve Bank, who is paid a measly, let us not forget, \$1 million for this sort of advice – my goodness. I had more sophistication in some Playmobil sets when I was growing up than they have at the Reserve Bank.

**Harriet Shing:** Put your notes away. You've got this.

**Nick McGOWAN:** It's not a note; I'm quoting. Guess who the Reserve Bank governor is blaming for all this?

**Harriet Shing:** You.

**Nick McGOWAN:** Not me, no – not this time:

Hairdressers and dentists, dining out, sporting and other recreational activities – the prices of all these services are rising strongly.

Oh, it is terrible that the good people of Australia want to go to the dentist. How horrid of them. This Reserve Bank governor wants us to stop going to the dentist. What a comment of stupidity. So she should go. She should absolutely resign. If this is how she is going to start in the job, like her predecessor, she should resign, no doubt about it. I have got no time for these people. They are devoid of reality. If I was living on \$1 million a year, maybe I would be devoid of reality too. But I tell you what, there is one way to come crashing back down to earth, and this Reserve Bank governor has done it spectacularly. She should quit. I hope she does, because I do not know how she comes back from that, and it just shows me they have no compassion for the ordinary people.

*Members interjecting.*

**Nick McGOWAN:** I do not care that she has just started. She should finish. She is an embarrassment. If she does not understand the common people in Victoria and Australia to that extent, what is she doing there? She is in a position where she is going to ratchet up interest rates more. In fact Philip Lowe at the same conference in Hong Kong remarked that they should continue to ratchet up interest rates. That would be great. Once we get people on their knees, then we will get them down on the ground fully. At some point, when they have got just the slightest bit of a pulse going, maybe then we will pull back on the interest rates. What do we want to do? Do we want to destroy every last business there is in this country and this state? Do we want to make sure that mums and dads go



bankrupt, default on their mortgages, default on their rental payments and get thrown out of their homes? What a disgrace.

Speaking of disgraces, I will transition very nicely to the government and their last budget, which brings me back to the point of this debate. When Daniel Andrews came into power in 2014, Victoria's public debt was \$22.3 billion – not good; not terrible, but not good. This will rise to \$171.4 billion in the year 2026–27, although to be quite frank, let us face it, they are going to smash that out of the park. This is a prediction.

**Joe McCracken:** Gold star.

**Nick McGOWAN:** Gold star? They get more than one gold star. In my day it would be a scratch-and-sniff and a gold star. I am no clairvoyant, but I am guessing that with this figure, in years to come people will look back and read this speech and say \$171 billion in 2026–27 was wildly optimistic.

**Ryan Batchelor:** They'll be quoting it through the ages.

**Nick McGOWAN:** Mr Batchelor, I will take you up on that. It will be a figure for the ages. In reality what this is going to mean for Victorians is that the average debt per Victorian will go from, can we guess, around \$4000 – I am going to round up, but if you want to be specific, \$3755 – per person in June 2015 to an estimated \$23,709 in 2026–27. That is a 531 per cent increase. It sounds like our WorkCover rates, doesn't it, a bit. They are blowing out by the same magnitude. It is extraordinary. Everything they touch does not turn to gold. Look at this place. If this had been built under the current government, we would not be surrounded by this beautiful gold leaf, no, and it probably would not be aluminium, because that would be untoward in some way, shape or form. It would have included mining efforts, so that would not have happened.

**Harriet Shing:** You wouldn't need to make a hard hat out of it, though, would you.

**Nick McGOWAN:** I wouldn't need to make a hard hat, because there would be those sticks and stones. We cannot have any forestry occurring, so we know that. I do not know what I would be surrounded by.

**Harriet Shing** interjected.

**Nick McGOWAN:** It could be tinfoil hats, but I am not sure where we are going to get the tin from, because I am not sure that we have that many tin mines in this state. However, during Mr Andrews's reign, Victoria has also, let us not forget this in terms of this legacy, been downgraded by the international rating agency Standard & Poor's from the highest AAA rating to first AA-plus and then recently to AA.

**Harriet Shing:** He looks like he's a bit moody today.

**Nick McGOWAN:** I am not moody, but I like your pun – were it not for the fact that there is a serious reality, and the serious reality is that we Victorians are now paying a lot more for the same money. It means we have to pay more for the same. In anyone's language this is not a good deal at all.

For all this money that we are spending, one might say, 'Well, presumably we're getting some stellar results from this. We're getting some great results in terms of our education outcomes, our health outcomes and our road and infrastructure outcomes.' Well, no. That is not true either. Sadly, the last NAPLAN tests revealed that one in three Victorian children are failing to meet the minimum standards in literacy and numeracy. How is that possible? How is it possible in 2023 that we are failing so miserably our next generation, the future leaders of this state? Further than that, we are also experiencing one of the worst teacher shortages in this state's history, and that should concern us all.

Medical services have also declined dramatically. In Victoria 33 people have died just waiting for an ambulance, more than 70,000 people are on the waiting list for elective surgery and the ambulance system – as we have heard in this place over the last few weeks and months and, sadly, years – is in

disarray. The Victorian health system today has the second lowest spending per person on public hospitals of any other state or territory in Australia.

Victoria's justice system currently has 83,000 cases outstanding, the highest number of pending cases of any state or territory in Australia. It is a pretty sad list, and it keeps going on. This is the list of so-called achievements. This is what we are getting for our money, the money we are paying more for – it is the irony.

Businesses – well, businesses must be clamouring to come back to the state of Victoria. Remember back in the 1990s the joke was: 'If you want to start a small business in Victoria, buy a big one in New South Wales and bring it to Victoria.' Such was the state of business in this jurisdiction at that point in time. Well, the latest ABS data shows that in the last fiscal year the number of businesses in Victoria actually reduced in the order of seven-and-a-bit thousand. This is not an Australia-wide phenomenon. The number of registered businesses grew by just over 11,000 in New South Wales and 8000 in Queensland, so what we see there is quite a difference, a stark difference. Except what is the difference? Those states are run by different governments. That is of course the clear difference.

When it comes to housing of course – the minister is here today, and it is great; I am very happy she is here to talk about all things housing – this pledge of 800,000 new homes and this demolishing of the 44 –

**Harriet Shing** interjected.

**Nick McGOWAN:** I've got your attention now, don't I, Minister? Here we go.

**Harriet Shing** interjected.

**Nick McGOWAN:** I'm happy to talk –

**Harriet Shing:** And now what's just happened?

**Nick McGOWAN:** You just got interested.

**Harriet Shing:** I'm just like the Terminator now.

**Nick McGOWAN:** You're like the Terminator. Well, you're already terminating 44 housing commission towers –

**Harriet Shing:** Literally we didn't.

**Nick McGOWAN:** Well, you're about to. They're on the chopping block.

**Harriet Shing:** Literally that's not the proposition.

**Nick McGOWAN:** They're literally on the chopping block. And all that we would ask is that we have some transparency around the actual net number of new homes, because this is sort of this evolving spaghetti. You can never quite find where the beginning and the end of the spaghetti is, and this is the same thing and the same predicament with social housing and public housing and so forth.

We can never forget of course that the Premier also promised us no new taxes. Well, that did not last, did it? Silence in this place. It is a nice thing when you talk about no new taxes. They have fallen asleep. They have fallen asleep, and the people of Victoria have fallen out of patience with this –

**Harriet Shing** interjected.

**Nick McGOWAN:** I needed a better segue, maybe. I will work on that. Nonetheless, the point remains the same. That is, there is a –

**Harriet Shing:** Have another crack.

**Nick McGOWAN:** Have another crack. I will go back at it. There was a clear commitment to no new taxes, and unfortunately years later we are now all paying that very price for their commitment and their failure to actually live up to it. What a sad state of affairs it is here in Victoria.

We can also talk of course about the additional imposts that have now been placed on schools, particularly non-government schools. Well, that was an absolute shemozzle. I mean, that took months to sort out. The right hand did not know what the left hand was doing. We suddenly decided in this state – we have never ever in the history of education charged schools payroll tax. We have done this sort of magic-pudding economics over here with state schools, where we have charged it and given it back to ourselves, which is bizarre. In fact all that does is prop up the so-called spending on education to make it look better than it actually is, when that money ought to be going to children, to new classrooms, to teachers, to teacher training, to investing in principals – but no.

Then what we decided was we were going to rip almost half a billion dollars out of the non-government system, because let us face it, there is nothing worse than parents who want to put their hands into their own pockets and contribute to their own kids' future – awful, disgraceful parents. Well, we are fixing that. We will punish them. Let us show them what for and let us make sure that their school pays even more. So that is what we have done. It has to be one of the most draconian, backward, stupid decisions I have seen any government ever make, and that includes the Cain–Kirner government – and that was a remarkably bad government. We all know that. It brought this state to the brink. It brought this state two weeks off defaulting on public pay cheques. It brought the state's running of the superannuation program for the entire public service to a standstill, to a footing which made it entirely unsustainable. It was a tragedy. And yet somehow this Andrews–Allan Labor government has managed to attack the very thing Labor people will often speak about: education and our future. They have managed to tax it to the tune of half a billion dollars and rip money away from those schools that are actually lifting maybe more than their fair share. I cannot comprehend what drove Labor to go down that path except the terrible mess they have now helped us come to and arrive at. What an absolute disgrace. I will pick you up on your word; I am using your word, 'disgrace'. And I did not want to use too many negative words like that today. I think I have used enough this year.

**Harriet Shing:** You did say 'shemozzle'. It was a strange turn of phrase.

**Nick McGOWAN:** Shemozzle – well, it was a shemozzle. Last but not least, I think I have no more seconds left. I will have to leave it there.

**Motion agreed to.**

#### *Committees*

#### **Economy and Infrastructure Committee**

#### *Membership*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (16:47): I move, by leave:

That Mr Galea be a participating member of the Economy and Infrastructure Standing Committee.

**Motion agreed to.**

*Motions***Early childhood education**

**Sheena WATT** (Northern Metropolitan) (16:47): I rise with much delight on this last sitting day of the year to speak on the Best Start, Best Life reforms, motion 233 on the notice paper. It is our last sitting week, and fingers crossed this is the last motion that we will debate on this fine day. I move:

That this house notes that the Allan Labor government leads the nation in early childhood through its Best Start, Best Life reforms by:

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing free kinder, saving families \$2500 for each child every year; and
- (3) introducing pre-prep, a play-based learning program for every four-year-old child.

Let me start by reaffirming, as I have in this place a number of times, that Victoria leads the nation in early childhood education and care. The Allan Labor government is in fact building 50 early childhood centres in communities that need them the most. These centres are crucial to be able to deliver programs like free kinder and free prep. We have committed \$14 billion to expand kindergarten programs across the state under the Best Start, Best Life reforms.

The 50 government owned and operated early learning centres initiative is an ambitious plan to address childcare shortages in areas of greatest need, and where possible the early learning centres will be co-located with schools to avoid the dreaded double drop-off. In some cases they may be co-located with services like maternal and child health services and playgroups.

This is an ambitious reform. Recently we were in this place debating a bill to enable the minister to acquire land to deliver kindergartens and the 50 government owned and operated early learning centres. The first four centres will open in 2025, with a further 26 locations announced, the first of which will be co-located at Eaglehawk North Primary School, Moomba Park Primary School and Sunshine Primary School. The next 26 locations for centres have been announced and are somewhere in the vicinity of Creswick–Clunes, Dandenong, Foster, Frankston North, Glenroy in Northern Metropolitan Region, Golden Plains, Hallam and Hampton Park–Lynbrook. The list continues with Heidelberg West, Kings Park, Lalor in the Northern Metropolitan Region, Loddon, Maryborough, Melton South, Mildura, Noble Park East, Numurkah, Portarlington, Portland and Reservoir – again in the Northern Metropolitan Region, and how good it is to see Northern Metro represented so strongly in these next 26 centre locations. Continuing on, we have got Rochester, Rockbank–Mount Cottrell, Seymour, Shepparton, Werribee and Yallourn North–Glengarry. The remaining 20 early learning centre locations will be selected based on need. Those locations are yet to be announced, but please be assured that all of these centres, wherever they will be, will be opened by 2028.

The opening of these new childcare centres is a testament to our government's commitment to working parents. Balancing the demands of working families can be a tremendous challenge, and these new centres will ease that burden. They will provide a reliable and nurturing environment for children, allowing parents to have peace of mind knowing that their children are in free kinder at one of the 50 new state government supported childcare centres. This initiative, may I say, will also provide a significant boost to Victoria's local economies.

The kits that have been well known and well loved across our state are designed to be included in kinders across our state. I have had the good fortune of visiting and handing out some of these fun time kinder kits, and I have got to tell you, it is a fun exercise indeed. They are designed to encourage continued learning at home, helping parents support their children to thrive in this their first year of kinder with activities to develop language and social skills, the expression of emotions and, what I find most exciting, creativity.

Let me tell you about the kinder kits, because they have been rolling out across the state with great success and incredible enthusiasm from our youngest learners. The illustrated kinder kit carry case,

which is going to be quite an iconic piece indeed, is made from recycled materials and is designed and built for flexible, long-term use rather than as a one-off, single-use container. It opens out to become a play surface, with a whiteboard and markers included, and can be repurposed for storing kinder and other childhood memories. The kits include some crayons; Wild Dough playdough – we all remember playdough from our younger years; Korango Australian animal magnets; a Micador Early Start developmental activity pad; Seed Collection alfalfa seeds – how exciting; Flip Make Play family cards; and Purebaby story cubes designed by Nikita Rotumah, a traditional owner from Gunditjmarra country in the Western District of Victoria.

The children also receive two great books by Australian authors – how fantastic – from a list. They are sort of randomly assigned to the kinder kits, I assure you. There is *Windows* by Patrick Guest; *Tell 'em!* by Rosemary Sullivan and Katrina Germein; *Where Does a Giraffe Go to Bed?* by Craig MacLean; *An A to Z Story of Australian Animals* by Sally Morgan – a very esteemed Australian author; *My Dog Bigsy* by Alison Lester; and, my personal favourite that I have already mentioned three times in the last three days, *My People* by AFL and all-round legend Eddie Betts. If someone wants a copy of that book, please let me know because I had the good fortune of picking up a great number of them before they hit the rare list.

All of the suppliers for the kinder kits are Australian businesses, with nearly 70 per cent of the total kinder kit expenditure invested in Victoria – this is indeed supporting local economic recovery and employment following the pandemic – and more than 300 Victorians are involved in some way with the delivery of these kits.

In an Australian first the Labor government is investing almost \$5 billion this decade to provide three-year-old children with access to an additional year of funded kindergarten programs. You see, investing in child care stands as a pivotal and unequivocal positive undertaking that echoes a commitment to the holistic development of both individuals and society at large. At the core of this commitment lies a profound acknowledgement that the early years of a child's life constitute a critical period of growth and formation, influencing cognitive, social and emotional development in ways that resonate throughout their lifetime. Quality child care facilitated by strategic investments provides an indispensable foundation for the next generation. It is a testament to our collective dedication to foster an environment where every child irrespective of their socio-economic background is afforded the opportunity to thrive by creating the spaces that prioritise safety, nurturance and learning. We not only shape the academic journey of these young minds but instill in them the essential values of empathy, resilience and cooperation that are integral to our harmonious and multicultural society.

Beyond the immediate impact on children, investing in child care reverberates through the fabric of our communities. It is a catalyst for workforce participation, particularly for mothers who are often faced with the challenging decision of balancing career aspirations and caregiving responsibilities. As accessible and high-quality child care becomes a reality, parents can engage more fully in the workforce, contributing to economic productivity and fostering gender equality by dismantling barriers that hinder the professional advancement of women in our economy. By creating jobs and stimulating growth in our communities these childcare centres are not only places of learning, they are hubs of opportunity. They are creating employment opportunities for educators and support staff and empowering local businesses, contributing to the overall prosperity of our towns and our cities.

Let us embrace this moment with gratitude and optimism. You see, the opening of these 50 new childcare centres is a testament to the Allan Labor government's unwavering commitment to our children, our families and our future. Together we are building a society where every child has access to quality education and every family is supported on their journey. These centres are not just buildings, they are symbols of progress. You see, investments in child care play a really critical and pivotal role in supporting families. Can I just say that accessible and high-quality childcare services alleviate the burden on families, allowing parents to maintain a healthy work-life balance and overall enhancing economic productivity. In essence robust investments in child care empower families, laying the groundwork for thriving economies and societies. It is basic, it is simple and it is practical.

The changes in Best Start, Best Life, these reforms, will allow the government's policy, I hope, to be implemented as fast as possible so Victorian families can enjoy the benefits when they need them, which for so many families in Victoria is right now. I just would say that I could talk a little bit more about the general benefits, but I am going to switch it up and talk a little bit about free kinder.

You see, once these 50 beautiful centres right across our state are built they will allow Victorian families greater access to another terrific Allan Labor government policy – free kinder. Free kinder is a staple policy of the Allan Labor government, with the Best Start, Best Life policy being a life-changing platform that will provide enormous benefits for all across our state. The free kinder program that is included in the Best Start, Best Life policy will see Victorian children aged three and four have the opportunity to access free kinder at both standalone sessional kinder and the long day childcare centres.

This policy is not just good for the littlest learners and the littlest Victorians; this policy will save Victorian families an average of \$2500 a year per child. And that bears repeating to the members of this chamber before us. That is \$2500 a year per child. This policy of free kinder recognises the immense financial relief it provides to families. The burden of education costs can be daunting for parents, but with the free kinder policy in place families can breathe easier knowing that their children are receiving a high-quality education without the hefty and heavy price tag. This not only empowers parents but creates an environment where financial stress does not get in the way of a family's learning journey.

The free kinder policy is a testament to the Allan Labor government's vision, where every child's potential is valued and is nurtured. It embodies the belief that investing in education is investing in our collective future. We are sowing the seeds of progress, ensuring that our state continues to prosper for many, many generations to come. It is just another way that the Allan Labor government is delivering for Victorians and in fact doing what really matters. Looking after the future generations is a commitment that the Allan Labor government will be delivering with the policies that I am discussing today as part of our Best Start, Best Life reforms. It is no wonder that this government is committed to such a significant increase in the early childhood sector and childcare sector. These are some quite extraordinary statistics I need to reaffirm here – for every dollar invested in early childhood education, Australia as a nation receives two dollars back over a child's life through their higher productivity and earning capacity and reduced government spending on health, welfare and, well, later, crime. This policy just makes sense.

This would not be possible without all of the incredible early childhood educators around Victoria who set up our kids for the best start in life. I also want to mention the United Workers Union, the union for early childhood education, for all that they do campaigning for a better sector and for better rights for workers in this state, because there is, and should be, enormous dignity in providing for the future of the youngest Victorians, and these workers do just that. You see, free kinder programs for all three- and four-year-old children at participating services began at the beginning of this year. Four-year-old kindergarten will transition to what we are calling pre-prep over the next decade. It will then become a universal 30-hour-a-week program of play-based learning available to every four-year-old child in Victoria over the next decade. Establishing these 50 new government-owned and affordable early learning centres is just such an incredible piece. But let me just say there is, under free kinder, a \$270 million program where up to 140,000 children have gone this year into free kinder, saving those families, as I said, \$2500 per child each year. More than 2750 services across Victoria are offering free kinder this year – isn't that an incredible statistic! – and for those that want to see the percentage, that is in fact 97 per cent across the state.

Now, there is more to be said. Free kinder is available at both long day care centres and in sessional kindergartens. Families will not be out of pocket, and they will not have to claim the savings back, which we know can be a burden for families. Participating kindergarten programs will receive that funding directly from the government. We also know that families are struggling with the cost of living right now, and we absolutely appreciate that. Free kinder will make sure that no child misses out. Over

the next decade four-year-old kindergarten will transition to pre-prep. This universal 30 hours, as I have mentioned, of pre-prep will be delivered through sessional kindergartens and long day care centres. It is a high-quality program that gives four-year-old children greater opportunities to socialise and learn through play. Like kindergarten, pre-prep will provide greater opportunities for children to develop skills that set them up for life.

Pre-prep will be rolled out progressively, starting in regional Victoria, and isn't that a wonderful thing? From 2025 pre-prep will commence in regional Victoria in Ararat rural city, Gannawarra shire, Hindmarsh shire, Murrindindi shire, Northern Grampians shire and Yarriambiack shire. More local government areas, or LGAs, will roll out each year, with families in metropolitan Melbourne – my part of the world – able to access up to 20 hours of pre-prep from 2030. All children – and that is all children across the state – will have access to 30 hours of pre-prep from the year 2032. The rollout will also give early access in 2026 to Aboriginal children and vulnerable children no matter where they live across the state. Disadvantaged children whose parents hold a Commonwealth concession card will have access from the year 2028. This staged rollout allows time to grow the workforce and deliver the infrastructure required to deliver this life-changing program.

Child care has not been working, frankly, for working families – the fees are high, and they hurt – and many families have to weigh up the financial impact of going back to work. In some communities there is just a shortage of places. That is why these 50 centres are growing. They are going to be owned by the government, and where possible they will be co-located with schools to avoid the double drop-off. But also importantly, and it is worth exploring here, they will be alongside hospitals, TAFEs and major employers to create convenient access for working parents.

With 90 per cent of a child's brain developed before the age of five, early education has a life-changing impact on our children's development. Free kinder will ease the burden and the cost of living for Victorian families, and our reforms, as I have said, will give primary carers – predominantly women, and we know that to be the case – the opportunity to get back into the workforce. Currently, lack of access to childcare and early childhood education takes almost 26,000 women entirely out of the workforce in Victoria. There has been independent analysis to come to that fact from Deloitte, and that shows that Best Start, Best Life will boost Victoria's workforce by up to 24,800 full-time employees and increase the state's real gross state product by between \$1.9 billion and \$2.8 billion in the year 2032–33, which as you will recall is when that will be rolled out in its entirety. For every dollar invested in early childhood education we receive back \$2.

One of the primary reasons why child care is crucial lies in its impact on early childhood development, and the formative years of children's lives are categorised by this rapid brain development and the establishment of the fundamental cognitive skills. Quality childcare environments provide stimulating activities and experiences that contribute to the development of neural pathways, laying the foundations for lifelong learning. A nurturing and enriching childcare setting can enhance a child's cognitive abilities, language skills and problem-solving capabilities. Can I just give a shout-out to all of the early learning centres and kindergartens across our state that do operate language programs. I know that they are very valued by families and particularly valued by bilingual and multilingual families in our state. I have had the chance to visit some and see just how thriving and welcomed they are in the communities in which they exist.

I want to go on. I will say that there is a real role for child care in breaking the cycles of inequality. Children from diverse backgrounds, including those facing economic challenges or belonging to some of our most marginalised communities, benefit immensely from early childhood education and care. Providing equal access to quality childcare opportunities ensures that all children regardless of their status have a fair start in life, which not only promotes social justice but also contributes to a more inclusive and equitable society. Child care is not merely a service, and that is worth saying, but it is really the cornerstone of human development and progress for us as a society. Its impact reverberates across generations, influencing the trajectory of individual lives and contributing to the wellbeing and prosperity of communities. Recognising the importance of child care entails acknowledging its role in

shaping the future, as the investments in the early years of a child's life yield dividends that extend far beyond the boundaries of childhood.

Perhaps while I am here, I will give a shout-out to Tootgarook kinder, where I went and learned a great deal of things.

I will say first and foremost child care provides a structured and nurturing environment where children can engage in age-appropriate activities that stimulate their cognitive development. Early exposure to educational activities, social interactions and guided play foster the acquisition of these essential skills, laying the groundwork for future academic success. Quality childcare settings offer a rich tapestry of experiences that not only promote learning but cultivate curiosity, creativity and a love of exploration. Certainly I have got to say the sandpits of our kindergartens do encourage that many, many times indeed.

Beyond academic prowess, child care plays a crucial role in the emotional development of children. The relationships formed with caregivers and peers during these early years contribute to the development of emotional intelligence and of course resilience. A secure and supportive childcare environment provides children with a safe space to express themselves, learn to navigate social interactions and develop a positive self-image. These emotional skills serve as a bedrock for healthy relationships and effective coping mechanisms throughout their lives.

Social development is another cornerstone of child care's importance. Interacting with peers in a structured setting helps children develop crucial social skills such as communication, cooperation and – one that I have seen a few times – conflict resolution, which can only be a good thing. Learning to navigate social dynamics early on contributes to the formation of positive interpersonal relationships and a sense of community. These social skills not only enhance the quality of a child's immediate experiences but also lay the groundwork for their ability to collaborate and contribute to society as they grow and mature.

A well-established and robust childcare infrastructure is crucial for numerous reasons. I have talked a little bit about early childhood development and workforce participation, but I have got to say the educational equality piece is certainly worth exploring more. Quality child care levels the playing field for children from diverse socio-economic backgrounds. It provides a common starting point and ensures that children regardless of their family circumstances have access to resources and experiences that set them up for success. There is the socialisation and emotional wellbeing, which I have discussed, the peace of mind, the economic impact, the long-term societal benefits but also gender equality. The truth is that good childcare infrastructure is integral to achieving gender equality in the workforce. It enables both mothers and fathers to balance their professional and family responsibilities. It challenges traditional gender roles and it fosters a more equitable society, and I can definitely get on board with that. A well-established childcare infrastructure is the cornerstone of societal progress.

I have got to say, there is so much to celebrate with the \$14 billion transformation of Victoria's early childhood sector. We are leading the nation with our Best Start, Best Life reform. This is once-in-a-generation leadership giving Victorian children the best start in life. As part of this reform, from this year free kinder has been rolled out for all three- and four-year-old children at participating services. And pre-prep – how good is that. There is a doubling of educational opportunities for children in the year before school.

I am delighted to be lucky enough to be involved in marking the completion of a range of these critical infrastructure projects right across our state, but the one that brings me joy is the time that I got to go to East Melbourne. East Melbourne was a pretty special day because I got to officially open the brand new kids kitchen at Powlett Reserve Children's Centre and Kindergarten. Gosh, I have got to say it is pretty special watching the kids grow in the kitchen, learning to get creative and getting the best start they can.



This is a new upgrade. It is a pretty exciting space. It is being delivered in full by the Labor government. It is testament to our commitment to childhood education, and I like heading there and celebrating these incredible achievements. Not long after that I was at Yarra Park Children's Centre and saw their incredible new playground – what a learning space that is. I saw the kids swarming all over it, loving every minute of it, and I have got to say it is an incredible success. These programs cannot work without incredible directors, and the executive director at the East Melbourne Childcare Co-operative Rebecca Vouch is as good as they come, just incredible. Thank you to her and her team for all that they do, ensuring the next generation have the very best start in life. Watching the parents and the sense of calm that comes over them when they drop their kids off there in the morning has been a pretty special opportunity.

I also want to take the time to express my deep appreciation for the community campaign to save the 18 community-run early learning centres through the City of Darebin. I did in fact speak about that last sitting week. A community that are as powerful as they are really show that for those in Darebin child care is important, it is worth preserving, it is worth investing in and it is worth local government getting on board with. The state government is committed to expanding and growing our childcare sector, not cutting it back. I have had the good fortune of attending community events to say that very message with my colleagues the member for Northcote and the member for Preston in the other place and with Darebin councillor Emily Dimitriadis. We listened to these local parents, educators and the staff as they shared really emotional accounts of the devastating impacts that these proposed cuts would have on the community. I stand with them each and every day because, as I have said here, early childhood education is more than ABCs and 123s, it is about fostering creativity, instilling a love of learning and nurturing the values that shape responsible and compassionate citizens. What an incredible thing that is.

Pre-prep, kindergarten and long day care services are seeing an incredible once-in-a-generation reform. We should be enormously proud of our state, which is nation-leading in the work that we are doing. These centres right across our state, including the 50 new government-run centres, will deliver child care, kindergarten and eventually pre-prep, where possible, all on the one site, and what an enormous thing that will be. The changes this government makes are life changing, and this government will continue to work hard each and every day, and I thank you for the opportunity to talk about Best Start, Best Life.

**Lee TARLAMIS** (South-Eastern Metropolitan) (17:18): I move:

That debate on this motion be adjourned until later this day.

**Motion agreed to and debate adjourned until later this day.**

### *Bills*

#### **Biosecurity Legislation Amendment (Incident Response) Bill 2023**

##### *Introduction and first reading*

**The PRESIDENT** (17:18): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Livestock Disease Control Act 1994**, the **Plant Biosecurity Act 2010** and the **Livestock Management Act 2010** and for other purposes'.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:18): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Harriet SHING:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:19): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Biosecurity Legislation Amendment (Incident Response) Bill 2023.

In my opinion, the Biosecurity Legislation Amendment (Incident Response) Bill 2023, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The Biosecurity Legislation Amendment (Incident Response) Bill 2023 (the Bill) makes various amendments to the following Acts, collectively known as ‘the Acts’:

- *Livestock Disease Control Act 1994*;
- *Livestock Management Act 2010*; and
- *Plant Biosecurity Act 2010*.

The Bill will make amendments to enhance the Victorian Government’s capability to manage biosecurity incidents, including preparing for, responding to, and recovering from an exotic animal disease or plant pest or disease detection and outbreak. Other amendments include improving the administration, operation and enforcement of the Acts, making various miscellaneous and technical amendments, including Machinery of Government related amendments, to improve clarity and consistency.

The Bill supports a public commitment by the Victorian Government to improve exotic pest and disease preparedness and response capability. The Bill aims to do this through amendments to ensure a holistic and effective legislative framework that protects Victoria’s valuable agricultural and horticultural sectors and mitigates potential risks to market access and trade disruptions associated with an exotic animal disease or plant pest or disease detection or outbreak.

The Bill also seeks to incentivise compliance with biosecurity measures by increasing penalties for non-compliance as well as ensuring that the compensation regime for loss of livestock as a result of an outbreak of an exotic disease can be more equitably and fairly accessed by, and paid to, responsible livestock owners.

**Human Rights Issues**

The human rights protected by the Charter that are relevant to the Bill are:

- right to freedom of movement (section 12);
- right to privacy and reputation (section 13);
- right to property (section 20);
- right to be presumed innocent until proven guilty (section 25)

**Right to freedom of movement**

Under section 12 of the Charter, every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live. The right includes freedom from physical and procedural barriers, such as notification or authorisation requirements, or reporting obligations relating to movement. However, the right does not extend to a freedom of access to all places, such as another person’s private property.

*Inspector powers to direct movement*

The Bill amends section 116 of the *Livestock Disease Control Act 1994* to give inspectors, for the purpose of exercising their powers under the Act relating to exotic diseases, with or without assistants, the power to direct a person in control of a vehicle to move the vehicle to another place including by a specified route or to take a specified action for the purposes of preventing, eradicating, controlling or monitoring an outbreak of exotic

disease (clause 19). The amendments provide inspectors with the necessary powers to mitigate and contain the risk of disease spreading and has the effect of limiting a person's movement. Clause 19 will give an inspector power to direct a person that may also result in person's movement being limited.

The Bill will have the effect of limiting a person's right of movement in certain circumstances. This limitation is justified because it will ensure that the risk of an outbreak of exotic disease is either prevented, controlled or adequately monitored. It is in the public interest for movement to be restricted by particular routes in order to minimise these risks related to property (including livestock, and structures), and such limitations will ensure that impacts to the broader economy, which could be affected by a livestock disease outbreak event, are minimised.

#### **Right to privacy**

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The right to privacy is broad and extends beyond information privacy to include, for example, the right to personal autonomy, dignity and identity. It may also apply to protect a person against unlawful or arbitrary restrictions on employment, which may affect a person's personal relationships and private life.

#### *Collection and sharing of information*

The collection of information related to the livestock movement is fundamental to prevent, prepare for, respond to and recover from a disease outbreak. The *Livestock Disease Control Act 1994* and regulations provide for the collection of various information for that purpose, which also captures personal information, thereby engaging a person their right to privacy.

Current Section 107B of the *Livestock Disease Control Act 1994* has two key purposes, namely, to require the Secretary to keep particular information and records and to also allow certain records to be shared for purposes linked to the objects of the Act. Clause 3 of the Bill separates the information record keeping requirements and sharing requirements under section 107B, by inserting a new section 107BA and 107BB. It also expands the scope of information sharing to provide clearer authorisation pathways for the Secretary to share information to relevant persons in an emergency and non-emergency context, and for permitted persons to request the disclosure of emergency-related records or information. In an emergency context, the records and information shared with relevant persons and permitted persons may include personal information, such as names, addresses, and contact details of person who have provided information related to livestock movement, or information related to the emergency.

The sharing of records and information provisions is, however, limited by contextual considerations, and to identified persons. The *Livestock Disease Control Act 1994* further contains a secrecy provision (section 107C). This is an offence provision that limits the sharing of records and information that the Secretary must keep unless the sharing is authorised by that section. This limitation ensures the collection, use and disclosure of information is limited to those circumstances that have a proper purpose in accordance with the Act. Accordingly, I am satisfied that the interference with the right to privacy is proportionate to the contextual risks, is for a legitimate purpose, and is not arbitrary.

#### *Inspector search powers on entry*

The Bill gives inspectors the power to apply to a magistrate for a warrant to search a specified dwelling, or any other specified land, place, premises or vehicle to which the inspector has been, or is likely to be, refused admission (clause 18). Previously, this power was an additional power of inspectors in respect of exotic diseases set out in section 121 of the *Livestock Disease Control Act 1994*. This Bill repeals section 121 in favour of a power that has a broader application, as opposed to limiting its application to exotic disease matters.

The power of entry may interfere with the right to privacy, however, there are safeguards in place to ensure this power is both reasonable and necessary. This includes that such warrants are issued by a magistrate. A magistrate must be satisfied by evidence that it is reasonably necessary for the inspector to have access to the dwelling, premises, place, land or vehicle concerned for the purpose of exercising the inspector's functions under the Act.

#### **Right to property**

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

*General Power of inspectors – removing things*

The Bill clarifies an existing power set out in section 109(1)(e) the *Livestock Disease Control Act 1994* that allows inspectors to take and remove ‘samples’, ‘specimens’ and ‘other thing’ in or at the land, vehicle, place or premise. The clarification provided in clause 17 is intended to allow inspectors to remove ‘things’ that identify livestock (such as ear tags, and other identification devices) which the inspector reasonably believes to be connected to a contravention of the Act or the regulations.

These ‘things’ have relatively low property value, but high evidential value for offences related to changing an animal’s identification contrary to the Act or regulations. Given that the kind of thing being removed has a relatively low property value, and its removal requires an inspector to form a reasonable belief that the thing is connected to the contravention of the Act or regulations, I am satisfied that this clause 17 will not limit persons’ property rights.

**Right to be presumed innocent until proven guilty**

Section 25(1) of the Charter provides that an accused has the right to be presumed innocent until proven guilty according to law. The right requires that the prosecution must prove that an accused committed the charged offence beyond reasonable doubt. This means that the prosecution must generally prove all elements of a criminal offence. However, the right may be subject to reasonable limitations. Two new proposed offences in the Bill are relevant to the right to be presumed innocent until proven guilty according to law.

*New offences relating to possession of livestock*

The proper identification of livestock, alongside their property location and movement, is necessary for livestock traceability. This is critical for disease control, biosecurity, food safety, market access and other industry-related purposes. The identification of livestock and the related tracing regime is an essential measure for Victoria’s readiness for exotic animal disease preparation and preparedness.

The Bill creates two new offences: (1) for a person to be in possession or control of cattle or livestock that has been tagged, marked, branded or identified in accordance with the Act, if that identification device has been removed; and (2) for a person to be in possession or control of cattle or livestock that has been tagged, marked, branded or identified in accordance with the Act if the identification device has been removed and replaced with an identification device other than in accordance with this Act or the regulations. These offences are set out in new section 9AB with a maximum penalty for each offence is 120 penalty units for a natural person and 360 penalty units for a body corporate. The offence does not apply if a person removed the identification marker in accordance with the Act or regulations or has a reasonable excuse.

This provision will require an accused who seeks to avoid liability on the basis of a reasonable excuse to point to or present evidence that raises the possibility of an excuse. Under section 72 of the *Criminal Procedure Act 2009*, where a defendant wishes to rely on an exception, they are required to point to some evidence which would establish facts suggesting a reasonable possibility that the exception applies. Once a defendant identifies that evidence, a prosecution authority would need to disprove those facts beyond reasonable doubt. By imposing an obligation on a defendant to point to relevant evidence in order to avoid conviction, exception provisions therefore impose what is referred to as an evidential onus of proof. However, it only imposes an evidential burden on the accused, and if the accused is in possession or control of livestock that is not identified in accordance with the *Livestock Disease Control Act* or associated regulations then the accused is given an opportunity to demonstrate a reasonable excuse. In my view, and consistent with case law, these provisions do not limit the right to be presumed innocent. The burden of proof remains with the prosecution to prove each element of the offence. Then, once the defendant has pointed to some evidence to suggest that a reasonable excuse exception applies, the burden shifts back to the prosecution to prove the absence of the exception raised. Imposing an evidential onus in this way is reasonable. In most cases, the reasonable excuse exceptions relate to matters of which the defendant is likely to have greater knowledge and be well placed to point to evidence. I consider that it is reasonable to require participants in a regulated industry, being the livestock industry, to be sufficiently apprised of the identification standards applicable that they are able to point to evidence that they may fall within an exception, breach of which would ordinarily constitute an offence.

Any such limit is therefore reasonably justified under section 7(2) of the Charter.

**Hon Jaclyn Symes MP**  
**Attorney-General**  
**Minister for Emergency Services**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:19): I move:

That the bill be now read a second time.

**Ordered that second-reading speech be incorporated into *Hansard*:**

The Bill makes amendments to the *Livestock Disease Control Act 1994* (Livestock Disease Control Act), *Livestock Management Act 2010* (Livestock Management Act) and *Plant Biosecurity Act 2010* (Plant Biosecurity Act) to strengthen emergency management, traceability and enforcement provisions.

The Bill strengthens Victoria's capability to manage biosecurity risks, including preparing for, responding to, and recovering from the detection or outbreak of an exotic animal disease, plant disease or pest. The Bill also supports a public commitment made by the Victorian Government to improve exotic disease preparedness and response capability. The Bill ensures a holistic and effective legislative framework for exotic pests and diseases to protect Victoria's valuable agricultural and horticultural sectors. This will mitigate the potential risk of market access and trade disruptions associated with a detection or outbreak.

**Amendments to the Livestock Disease Control Act**

The Bill strengthens the operation of the Livestock Disease Control Act to mitigate biosecurity risks by facilitating an efficient and effective response to an exotic animal disease incursion in Victoria, enhancing livestock traceability processes and strengthening compliance and enforcement mechanisms.

The Bill significantly increases penalties for offences for the contravention of provisions related to exotic animal diseases and livestock traceability requirements to underscore the seriousness of these offences and reflect the potential harm that such offending can inflict on the community, environment and the economy.

The Bill also improves and clarifies emergency management provisions to enhance the efficiency of preparedness and response activities by broadening the delegation powers of the Minister to declare Control Areas and Restricted Areas, and to allow the sharing of information related to exotic diseases with other government departments and agencies and other States and Territories.

The Bill refines the existing exotic disease compensation framework to ensure that compensation for exotic animal diseases can be more equitably and fairly paid to affected livestock producers who own affected livestock.

Under national arrangements, affected livestock industries often cost-share exotic disease response costs, including the costs of compensation payments to affected livestock producers. Where a person has intentionally or recklessly contributed to the spread of an exotic disease, consideration of their eligibility for compensation for losses they have incurred as a result should be able to be made. Presently though the circumstances in which compensation may be reduced or denied are limited to when a person has been convicted of such offending. A conviction however is a very high threshold.

The Bill enables the Minister to evaluate a broader range of situations when deciding to reduce or deny compensation, rather than solely basing the decision on a person's conviction of an offence related to the outbreak. These factors include whether the person, or those acting on their behalf, have contravened restrictions related to the management of the exotic disease, such as breaching Control Area and Restricted Area Orders, whether the person has kept livestock, products and property at their premises in contravention of the Livestock Disease Control Act or its Orders, and whether the applicant has made a false or misleading claim. The Minister will be able to also consider other factors as prescribed in the regulations.

It is expected that the Minister deciding to reduce or deny compensation would be an rare occurrence as livestock producers have commendably followed requirements and assisted in successful exotic disease responses in the past. However, in the event that a person's compensation payment is reduced or denied, the applicant will be notified of the decision and reasons and will be able to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of that decision.

The Bill clarifies the process relating to the payment of further compensation to a livestock owner for replacement livestock for restocking. It improves flexibility by enabling the Secretary to determine when further compensation may be made during an exotic disease response. This, for example, would facilitate earlier restocking whilst movement restrictions are in place, such as for sentinel surveillance programs or where disease risks vary across different areas of the state.

The Bill also provides the Minister with powers to recoup compensation from a person who is subsequently found to be ineligible for compensation, specifically if the compensation was paid in error, the claim had false or misleading information or any other reason that the Minister determines. The power to recoup

compensation will be subject to procedural fairness mechanisms, whereby applicants will be provided with written notice of a decision and have the opportunity to provide a response. The Minister must consider the response and may confirm the amount owing, reduce the amount or write off the amount. Applicants may then seek a review of the Minister's decision by VCAT.

The Bill strengthens the existing enforcement and compliance framework by extending and clarifying the powers of inspectors and broadening the circumstances in which information may be requested from a Council. Also, rather than confining the power of inspectors to seek a warrant from a Magistrate to enter and search dwellings (places of residence) for exotic disease related matters only, the amendment provides that these powers are available for the purposes of enforcing the whole Act. Whilst very rarely used, there may be instances where entering a dwelling is necessary, particularly where records or other evidence have not been produced as required by an inspector, or where there is a risk that otherwise requesting things could result in their tampering or destruction. This amendment assists in protecting Victoria's valuable agricultural sector by facilitating the collection of critical evidence, such as identification devices or records, to determine compliance with the Livestock Disease Control Act when other methods have been exhausted.

The Bill also enhances the capability of police officers to effectively investigate farm-related crimes, including livestock theft and associated traceability offences, by recognising police officers as inspectors under the Livestock Disease Control Act. In situations where police come across biosecurity issues or associated concerns arise, Agriculture Victoria, as part of the Department of Energy, Environment and Climate Action, will provide Victoria Police with advice to manage those risks. Importantly, Agriculture Victoria will continue to lead enforcement of the Livestock Disease Control Act. The Bill requires non-uniformed police officers exercising functions and powers to produce identification if asked. Under the *Victoria Police Act 2013* impersonation of a police officer is a serious offence.

The Bill strengthens livestock traceability requirements by introducing new offences for the possession or control of livestock that have had their permanent identification removed, or removed and replaced, not in accordance with the Livestock Disease Control Act or the Livestock Disease Control Regulations 2017. Currently there is inadequate deterrence to prevent the removal, or removal and replacement, of an animal's permanent identification device (such as ear-tags), a practice often termed 're-birthing'. Re-birthing undermines Victoria's biosecurity and product traceability systems. Exporting cattle based on fraudulent movement information, particularly when those animals do not comply with the receiving country's health requirements, jeopardises the reputation of Victorian livestock producers and risks the potential closure of export markets if the fraud is detected. The new offences will better protect Victoria's livestock industry.

The Bill also modernises public notification procedures by enabling the online publication of notices under the Act, such as Control Area and Restricted Area Orders and facilitating facilitates the electronic service of documents.

#### **Amendments to the Livestock Management Act**

The Bill strengthens the existing legislative framework available for the reduction of biosecurity risks caused by unlawful entry onto agricultural premises. Biosecurity breaches caused by individuals who trespass onto premises where livestock activities occur can affect human and animal health, and adversely impact market access.

The Bill doubles the penalties relating to offences for non-compliance with prescribed biosecurity measures, such as in cases of unlawful entry on to agricultural properties, to 120 penalty units for a natural person and 600 penalty units for a body corporate, and increases the corresponding infringement penalties to 12 penalty units for a natural person and 60 penalty units for a body corporate. The penalty for a person damaging, defacing or removing signage erected to notify persons of biosecurity measures that are required to be followed on a property is increased to 40 penalty units, with an infringement penalty increased to 6 penalty units.

The Bill seeks to recognise police officers as inspectors under the Livestock Management Act and the Livestock Disease Control Act. This change requires consequential amendments that remove other references to police officers.

#### **Amendments to the Plant Biosecurity Act**

The Bill improves the Victorian Government's capacity to prepare for and respond to biosecurity threats such as exotic plant pest or disease detections and outbreaks.

The Bill improves the clarity and efficiency of emergency response and management provisions relating to plant pests and diseases.

The Bill significantly increases penalties for offences for contravention of provisions related to exotic plant pests and diseases to achieve greater deterrence for non-compliance and reflect the potential harm to industry, the economy and the wider community that breaches of these offences may cause. It also establishes a more

consistent legislative framework for disease preparedness and response activities by aligning penalties with the Livestock Disease Control Act for offences that are similar in nature.

The Bill enhances flexibility by enabling the Minister to delegate the power to declare a plant pest or disease as an exotic pest or disease in Victoria, including to the Chief Plant Health Officer. This will facilitate faster responses to prevent the spread of the pest or disease. To support investigations of plant pest or disease detections, the Bill also extends the time period of the declaration from 28 days to 6 months.

In the event of a plant pest or disease outbreak, a timely response is required to mitigate the potential social, environmental and economic risks. The Bill confers the power to declare a Control Area to the Minister or their delegate, rather than the Governor in Council. This improves adaptability by minimising administrative delays and enabling improved regulatory action in response to detections of plant pests and diseases.

To facilitate rapid and effective responses to plant pest or disease outbreaks, the Bill also enables the power to declare a Restricted Area to be delegated, including to the Chief Plant Health Officer.

The Bill enhances enforcement and compliance options by providing the Secretary, and their delegates, with the power to issue a permit to a class of persons, which specifies exemptions to restrictions in relation to a Control Area or Restricted Area. This will improve the efficiency of issuing permits and reduce the associated administrative burden.

The Bill also modernises public notification procedures by allowing the online publication of notices declaring Infected Places and Restricted Area Orders and enables the electronic service of documents.

I commend the Bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (17:19): I move:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

### **Justice Legislation Amendment (Police and Other Matters) Bill 2023**

#### *Introduction and first reading*

**The PRESIDENT** (17:19): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Child Employment Act 2003**, the **Fire Rescue Victoria Act 1958**, the **Firearms Act 1996**, the **Road Safety Act 1986**, the **Terrorism (Community Protection) Act 2003**, the **Victoria Police Act 2013**, the **Victorian Civil and Administrative Tribunal Act 1998** and the **Worker Screening Act 2020** and for other purposes’.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:20): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Harriet SHING**: I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:20): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Justice Legislation Amendment (Police and Other Matters) Bill 2023.

In my opinion, the Justice Legislation Amendment (Police and Other Matters) Bill 2023, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The Bill amends the *Victoria Police Act 2013* to:

- a. Empower a Victoria Police Discipline Inquiry Officer to direct a police officer or protective services officer (PSO) to undertake an independent medical assessment if they are satisfied that the assessment is necessary to determine whether the officer is physically and mentally fit to participate in a discipline inquiry.
- b. Amend provisions relating to the conditions Victoria Police may attach to a good behaviour bond that applies to a police officer in a disciplinary context, including adding a non-exhaustive list of relevant conditions (including drug and alcohol testing for up to two years); specifying that conditions must be reasonably linked to the relevant breach of discipline or criminal offence; and confirming how non-compliance with a bond may be addressed.
- c. Exempt the Secretary of the Department of Justice and Community Safety from a requirement to notify IBAC of any matter that involves corrupt conduct, if the Secretary has knowledge of the matter only by reason of information received by the Restorative Engagement and Redress Scheme for Victoria Police (the Scheme).
- d. Amend section 227 to extend the statute of limitations for the offence of Victoria police personnel accessing, using or disclosing police information from 12 months to three years.

The Bill amends the *Firearms Act 1996* to:

- a. Provide for a Licensed Firearms Dealer to receive/accept/take possession of a firearm from an unlicensed person who is not exempt by the Firearms Act for the purposes of sale, registration or destruction, consistent with the existing permanent national firearms amnesty which commenced on 1 July 2021.
- b. Restrict the use of bolt action shotguns in combination with detachable magazines greater than five shots.

The Bill amends the *Road Safety Act 1986* to provide additional powers to police officers to deploy vehicle immobilising devices (VIDs). VIDs include a device that is capable of causing a vehicle to stop or preventing a vehicle from moving, including by deflating tires.

The Bill also amends the *Fire Rescue Victoria Act 1958* to enable the transfer of rights, liabilities and obligations associated with certain staff that were transferred from the Country Fire Authority (CFA) to Fire Rescue Victoria (FRV); the *Terrorism (Community Protection) Act 2003* to clarify and address limitations around information sharing under the Countering Violent Extremism Multi-Agency Panel (CVE MAP); and the *Worker Screening Act 2020* and the *Child Employment Act 2003* to exempt police custody officers and police custody officer supervisors from the requirement to obtain a Working with Children Check.

**Human Rights Issues**

The Bill engages the following human rights under the Charter:

- the right to protection from torture and cruel, inhuman or degrading treatment (section 10)
- the right to freedom of movement (section 12)
- the right to privacy and reputation (section 13)
- the right to property (section 20)
- the right to be presumed innocent (section 25(1)).

For the reasons outlined below, I am of the view that the Bill is compatible with each of these human rights.



The right to protection from torture and cruel, inhuman or degrading treatment

Section 10(c) of the Charter provides that a person must not be subjected to medical or scientific experimentation or treatment without their full, free and informed consent. 'Treatment' has a wide meaning, including giving medical care or attention or applying a process or substance to someone. This right may be engaged where treatment is required of a person as a condition relating to their employment.

*Medical assessment direction*

A police officer or protective services officer (PSO) who is the subject of a discipline inquiry can request an adjournment of that inquiry on medical grounds. The person conducting the discipline inquiry (the Discipline Inquiry Officer) makes a decision about whether to grant that adjournment based on information provided by the officer under investigation. Clause 46 of the Bill inserts new section 130A into the Victoria Police Act to empower a Discipline Inquiry Officer to direct the officer to undertake an independent medical assessment if they are satisfied that it is necessary to determine whether the officer is physically and mentally fit to participate in the inquiry. Subject to the officer consenting to the assessment, an independent medical officer will perform a medical assessment of the officer and provide a report on the officer's fitness to participate in the discipline inquiry.

The purpose of this amendment is to ensure that when making a decision about whether to grant an adjournment on medical grounds, a Discipline Inquiry Officer has the benefit of an independent assessment in circumstances where they consider it necessary in addition to information provided by the officer under investigation. This will assist to ensure that those officers who legitimately require an adjournment receive one, and to avoid undue delay of inquiries that do not need to be adjourned. Given that up to one third of internal disciplinary matters at Victoria Police are currently adjourned on ill health grounds, often for up to 12 months, this amendment will significantly improve the discipline process.

While officers may be directed to undergo an assessment where a Discipline Inquiry Officer considers it necessary, in my view this does not amount to medical treatment without consent. The requirement will only arise at the request of an officer for an adjournment of a discipline inquiry. The officer may refuse to undergo the assessment and have their adjournment application determined without the benefit of it. They could also withdraw the adjournment application and proceed with the inquiry. New section 130A(4) expressly provides that failing to comply with a direction to undergo an assessment does not constitute a breach of discipline.

New section 130A(3) provides that the medical assessment is undertaken for the sole purpose of providing an assessment of the officer's physical and mental fitness to participate in a discipline inquiry. It will not involve the conduct of any medical procedure or administration of medication or other treatment. Any medical assessment will be performed by an independent medical officer registered under the Health Practitioner Regulation National Law to practise in the medical or psychology profession (other than as a student).

For these reasons, I am satisfied that although this amendment may engage the right to protection from torture and cruel, inhuman or degrading treatment under the Charter, it does not give rise to any limitation on that right.

The right to freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria. The right extends, generally, to movement without impediment throughout the State, and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest. The right may also extend to protection of access to, or use of, facilities necessary to enjoy freedom of movement (such as vehicles).

*Additional powers to deploy VIDs*

Part 5 of the Bill amends the Road Safety Act to provide additional powers to police officers to deploy VIDs in order to facilitate the exercise of their powers and functions under the Act. VIDs include a device that is capable of causing a vehicle to stop or preventing a vehicle from moving, including by deflating tires.

Section 63B of the Road Safety Act sets out the circumstances where a police officer may deploy a VID, which currently include to prevent the use of a vehicle by a person for the purpose of escaping lawful custody or avoiding arrest, stopping or assisting to stop a vehicle being pursued by police, or stopping or assisting to stop a vehicle from entering a place where there is a public gathering or non-road activity.

Part 5 of the Bill expands these purposes to authorise police to deploy a VID in a precautionary and pro-active manner to stop a dangerous driver from endangering themselves, other passengers, police officers or other community members. This includes using a VID in the following scenarios to ensure a driver of a vehicle

stops when requested and/or remains stationary so that the following existing inspection, monitoring or enforcement activities by police pursuant to the Road Safety Act can be safely undertaken:

- inspecting a motor vehicle or trailer on a highway pursuant to section 13 of the Road Safety Act on a reasonable belief that there has been a failure to comply with the RSA or regulations or rules made under the Road Safety Act;
- requiring specified persons to undergo of a preliminary breath test pursuant to section 53 of the Road Safety Act;
- signalling a person driving a motor vehicle to stop at a preliminary breath testing station pursuant to section 54 of the Road Safety Act;
- requiring a person driving a motor vehicle to furnish samples for analysis or undergo assessment or testing for impairment in various circumstances pursuant to sections 55, 55A, 55B, 55BA, 55D and 55E;
- requesting a driver on a highway to produce for inspection their driver licence document or learner permit and state their name and address pursuant to section 59 of the Road Safety Act;
- preventing a person who is driving, or about to drive, a motor vehicle from driving on a reasonable belief that they are incapable of having proper control of a motor vehicle pursuant to section 62 of the Road Safety Act;
- entering a vehicle by reasonable force if a driver refuses to comply with specified lawful police directions pursuant to section 63 of the Road Safety Act;
- requiring a driver to stop a motor vehicle and remain stopped until indicated to proceed pursuant to section Road Safety Act;
- searching, seizing and impounding or immobilising a motor vehicle on a reasonable belief that the vehicle has been used to commit a 'hoon' offence, including in the course of entering or searching land or premises for this purpose pursuant to sections 84F, 84G and 84GA; and
- stopping or assisting in stopping a vehicle in connection with effecting an arrest pursuant to new section 63B(1)(ba) of the Road Safety Act.

The VID could be deployed, for example, in front of, under or behind the relevant vehicle or, in the case where a premises is being searched, in a driveway or car park at the premises. This expansion of the circumstances in which a VID may be deployed is relevant to the right to freedom of movement.

It is questionable as to whether the new provisions in Part 5 of the Bill constitute any additional interference with the right to freedom of movement where the existing provisions of the Road Safety Act already require a person to stop their vehicle for inspection, monitoring or enforcement activities (to which penalties apply for non-compliance). In relation to the power under new section 63B(1)(ba) to use VID's for the purpose of effecting arrest, it is arguable that this provision constitutes additional interference with the right to freedom of movement as the circumstances in which a VID may be deployed are broadened from where a person is 'avoiding arrest' to include where police are 'effecting' an arrest, whether the person to be arrested is actively avoiding arrest or not. To the extent that deploying a VID constitutes an additional level of interference, by placing a further barrier to movement, it is my opinion that any limit will be reasonably justified and subject to adequate safeguards.

The deployment of a VID can only occur in circumstances specified in the Road Safety Act and for the limited protective purpose of ensuring a vehicle stops or remains stopped for the required police activity. Under new section 63B(1)(ba), VID's can be deployed for the purpose of effecting an arrest. Under new section 63B(1A)–(1D), VID's may be used if the police officer suspects on reasonable grounds that a person, by driving or attempting to drive a motor vehicle, is likely to endanger or cause injury to themselves, a police officer or any other person. Further, the use of a VID pursuant to section 63B(1A)–(1D) is temporary and is only authorised for as long as the police officer holds the requisite reasonable suspicion for exercising the relevant enforcement power and a police officer is required to take reasonable steps to notify the driver of the placement and removal of a VID, unless that is impracticable in the circumstances. The deployment of VID's serves the legitimate objectives of preventing harm to police, drivers, passengers and the community, and of assisting Victoria Police's capacity to deal with the dangerous use of vehicles.

Accordingly, I am satisfied that these provisions are compatible with the right to freedom of movement.

#### The right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) states that a person has the right not to have their reputation unlawfully attacked. A number of amendments in the Bill may engage this right.

An interference with the right to privacy and reputation does not amount to a limitation on that right if it is lawful and is not arbitrary. An interference will be lawful if it is permitted by law which is precise and appropriately circumscribed and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

*Medical assessment direction*

As outlined above, clause 46 of the Bill inserts new section 130A into the Victoria Police Act to empower a Discipline Inquiry Officer to direct an officer under investigation to undertake an independent medical assessment if they are satisfied that the assessment is necessary to determine whether the officer is medically fit to participate in a discipline inquiry. It can be expected that the independent medical assessment will involve personal and health information of the officer, which may be shared with the Discipline Inquiry Officer in the report prepared by the assessor. However, new section 130A(3) provides that any information obtained is provided for the purpose of assessing the officer's physical and mental fitness to participate in a discipline inquiry, and will not be used in any other context within or outside the discipline inquiry. Any medical assessment will be performed by an independent medical officer registered under the Health Practitioner Regulation National Law to practise in the medical or psychology profession, who is subject to relevant professional obligations in relation to their practise. For all of these reasons, I consider that any interference with privacy occasioned by the medical assessment direction is both lawful and not arbitrary, and therefore does not limit the right.

*Adjournment bonds*

Clause 48 of the Bill inserts section 132A(1)(a) into the Victoria Police Act to provide that where a police officer or PSO has committed a breach of discipline by returning a positive test for alcohol and/or a drug of dependence, they may be subject to further testing as a condition of a good behaviour bond, for a period of up to two years.

This provision engages the right to privacy and reputation, but in my view does not limit the right as such a condition would only be imposed in cases where the existing threshold for drug and alcohol testing in the Victoria Police Act had already been met, and where the police officer or PSO had already returned a positive test. The condition would not be imposed arbitrarily, and the scope of the imposed testing regime would be clearly established prior to the imposition of the bond and associated conditions. It is important that the option to impose drug and alcohol testing conditions is available to Victoria Police where an officer has already returned a positive test, to ensure that the officer's capacity to maintain community safety is not impaired.

*Amendments related to the Restorative Engagement and Redress Scheme for Victoria Police*

Part 9A of the Victoria Police Act was inserted in 2022 to establish a legislative framework for the Scheme. The Scheme had previously been operating administratively since December 2019. Clauses 53–54 of the Bill make amendments to Part 9A to strengthen the privacy of applicants to the Scheme.

The amendments to the legislative framework for the Scheme also interfere with the right to privacy and reputation; however, in my view they do not limit the right as none of the relevant amendments are unlawful or arbitrary. The amendments engage the right in the following ways:

- New section 174PA exempts the Secretary from a requirement in the IBAC Act to notify IBAC of any matter that the Secretary suspects on reasonable grounds involves corrupt conduct, if the Secretary has knowledge of the matter only by reason of information received by the Scheme.
- New section 174PB allows the Secretary of the Department of Justice and Community Safety to provide certain de-identified information received by the Scheme to IBAC.

Clause 54 inserts new sections 174A(3A) and 174PA into the Victoria Police Act to exempt the Secretary from a requirement in section 57 of the IBAC Act to notify IBAC of any matter that the Secretary suspects on reasonable grounds involves corrupt conduct occurring or having occurred, if the Secretary has knowledge of the matter only by reason of information provided by an applicant, provided by a prospective applicant, or disclosed for the purpose of, or in the course of, a restorative engagement process. This protects the privacy and reputation of the applicant and any prospective applicants and the privacy and reputation of any alleged perpetrators of sexual harassment and sex discrimination. Clause 54 also inserts new section 174PB into the Victoria Police Act. New section 174PB allows the Secretary to provide information to IBAC to support IBAC with its education and prevention functions. However, this section upholds the right to privacy by prohibiting the Secretary from providing information to IBAC that identifies or is likely to lead to the identification of an applicant, without the consent of the applicant to the Scheme.

The Scheme was established to provide current and former members of police personnel who have experienced sexual harassment or sex discrimination in connection with being a current or former member, to apply to the Scheme to obtain a therapeutic outcome. These provisions aim to allow current and former members to

document their experience, without fear that information may be disclosed to another agency for a different purpose. They also ensure the Secretary can continue to support IBAC in its education and prevention functions.

In my opinion these amendments are consistent with the right to privacy and reputation.

*Amendments to the Terrorism (Community Protection) Act 2003*

The *Terrorism (Community Protection) Act 2003* (Terrorism Act) provides for two early intervention schemes for persons assessed to be at low to medium risk of radicalising towards violent extremism – the Voluntary Case Management (VCM) and Support and Engagement Order (SEO) schemes. It establishes the CVE MAP to provide coordinated case management of participants in the VCM and SEO schemes by lead government agencies.

The Terrorism Act also contains a standalone information sharing scheme providing for the collection, use and disclosure of personal, sensitive and health information about participants in the VCM and SEO schemes. This ensures that the schemes can operate effectively, and that people participating in them can be appropriately assessed to identify and address the underlying causes of their radicalisation.

Currently, information may only be shared with the CVE MAP by ‘authorised disclosers’ – including the Secretary of DJCS, a member of CVE MAP and specified program or service providers – for a defined purpose. This means that information cannot be shared by a home entity represented on the CVE MAP (such as Victoria Police) if their CVE MAP member is unavailable. This compromises the ability of the CVE MAP to receive and share information in a timely manner, and make critical case management decisions on the basis of all available information.

The Bill will amend the Terrorism Act to allow information sharing by a ‘representative’ (appointed to attend a CVE MAP meeting on behalf of a CVE MAP member), and by a ‘central contact’ (appointed by a CVE MAP member to collect and share information on their behalf).

These changes will facilitate the efficient sharing of information by the CVE MAP, which will enable it to make decisions, manage risk and provide advice in a timely manner. Importantly, allowing information sharing by representatives and central contacts will enhance the CVE MAP’s ability to respond quickly to any escalations of risk. This promotes community safety by facilitating intervention before an act of violent extremism or terrorism occurs.

The Bill does not expand the information sharing scheme under the Terrorism Act to allow a person’s personal, sensitive and health information to be disclosed at large. Rather, the sharing of information will remain tightly prescribed. In particular, both representatives and central contacts may only share information for the duration of their appointment, which is strictly limited under the Bill (for example, a representative can only act for a specified time before and after a specific CVE MAP meeting and central contacts can only be appointed for up to a year).

Although the Bill facilitates the more efficient sharing of information to the CVE MAP, it maintains the existing robust constraints on the collection, use and disclosure of personal, sensitive and health information and provides appropriate safeguards.

In my view, any resulting impacts on the right to privacy are appropriately circumscribed to the objectives of the VCM and SEO schemes. These aims are to support the person to disengage from engaging in behaviours consistent with radicalisation towards violent extremism and preserve community safety. The amendments reflect and are proportionate to these legitimate purposes. Therefore, while the right to privacy will be engaged by these changes, in that additional persons will be able to collect, share and be privy to information, any interference with privacy will be lawful and not arbitrary for the reasons outlined above.

*Amendments to the Worker Screening Act 2020*

Clauses 4 and 62 of the Bill engage the right to privacy by requiring certain persons to notify other persons or agencies of certain matters arising in connection with an exemption from the Working with Children (WWC) check.

Specifically, clause 62 of the Bill exempts a person employed by Victoria Police as a police custody officer or a police custody officer supervisor from the requirement to obtain a WWC check. As a consequence of this, clause 62 requires that a police custody officer or supervisor must notify any employer or agency for whom they do child-related work (other than as a police custody officer or supervisor) if they are suspended or their authority to act as a police custody officer or supervisor is revoked.

Similarly, clause 4 makes consequential amendments to the *Child Employment Act 2003* to provide a person who is permitted by reason of his or her employment as a police custody officer or supervisor to supervise a child in employment (other than as a police custody officer or supervisor) must notify any person by whom he or she is employed in that supervision of any suspension or revocation of their authority to act as a police custody officer or supervisor.

While clauses 62 and 4 interfere with the right to privacy, the interference is neither unlawful nor arbitrary. The interference is authorised under the legislation and the instances in which sharing of information must occur are clearly delineated by the Bill. The notification requirement is necessary to ensure that agencies and people who employ certain persons in child-related work are kept informed of the status of the person's exemption from a WWC check and, in the instance where a person is no longer exempt but wishes to continue engaging in child-related work, the status of an application and subsequent WWC clearance.

Clauses 62 and 4 assists those people and agencies to ensure that they only engage persons who are fit and proper to work with children. Consequently, in my view the clauses do not result in an arbitrary or unlawful interference with the right to privacy.

#### The right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with the law. Property includes a bundle of property rights, including the right to enjoyment of property. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

#### *Amendments to the Fire Rescue Victoria Act*

The Bill will enable the transfer of rights, liabilities and obligations associated with certain staff that were transferred from the CFA to FRV, and this may affect the property rights of individuals (for example, claims that may be made under historical insurance policies).

As the Bill is not intended to alter any existing rights, liabilities or obligations of persons or entities other than to enable the transfer of those rights, liabilities and obligations from CFA to FRV, section 20 of the Charter is not engaged.

#### *Limitation on detachable magazines when used in conjunction with a bolt action shotgun*

The Bill will amend the Firearms Act to place a special condition on the holder of a category A or A&B longarms licence who has obtained the licence for the reason of hunting or sport or target shooting.

The special condition will state that a licensee cannot carry, possess or use a detachable magazine greater than five shots in combination with a bolt action shotgun, unless it is for the purpose of participating in a Chief Commissioner approved event.

Some category A or A&B longarms licensees who have obtained their firearms licence for the reason of hunting or sport or target shooting may need to dispose of a detachable magazine with a capacity greater than five shots as a result of this amendment.

Although these changes may engage the right to property in that they may impact the way a person can use their property or require the disposal of that property, in my view the changes do not limit the right to property. This is because any conditions on or possible disposal of a detachable magazine will be under the Firearms Act and therefore in accordance with law. The relevant provisions are clear and confined to the legitimate purpose of regulating firearms in the interests of safety of the community.

#### *Additional powers to deploy VIDs*

These provisions engage this right by placing a further, albeit temporary, restriction on a person's enjoyment of their vehicle, including by allowing police officers to damage the vehicle if a person does not comply with this restriction. However, in my view, to the extent that these provisions constitute a deprivation of a proprietary right (such as enjoyment of property) this Bill does not act to limit the right to property as any interference with this right is done according to legislation which clearly specifies the scope and circumstances in which a VID can be deployed in relation to a person's vehicle and does so for legitimate purposes relating to protection of safety (as outlined above).

For these reasons, I consider that these provisions are compatible with the right to property in the Charter.

#### The right to be presumed innocent

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

#### *Amendment to the offences for disclosing police information*

Section 227 of the Victoria Police Act establishes an offence for the unauthorised access to, use of, or disclosure of police information by current or former members of Victoria Police personnel. A member or former member of Victoria Police personnel must not, without reasonable excuse, access, use or disclose any police information if it is the duty of the member or former member not to access, make use of or disclose

that information. Clause 56 of the Bill amends section 227 to extend the statute of limitations for charging a person with this offence from 12 months to three years.

Although the Bill does not amend the elements of the offence established by section 227, as it increases the amount of time available for Victoria Police to charge a person with the offence, I consider it prudent to discuss the impact of the existing offence on the right to be presumed innocent.

The existing offence places an evidentiary burden on the accused to demonstrate that they had a reasonable excuse to access, use or disclosure of police information. The current legal authority is that section 25(1) of the Charter is not engaged or limited by a provision which places only an evidentiary burden on an accused. This is because such an onus only requires an accused to point to some evidence which raises a reasonable doubt, at which point the legal onus is on the prosecution to disprove the defence.

I am therefore of the opinion that the amendment to extend the statute of limitations for the offence established by section 227 of the Victoria Police Act does not limit the right to be presumed innocent.

**Hon Enver Erdogan MP**  
**Minister for Corrections**  
**Minister for Youth Justice**  
**Minister for Victim Support**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:21): I move:

That the bill be now read a second time.

**Ordered that second-reading speech be incorporated into *Hansard*:**

The Bill before the House introduces a range of policing reforms which are aimed at strengthening the integrity of the Victoria Police discipline system and supporting Victoria Police and other agencies to maintain community safety. It does this through a number of amendments, including improving the internal Victoria Police discipline process, strengthening Victoria Police's capacity to regulate firearms, expanding the circumstances in which Victoria Police can deploy a vehicle immobilising device, and supporting the function of the Countering Violent Extremism Multi-Agency Panel (CVE MAP). The Bill also introduces amendments to a number of other Acts which I will outline below.

*Victoria Police discipline system*

The Bill amends the *Victoria Police Act 2013* (the Police Act) to enhance Victoria Police's discipline system. In 2022, Victoria Police reported an increase in disciplinary hearings for police officers and protective services officers (PSOs) who were charged with a breach of discipline under the Police Act or a criminal offence. The majority of Victoria Police officers are upholding the values and standards the community expects of our police personnel. However, it is important that Victoria Police has a robust discipline system in place to ensure that any officers who do not do the right thing can be held to account. Police officers have significant powers to maintain and protect community safety and it is important that there are strong protections for members of the public in relation to the use of police powers. To strengthen the Victoria Police discipline system, the Bill makes the following reforms to the Police Act:

1. Enshrining the Victoria Police Code of Conduct and prescribing non-compliance as a breach of discipline

The Victoria Police Code of Conduct is an important organisational standard that establishes the Victoria Police values and the professional obligations that flow from them. The Bill amends the Police Act to enshrine the Chief Commissioner of Police's ability to issue a code of conduct for Victoria Police that is binding on Victoria Police personnel, and to expressly prescribe that failure to comply with this code of conduct can constitute a breach of discipline. These amendments will consolidate the importance of the Code of Conduct as an organisational standard at Victoria Police, establish clear consequences for failing to comply with professional obligations set out in the Code of Conduct and ensure that Victoria Police's behavioural expectations are communicated to the community they serve.

2. Medical assessment direction

A police officer or PSO who is subject to a discipline inquiry may request an adjournment of that inquiry on medical grounds. To support their request for an adjournment, police officers and PSOs may provide medical evidence. As the officers who conduct discipline inquiries are not medically trained, sometimes they are unable to determine whether the evidence provided demonstrates that an adjournment is required. Adjournments can

lead to delays of the disciplinary process for over 12 months, including in cases where the officer is suspended with pay, so it is important that they are only adjourned in cases where it is genuinely needed.

To assist discipline inquiry officers to determine whether to grant an adjournment, the Bill amends the Police Act to authorise a discipline inquiry officer to direct a police officer or PSO to undertake an independent medical assessment of their physical and mental fitness to participate in disciplinary hearings.

3. Including a non-exhaustive list of conditions which Victoria Police may attach to a good behaviour bond

Where a police officer or PSO has committed a breach of discipline or a criminal offence, the Police Act provides that Victoria Police may place them on a good behaviour bond with conditions. Good behaviour bonds are an important tool for Victoria Police to use to ensure that police officers and PSOs who have committed a breach of discipline or a criminal offence understand what they need to do to change their behaviour so they are meeting the standard the community expects. To ensure good behaviour bonds work appropriately, the Bill provides examples of conditions which can be imposed alongside these bonds, without limiting Victoria Police's decision-making scope. These example conditions will include drug and alcohol testing, for a period of up to two years, in circumstances where the breach or offence includes having returned a positive test for alcohol or drugs. In all other cases, the bonds and conditions will be limited to a period of 12 months.

The Bill also provides that any conditions imposed alongside a good behaviour bond must be reasonably linked to the conduct of the officer that gave rise to the discipline inquiry and that Victoria Police must take all actions necessary to enable compliance with the bond conditions. The Bill also clarifies steps to be taken in circumstances where the officer or PSO has not complied with the bond or conditions.

4. Extending the statute of limitations for the offence of accessing, using or disclosing police information

Police information is highly sensitive in nature and it is important that the Police Act strongly protects the access to and use of this information. Victoria's integrity agencies have emphasised the importance of maintaining confidentiality of police information in a number of recent reports:

- The Independent Broad-based Anti-corruption Commission (IBAC) identified in two recent reports that the misuse of police information can be a key enabler of other improper conduct with more serious consequences.
- In October 2022, the Victorian Inspectorate published a Special Report on IBAC's referral and oversight of Victoria Police's response to a matter involving family violence perpetrated by a police officer. As the Victorian Inspectorate identified, violence occurred following the inappropriate disclosure of police information.

Section 227 of the Police Act establishes an offence for current and former Victoria Police personnel to access, use or disclose police information when it is not in line with their current duty to do so. It can be difficult to identify this type of offending, as it is often well concealed by the offender and not easily identifiable through traditional auditing processes. The offence is often only uncovered during the investigation of more serious offending, by which time the 12-month timeframe for charging a person with the offence under section 227 may have expired.

To ensure the confidentiality of police information is protected, and in recognition of the serious consequences which can flow from the misuse of police information, the Bill extends the statute of limitations for the offence established by section 227 of the Police Act from 12 months to three years.

#### *Restorative Engagement and Redress Scheme for Victoria Police*

In addition to the amendments to the police discipline system, the Bill amends the Police Act to support participants in the Restorative Engagement and Redress Scheme for Victoria Police to maintain their privacy and autonomy in reporting. The Scheme is operated by the Department of Justice and Community Safety (DJCS).

Since the Redress Scheme commenced operating, information privacy and confidentiality issues have continued to emerge. Participants share private and sensitive information with DJCS to seek personal support and redress in a private, non-adversarial and non-inquisitorial setting and they do not intend to disclose information for the purposes of reporting wrong-doing or to inform disciplinary, criminal or other legal proceedings. The Bill amends the Police Act to exempt the Secretary of DJCS from a requirement in the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act) to notify IBAC of any matter they are aware of which is suspected to involve corrupt or improper conduct. Mandatory reporting of information shared in applications to the Redress Scheme would undermine the victim-focused nature of the Redress Scheme, risk re-traumatising participants, breach privacy, erode trust and reduce the likelihood of eligible applicants applying. Redress Scheme participants already have the option to voluntarily report

possible corrupt conduct within Victoria Police to IBAC. This amendment will ensure the privacy of participants and ownership over their personal and sensitive information is protected. However, in recognition of IBAC's important role in identifying themes of potential misconduct, the Secretary will be authorised to provide de-identified and thematic information from the Redress Scheme to IBAC to assist it to perform its education and prevention functions.

*Amendments to the Firearms Act 1996*

Victoria has some of the strongest firearms controls in the world and the Government is committed to working with Victoria Police and licensed firearms holders to ensure firearms regulation remains contemporary and able to respond to changing community needs.

To support the ongoing National Firearms Amnesty, the Bill will amend the Firearms Act to allow a Licensed Firearms Dealer to receive/accept/take possession of a firearm from an unlicensed person who is not exempt by the Firearms Act for the purposes of sale, registration, or destruction. Licensed Firearms Dealers are playing a pivotal role in the ongoing National Firearms Amnesty and the Bill will remove any concern Licensed Firearms Dealers may have with participating in the amnesty, by formalising their ability to accept firearms from unlicensed persons.

The Bill will also place a special condition on the holder of a category A or A&B long arms firearms licence who has obtained the licence for the reason of hunting or sport or target shooting. The special condition will state that a licensee cannot carry, possess or use a detachable magazine greater than five shots in combination with a bolt action shotgun, unless it is for the purpose of participating in a Chief Commissioner approved event. This is a proactive community safety reform to limit the ability of opportunistic misuse of bolt action shotguns which can be paired with large capacity detachable magazines.

*Vehicle immobilising devices*

In addition to the Firearms Act amendments, the Bill further enhances Victoria Police's capacity to maintain community safety by making amendments to vehicle immobilising devices (VIDs). Victoria Police has limited power to use VIDs, such as tyre deflating road spikes, to ensure that Victorians are safe on our roads. At present, police are only able to use VIDs in situations where they are trying to prevent a driver from escaping custody or avoiding arrest, and to stop a moving vehicle in limited circumstances.

The Bill will expand the situations in which VIDs may be used to include situations where police suspect on reasonable grounds that a person, by driving or attempting to drive a motor vehicle, is likely to endanger or cause injury to themselves, a police officer or any other person. The presence of a suspicion on reasonable grounds requirement achieves an appropriate balance between the road safety benefits of the increased use of VIDs with the associated limitation on the right of freedom of movement under the Charter of Human Rights and Responsibilities. Police officers will be required to take reasonable steps to advise the driver of the vehicle that the immobilising device has been deployed and removed unless it is impracticable for them to do so in the circumstances.

*Strengthening the operation of the Countering Violent Extremism Multi-Agency Panel*

The *Terrorism (Community Protection) Act 2003* (TCPA) provides Victoria's countering violent extremism laws. The TCPA currently provides for two early intervention pathways for persons who have been assessed to be at low to medium risk of engaging in violent extremism – the Voluntary Case Management (VCM) and Support and Engagement Order (SEO) schemes. The TCPA establishes the CVE MAP which provides coordinated case management by key government agencies for participants in these schemes. The Bill makes important changes to facilitate the operation of the CVE MAP and the VCM and SEO schemes to ensure they operate efficiently and effectively.

In particular, current restrictions on information sharing under the TCPA have created unnecessary barriers to the appropriate sharing of risk information where a CVE MAP member is not available. This impacts on the ability of the CVE MAP to receive and share information in a timely manner and make critical case management decisions on the basis of all available information.

The Bill amends the TCPA to allow information about participants in the scheme to be shared and received by a 'representative' appointed to attend a CVE MAP meeting on behalf of a CVE MAP member, and shared by a 'central contact' who is appointed by a CVE MAP member to collect and share information on their behalf. These changes will ensure that people participating in the schemes can be properly assessed so their underlying causes of radicalisation can be identified and addressed. This will also enable CVE MAP and law enforcement to respond quickly and appropriately in response to any escalations of risk.

At the same time, the Bill places restrictions on the appointment of a representative and central contact to ensure information sharing under the TCPA remains limited. This allows the Bill to strike an appropriate balance between enabling the necessary sharing of risk information to and from CVE MAP and protecting the privacy of participants in the schemes.



The Bill will also make minor miscellaneous amendments to the TCPA to facilitate the effective operation of the CVE MAP. This includes giving the Secretary greater flexibility in the appointment of CVE MAP members for a term for less than three years, allowing the CVE MAP to make decisions out of session and allowing the appointment of acting CVE MAP members when a CVE MAP Member is unavailable.

By facilitating the effective operation of the CVE MAP, the Bill will promote community safety by providing support and case management to people at risk of radicalising to violent extremism and facilitating intervention before an act of violent extremism or terrorism occurs.

#### *Other amendments*

The Bill also introduces minor and technical amendments to the *Worker Screening Act 2020*, *Child Employment Act 2003*, *Fire Rescue Victoria Act 1958* (FRV Act) and *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act). I will outline each of these amendments.

The *Worker Screening Act 2020* and *Child Employment Act 2003* will be amended to exempt police custody officer supervisors and police custody officers (PCOs) from a requirement to obtain a Working with Children check. Although PCOs are subject to the same security vetting requirements as police officers and protective services officers (PSOs), they are not currently exempt from a Working with Children check in the same way.

PCOs will no longer be required to obtain a Working with Children check if they are engaged in child-related work, including as part of their role as a PCO. This will provide consistency between key frontline Victoria Police roles regarding Working with Children check exemptions and will remove the current duplication of worker screening requirements for PCOs. The Bill also makes consequential amendments to the *Child Employment Act 2003* to ensure that the child employment and Working with Children check schemes continue to be aligned. As is the case with police officers and PSOs, a PCO who is suspended from their role or whose employment is terminated as a Victoria Police employee, and who is engaged in child-related work in another capacity, such as a junior sports coach, would need to apply for a Working with Children check to continue to engage in that child-related work.

As part of Fire Services Reforms in 2019, the FRV Act provided for the transfer of Country Fire Authority staff to Fire Rescue Victoria. These transferred staff were broken down into two categories of staff, those assigned to a particular station and those that were not assigned to a particular station. All necessary transfers of these staff have been completed. The FRV Act provided for the Minister to direct that an allocation statement be prepared for rights, liabilities and obligations associated with Country Fire Authority staff that were assigned to particular stations to be allocated from the Country Fire Authority to the new Fire Rescue Victoria. However, the FRV Act did not provide for the Minister to direct that an allocation statement be prepared allocating these rights, liabilities and obligations of staff that were not assigned to a particular station. The Bill amends the FRV Act to enable the Minister to ensure that the allocation of rights, liabilities and obligations for staff not assigned to a particular station, is captured, and will ensure consistency with arrangements legislated for staff assigned to a particular station.

The Bill will make minor technical amendments to the VCAT Act, to address a potential ambiguity as to the operation of section 77. Section 77 of the VCAT Act was recently amended in the *Justice Legislation Amendment Act 2023*, to provide courts the power to extend the limitation period for federal jurisdictional matters referred to them by VCAT. Following the introduction of those amendments into Parliament, the Court of Appeal handed down its decision in *Krongold Constructions (Aust) Pty Ltd v Thurin [2023] VSCA 191*, which raised ambiguity as to whether this power to extend limitation periods applied to third parties who were not joined to a VCAT proceeding, where that proceeding was then referred to the court under section 77(3). The Bill clarifies that if a matter is referred to a court under section 77(3), the court has the power to extend any limitation period, including to any party that was not joined to a VCAT proceeding before the matter was referred.

I commend the Bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (17:21): I move, on behalf of Mr Davis:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

**Land (Revocation of Reservations) Bill 2023***Introduction and first reading*

**The PRESIDENT** (17:21): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to provide for the revocation of certain permanent reservations of Crown land at Shepparton, Toolangi, Seaspray, Haunted Stream, Narracan South, Darlimurla, Mirboo, Wombelano, Geelong, Clunes, Melbourne and Walhalla, to revoke related Crown grants and to re-reserve certain land and for other purposes’.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:22): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Harriet SHING:** I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:22): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Land (Revocation of Reservations) Bill 2023.

In my opinion, the Land (Revocation of Reservations) Bill 2023, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The Bill provides for the revocation of 13 Crown land reservations and the revocation of six restricted Crown grants which will enable appropriate management and future use and development of the relevant land as well as provide certainty to communities and affected stakeholders.

**Human Rights Issues****Section 20 – Property rights**

Section 20 of the Charter provides that a person must not be deprived of that person’s property other than in accordance with law.

Clauses 4, 8, 12, 17, 20, 22, 25, 29, 31 and 34 of the Bill provide that, on revocation of the respective reservations, the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests. These provisions could also be perceived to operate to deprive persons of proprietary rights that are held in relation to the land subject of these clauses.

However, the provisions are not intended to abolish known rights, but, rather, give land the requisite characteristics of unalienated Crown land. There are known lease or licence rights in relation to the land to which clauses 7, 24 and 34 apply. In relation to 7 and 24, these are held by bodies corporate (to which the Charter does not apply) and, in any case, are preserved by clauses 9 and 26 of the Bill.

In relation to clause 34, licence rights are held by several existing private occupants of the land, some of whom occupy the properties under licence arrangements with the Minister responsible for administering the *Land Act 1958*, under section 138 of that Act, while others occupy without any arrangements in place and have no recognised legal rights. The existing licences do not refer to the correct Crown Allotments. As such,

existing licences will not be saved under the Bill and will instead be reissued by the Minister upon the commencement of Part 10 of the Bill.

Currently, the occupiers of these Allotments cannot sell the properties and, in some cases, cannot obtain insurance. In this case the proposal promotes section 20, as the land over which the permanent reservation is proposed to be revoked will facilitate the potential sale to the existing occupants. The proposal under Part 4 also promotes section 20, as it will facilitate the potential sale of the land to the adjoining private landowner.

For these reasons, I consider the Bill to be compatible with the right to property protected under section 20 of the Charter.

**Hon Gayle Tierney MP**  
**Minister for Skills and TAFE**  
**Minister for Regional Development**

*Second reading*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:22): I move:

That the bill be now read a second time.

**Ordered that second-reading speech be incorporated into *Hansard*:**

The proposed Bill will revoke the permanent reservations at 13 locations across Victoria as well as 6 corresponding restricted Crown grants. The Bill will also repeal the related Part 4 of the *Land (Reservations and Other Matters) Act 1999*. All the relevant areas are less than 6 hectares in size, other than the site at Toolangi (105 hectares).

In Victoria, Crown land can be reserved either temporarily or permanently. While temporarily reserved land may be revoked through an administrative process, permanent reservations may only be revoked by an Act of Parliament. Acts which revoke permanent reservations are a normal part of government business, and Parliament has passed many such Acts over the years.

The Bill will facilitate new management arrangements and the future use and development of the relevant areas of land. Future uses may include re-reservation in some cases, continued use by existing occupiers, and potential sale and development. It is important to note that the sale of Crown land in Victoria is subject to a range of Victorian Government legislative and policy requirements, including the Strategic Crown Land Assessment Policy, the Land Transactions Policy and the Landholding Policy and Guidelines. Additionally, any sale process must adhere to obligations under the Native Title Act 1993 (Cth) and under relevant agreements made under the *Traditional Owner Settlement Act 2010*.

I will now describe aspects of the various revocations.

**Victoria Park Lake, Shepparton**

The Bill will revoke part of the permanent reservation at Victoria Park Lake, Shepparton. Victoria Park Lake is permanently reserved for the purpose of public park, and the Greater Shepparton City Council (the Council) is the reserve's committee of management.

Situated at the southern end of the reserve (as well as on land owned by the Council) is a caravan park which the Council has operated for more than 60 years. The Council has advised the Department of Energy, Environment and Climate Action (DEECA) that it wishes to purchase the Crown land portion of the caravan park so that it can be refurbished to cater for increased tourism in the Shepparton area.

Because any sale is likely to take at least 12 months after the permanent reserve is revoked, the Bill will temporarily reserve the land for public purposes under the *Crown Land (Reserves) Act 1978* and the Council will continue as the land's committee of management, pending any sale.

**Former Potato Research Station, Toolangi**

The Bill will revoke the reservation of land permanently reserved as a site for agricultural research purposes which comprised part of the former Toolangi Potato Research Station, north of Healesville.

The research station was established by the former Department of Agriculture in the 1950s over part of the Yarra State Forest. Parts of the research station were cleared and used for agricultural purposes under the management of the Department of Agriculture and its successor agencies. In 2008, the Minister for Agriculture announced the closure of the research station and, in 2012, uncleared areas were excised from the permanent reserve under the *Land (Revocation of Reservations) Act 2012* and then subsequently reserved as State forest.

The Bill will revoke the remaining permanent reservation, and future uses for the site will be explored further after this occurs, including potential sale of the land.

The Bill will also save a 21-year lease granted in 2010 to the Victorian Strawberry Industry Certification Authority and the Victorian Seed Potato Authority under the Crown Land (Reserves) Act.

#### **Merriman Creek, Seaspray**

The Bill will revoke a small area of land permanently reserved as a site for public purposes along the banks of Merriman Creek, Seaspray. Due to a survey error, part of a house is located on the permanently reserved water frontage. Following revocation of the permanent reservation and the necessary due diligence processes associated with the sale of Crown land, it is proposed the land would be sold to the adjoining landowner.

#### **Former Mechanics Institutes Reserves**

The Bill will revoke 5 redundant permanent reservations for Mechanics Institutes at 4 locations in eastern Victoria as well as a site in the west: at Haunted Stream (south of Swifts Creek and which adjoins reserved forest), Narracan, Darlimurla and Mirboo in South Gippsland, and at Wombelano in the Wimmera. In all cases, the mechanics institutes have not functioned for many years, there are no buildings or structures on the reserves, and the land is now used for a range of purposes including a pine plantation, grazing or as part of a surrounding State forest.

The areas at Haunted Stream and Wombelano are permanently reserved for the purpose of a 'Mechanics Institute' whereas the reserves at Narracan, Darlimurla and Mirboo are reserved for the purposes of a 'Mechanics Institute and Free Library'. The lands were reserved between 1888 and 1906 and, in each case, a restricted Crown grant was issued following reservation to trustees for the same purpose as the reservation. In the case of Wombelano, the trustees surrendered the Crown grant in 1960. The Bill will revoke the remaining restricted Crown grants associated with these reservations.

Following revocation of the permanent reservations and restricted Crown grants, and the necessary processes associated with the sale of Crown land being completed, the land at Narracan, Darlimurla, Mirboo and Wombelano will likely be sold. In the case of the Haunted Stream site, the Bill will provide that the land is taken to be dedicated as reserved forest under section 42 of the *Forests Act 1958*.

#### **Port of Geelong**

The Bill will revoke a redundant permanent reservation at the Port of Geelong. The land is part of the permanent public purposes reserve created along the shores of Port Phillip Bay and Corio Bay in 1873. Part of the land also holds the status as government road controlled by the City of Greater Geelong under the *Local Government Act 1989*.

Progressive reclamation works since the late 19th century have significantly altered the position of the Corio Bay foreshore within the Port of Geelong to the extent that the southern section of the reserve is now located hundreds of metres inland, dissecting the freehold land owned by Geelong Port Pty Ltd and impeding future development of the port.

Following revocation of the permanent reservation where it is now well inland, it is proposed that part of the land would be sold to Geelong Port Pty Ltd. The remaining land will continue as a government road.

#### **Borough Chambers Reserve, Clunes**

The Bill will revoke part of a permanent reservation for the purposes of 'Borough Chambers at Clunes' that Wesley College, Melbourne currently leases for a residential college. The Bill will save the lease granted to Wesley College, which commenced on 1 July 2023, with a 5 year term.

#### **Alexandra Park, Melbourne**

The Bill will revoke the reservation over a small area of Alexandra Park on the banks of the Yarra River in South Yarra which is permanently reserved for public recreation purposes, and also the associated restricted Crown grant issued to the former Board of Land and Works (now the Minister for Environment) and the City of Melbourne for the purposes of the reservation (to the extent that it applies to the area of the reservation being revoked). This will allow the legal status of the land to reflect its current use as part of the Swan Street Bridge.

Upgrades to the Swan Street Bridge to alleviate congestion and increase pedestrian and cyclist capacity as well as improve road safety in the area were completed in September 2018. The works resulted in a very small section of the permanent reservation forming Alexandra Park being incorporated into the structure of the Swan Street Bridge. Following revocation of the relevant area of the permanent reservation, the subject land will be proclaimed as a government road through a separate administrative process.

**Melbourne City Baths**

The Bill will revoke the permanent reservation for public baths and wash-houses over a very small area of the Melbourne City Baths Reserve and also the restricted Crown grant issued to the City of Melbourne as trustee for the same purpose as the permanent reservation (to the extent that it applies to the area of the reservation being revoked). This will allow the legal status of the land to reflect its long-term use as a government road.

The Melbourne City Baths are located on a triangular site between Swanston, Victoria, and Franklin Streets. According to the City of Melbourne, the relevant area located on the corner of Swanston and Franklin Streets has, since the time of the land's reservation in 1878, been used as a road and has never been used for its reserved purpose.

Once the permanent reservation and restricted Crown grant are revoked (as they relate to the relevant area), the land will be proclaimed as a government road through a separate administrative process.

**Stringers Creek, Walhalla**

The Bill will revoke the reservation over certain land permanently reserved as a site for public purposes along the banks of Stringers Creek, Walhalla. The Bill will also repeal Part 4 of the *Land (Reservations and Other Matters) Act 1999*, which applies to land at Walhalla.

The revocation relates to several dwellings along the creek, together with sections of roads providing access to those properties and to Walhalla. The reservation occurred in 1881 as part of a broader reservation applying to hundreds of waterways around Victoria. At that time, dwellings had already been built along Stringers Creek without freehold title, associated with the goldrush at Walhalla.

This is an unsatisfactory arrangement for current occupants. To resolve this, following the revocation of the relevant parts of the reservation and following completion of the necessary due diligence processes associated with the sale of Crown land, it is proposed that the occupied land would be sold to the occupants.

Part 4 of the *Land (Reservation and other Matters) Act 1999* established a process to remove the relevant sections of the occupied permanent reservation following a survey of the entire length of Stringers Creek through Walhalla (approximately 2 kilometres). This survey was never completed due to the challenging nature of the topography. Because the Bill will revoke the permanent reservation of the areas currently subject to occupation, together with the roads providing access to those properties, Part 4 of the *Land (Reservation and other Matters) Act 1999* is redundant and will be repealed.

**Conclusion**

The Bill, through the revocation of 13 permanent reservations and 6 restricted Crown grants, will enable appropriate use of the relevant land, providing certainty to communities and affected individuals.

I commend the Bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (17:22): I move, on behalf of Mr Davis:

That debate on this bill be adjourned for one week.

**Motion agreed to and debate adjourned for one week.**

**Announcements****Parliamentary officer**

**The PRESIDENT** (17:26): I want to advise the house that it is Greg Mills's last day as the principal attendant. Greg has been in the Parliament for 30 years, and he has been 12 years as principal attendant. In all jobs that last this long there are some fantastic things and some sad things. I know Greg took over from his great mate Russel, who was a terrific guy that, unfortunately, passed away too young, and also during Greg's time one of his very good friends and one of our very good friends, another attendant, Nick, unfortunately, passed away way too young. I was privileged to be at Nick's funeral, principally because Nick was a fantastic man, and it was great to be there. But I was also privileged to hear Greg's tribute to his great friend at that service.

A few people have been talking about MPs that have left writing books about their time in Parliament, and I know we have all probably had chats with Greg about things that he has seen inside and outside this chamber which, if it could get through a lawyer, would be a spectacular book – things like two MPs actually having a physical fight that were on the same side of politics, and some other spectacular things that I reckon he probably has not shared with us. We always talk about respecting this

institution, and for all of us Greg has been an enormous part of this institution. I was going to say he never complains. But I remember once asking to borrow a trolley from him, and I am not too sure he was impressed with the reason I wanted the trolley. But he always will help and deliver, and he has just been a spectacular friend and colleague of all of us.

Of course we wish him well and pay tribute to the great part of this institution he really has been, but I am hoping for selfish reasons, probably on behalf of all of us, that this may be like one of those John Farnham farewells, where if we are all lucky we might actually see Greg hanging around and helping us out in a different capacity in the near future. I am not too sure if that is what he wants to do, but I think we would all agree that is what we want him to do. Anyway, John Farnham farewell tour aside, he has been a great principal attendant. I have not heard an MP complain about him, and that is our thing. Greg, that has been some sort of magic act that you have performed, but we all wish you well. I know there are other people that would like to join my tribute to Greg's great work, so I will leave it at that. But once again, it has been fantastic having Greg around, and let us hope we can find a way to make him hang around more.

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:30): I would love to say a few words as well, and I am so comforted by the fact that it is likely that you will reappear again in a capacity post your final formal day as principal attendant, because I do not think I would get through this speech without crying if I thought that you were not returning on a somewhat semiregular basis, which is what I believe will hopefully happen. So it had better happen, because otherwise I will cry later.

What a constant of this Parliament – a comfort, a source of familiarity, someone that you can always turn to and someone that your staff can always turn to. I know that that reflects everyone's experiences in here. Greg is like Red in *Shawshank Redemption* of the Parliament. I rocked up to Parliament drenched one day, and he appeared with a towel. I had a contraband heater delivered when I was cold, and I was not supposed to have one under my desk out in the annexe when it was really cold out there. He knows where everything is in this Parliament, he knows where everything physically is and to the President's point I think he knows a lot of people's skeletons as well. Hopefully that book does not come out too soon.

Thirty-three years, I think, or more than 30 years doing what you do – it is because you are so good at what you do. You are someone that knows this place better than anybody else, we really rely on you and you will be missed in this chamber for the service, good humour and friendship that you have brought to this role. Hopefully you have got a little bit more time for rugby, a little bit more time for fishing and a little bit more time for yourself, because I think you have given up a lot to give so much to this place and to us, to always be here. So thank you so much to Greg, I know that we will miss you. I know your team will really miss you as well. But as I said, we hope that you are not going too far or we get to see you as a regular occurrence after your final day. Thank you so much. You are a good friend.

**Georgie CROZIER** (Southern Metropolitan) (17:33): It is my absolute delight to be able to rise and speak on behalf of the coalition, Nationals and Liberals, and just to echo the words that the President and the Leader of the Government have said about Greg, the service that you have provided to the Parliament and the service you have provided to all of us. I remember as a very new MP finding my feet and wandering around this place, and you were always there, you were always somebody one could go to and you always provided that assistance that we all need at times. What you do in the chamber, what you do for MPs and what you do for the other staff and everybody to make this house operate in the way it does cannot be underestimated.

Greg, as has been said, 33 years of service in the Victorian Parliament is no mean feat. It is a wonderful, wonderful record. You should be proud of the time you have spent here, what you have contributed to and what you have done for every single MP who has passed through this place and is here, and what you have done will not be forgotten. So we do extend our best wishes to you for your maybe not-so-

full retirement but for not being here as often as perhaps you have been in the past, and we wish you all the best. Thank you for everything.

**Samantha RATNAM** (Northern Metropolitan) (17:34): Thank you for the opportunity. I too would like, on behalf of my colleagues in the Greens, to thank you, Greg, for your incredible service over decades. We are all indebted to your kindness, your constancy, as has been mentioned, and your know-how to get us through what can be very strange days in this place. As has been reflected by others in this chamber, all of us arrive here in this place as strangers in a very unfamiliar environment. No workplace can ever prepare you for what this workplace feels like. There is a lot of toing and froing, a lot of fleetingness. Even your own colleagues are very, very busy. You are coming and going and passing each other, but I can tell you that when you come here as a stranger the attendants and the staff in Parliament play such an important role. We do not often get the opportunity to thank you enough, but your constancy and your knowing of us – you get to know us, we get to know you – make us a workplace that helps us get through some pretty tough days at times. I cannot thank you enough, Greg, for being just so stoic and strong for all of us in a very unusual environment – you and your team, many of whom have provided so many years of service, often a thankless task. I bet you have seen some interesting things that will make for some very interesting semiretirement conversations. We wish you all the very best and cannot thank you enough on behalf of the people of Victoria for your service to this great institution.

**Jeff BOURMAN** (Eastern Victoria) (17:36): Greg, nine years ago I stood in this place with quivering knees and all this sort of thing. I am now the longest serving crossbencher, which is kind of a bit scary in its own way. As I found my way through this place there were two things I found: one, the major parties and even the Greens were not so bad and they would help us out; but the red shirts were the constant, and Greg, being the leading one, was always there to help us, was always there to make sure I got things right as best as they could help me. But at the time, particularly in the early days, there were some pretty late nights, and I got to know Greg and he got to know me. Despite that, he still talked to me. And I started to understand: we come and go; the staff stay. People like Greg and the rest of the staff, to be honest, are what make this place tick, and this place will be poorer without you, Greg. I hope you do hang around, because I do like the sarcastic comments when we are in private and things like that. So enjoy your fishing and all the stuff you want to do, and remember to put sunscreen on your feet. I remember when you walked around in here one time very gingerly when you had forgotten to put sunscreen on your feet when you were fishing, and you were paying for it. So think ahead, my friend, and fair winds and good sailing.

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (17:37): At the risk of turning this into the Greg Mills show, I think that it is probably opportune. Greg, you are defined by your stillness and defined by your friendship and defined by your dedication and your commitment, yes, to this place, but to the people who you love and care about around you. You are the keel of the ship of attendants and of the team here at Parliament but also of the people in your life, and none of that was on display more than in the friendship that you showed to your dear friend Nick Paraskavas when he was going through the toughest of times. You showed love and dedication, an evenness of humour and an ongoing presence to him and to his family when they were in their time of greatest need. That is a measure of your character. When you spoke at Nick's funeral it was with a sense of stillness, a sense of respect and a sense of extraordinary dedication that made sure that his life was honoured.

You have had your own challenges, not that many people would know. You have carried those with your typical stillness, continued to show up here and continued to put other people's needs before your own. You are the best of us. You have been and continue to be a very dear friend. Thank you for all that you do. It has been a joy to follow the chapters and the achievements of your life since I have gotten to know you, and I know that I am not alone in my respect and my admiration and my very, very deep care for you. Thank you for making us better than perhaps we deserve to be. I look forward, as I am sure so many others do, to continuing to see you in perhaps a more refreshed and rejuvenated

role as you continue to make a contribution. You deserve joy, spare time, an opportunity to enjoy your new home and all of the things that you have perhaps longed to do but not had a chance to do, because of the challenges that you have tackled and indeed overcome. Thank you for your friendship, your expertise and above all your capacity to keep a poker face when all around you is going down as a screaming dumpster fire. You are wonderful.

**David DAVIS** (Southern Metropolitan) (17:40): Greg, you have been a great adornment to the place. We will miss you tremendously. Godspeed. I wish you well. I hope you will be back a little bit. But we really do rate you, and we really will miss you.

**The PRESIDENT:** What do we do next? I reckon we stand up and have one big round of applause.

*Members applauded.*

### *Motions*

#### **Early childhood education**

##### **Debate resumed on motion of Sheena Watt:**

That this house notes that the Allan Labor government leads the nation in early childhood through its Best Start, Best Life reforms by:

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing free kinder, saving families \$2500 for each child every year; and
- (3) introducing pre-prep, a play-based learning program for every four-year-old child.

**Joe McCracken** (Western Victoria) (17:41): What a way to finish off the year. I am pleased to rise to speak to this motion as listed on the paper. Broadly speaking, I do not think anyone would want to do anything which hampers the development of a young person, but I do have some things to say about this motion, in particular point (2). Point (2) says, amongst other things, ‘establishing free kinder, saving families \$2500 for each child every year’. \$2500 for each child every year is actually not true. If you look on the government’s own website – I have actually gone on there and got copies, and I will quote you directly from the website – it says:

Free Kinder means a saving of up to \$2,500 ...

a year. If I look at this motion, that suggests that it is a flat rate of \$2500 a year. That is just not true. It is factually incorrect. Even further to the point, on the government’s website again, and I will quote directly, it says:

Free Kinder payments for 2023 for a 15-hour program are as follows:

- integrated long day care programs ... where enrolled children also attract Commonwealth ... payments ... will attract \$2,000 –

not \$2500, \$2000 –

- Sessional (standalone) services will receive \$2,500 ...

So to say that every child will attract a \$2500 benefit is just plain wrong. It is literally factually incorrect. Maybe there might be an amendment that might be moved to correct this motion, but as it stands it is actually quite incorrect and does not pass the pub test.

To say that every young person attracts \$2500 – the government on their own website even say that that is not the case, because that is assuming that everyone goes for the full 15 hours, and we know that that might not be the case because different families have different needs. So again, it is quite a deceptive statement to put in a motion – again, factually untrue. I can quote the figures here. For sessional, 15 hours, \$2500 – tick, that is right. For 10 hours it is \$1600 or thereabouts. For 7½ hours there is \$1250. For long day care, which some families opt to take, 15 hours only attracts \$2000,



7½ hours is \$1000, and for those families that do not take that fully up there is a pro rata rate depending on what you use.

Back to point (2):

establishing free kinder, saving families \$2500 for each child every year ...

It just is not true. It is false – 100 per cent false. Send it off to RMIT fact check; they will prove that it is false.

Also on the government's website – it is fascinating reading if anyone who wrote this motion actually cared to read it – it says:

If a service conducts occasional special events –  
such as an excursion –

... then a charge may be made to families for the cost recovery for this event ...

Now, we have all heard many, many times that this is free kinder. Well, clearly kinder is not free. This whole naming it as free kinder is false, it is misleading and it is unfair, because it is actually not free. I mean, in the big scheme of things, someone pays for it. If you called it subsidised kinder – true, it is subsidised, but it is not free. It is a bit like the power saving bonus; it is not free. It is like free TAFE; it is not actually free. And here is another example.

**Gayle Tierney:** It works, though.

**Joe McCracken:** But it is not true, that is the thing. It is not true. It is just a subsidy. It is just a subsidy, and it is actually proof. It is proof that it is just a marketing ploy. That is all it is. If we actually called it what it actually was, it would be called subsidised not free, but it would actually be truthful. So let us just be very honest about this. No-one wants to say that kindergarten is not an important service. We do acknowledge that, but to say that this motion is factually correct – it is not, it is clearly not. The government's own website says so. If this motion was changed and it said 'up to \$2500', that would probably make it better.

**A member** interjected.

**Joe McCracken:** Up to \$2500. It is probably all Jeff Kennett's fault again. We have heard all that before. But to be fair, let us just make sure that this is actually correct. Let us make sure this is actually correct – much like cancelling the Commonwealth Games. So please, when we talk about this \$2500, it is not a flat fee. It is just not, and that is what this motion says, so how about we actually make someone read their own government website and get it right before putting it to the house.

**Tom McIntosh** (Eastern Victoria) (17:48): I am delighted to have an opportunity to finish off the year by speaking to something I am absolutely passionate about and that is our Best Start, Best Life investment that we are making in future generations of Victorians. It is almost like a half volley. I feel like Glenn Maxwell seeing that ball coming down when he hit that double century a few weeks ago, seeing the opposition stand up and speak against investing in our children. It is quite amazing. We have a lot of summaries today – summaries of beliefs, of value sets – and I think this says it all: this side is a side that is very clear on its purpose and on that side the public of Victoria is very clear on theirs. We have heard a lot of false platitudes, we have heard them talking out of the sides of their mouths about housing, about youth and about mental health today, but Victorians know that at the end of the day the side of politics that is going to deliver for all Victorians is this side. It is this side. Something I am very passionate about in politics is that generational change, ensuring that every generation has a better opportunity than the last. Some of the items that I will speak through today deliver that in droves.

Dr Bach gave his final speech here today. I would like to acknowledge Dr Bach. It has been great to be opposite him for the last year. I am sad he did not make some more reflections on the current state

of the Liberal Party. I think that is probably where he is at his best with some of his most astute comments. But he did talk about the negativity of opposition. We have seen Mr McCracken stand up and illustrate exactly that worst negativity. Here we are investing in future generations of Victorians and supporting the families of those future generations of Victorians, because not only are our three-year-olds and our four-year-olds getting access to hours of education; not only are we ensuring that they are doing it in upgraded facilities, which I am going to go through in detail – all the investment we have made in the region of Eastern Victoria alone; and not only are we building 50 new centres that will be co-located with other community assets where there are jobs and so families can get the best from avoiding double drop-off; we are getting parents back to work and predominantly getting women back to work, because we know that women are watching other people go past.

Traditionally they are out of the workforce. Other people sail by; they get back and other people have had promotions. So let us get them back to work. Let us ensure they are getting their superannuation, something that I am sure for decades you would have fought against – as if we would want people contributing to their wealth! As we have seen in recent years, ‘Let’s just raid the super funds for housing’ – because we know you do not value housing. You just sort of pipe up and say a little bit when the opportunities come, but the thing with you people is there is never a plan, there is never a purpose that sets values that lead you to policies that you actually want to deliver for people. We know you do not have it. You will come and you will say a few words on this and you will say a few words on that, but by gosh you will never set a plan to deliver.

Mr McCracken talked about Kennett. That is the worst of this side that Victorians know and remember. But I think you are right; I think we do need to talk about Napthine and Baillieu – Nap Time and Dr Doolittle – four years of nothing. This state stood still. You can talk to anybody in this state –

**Joe McCracken** interjected.

**Tom McINTOSH:** It wasn’t a zinger, Mr McCracken. There are too many Macs in this place. This state stood still. You can talk to anybody, whether it is business, whether it is worker-led, whatever it is – everybody acknowledges that nothing happened because there was no plan, there was no purpose, there was no value set driving it. Our values are exactly what is driving this work, like so many of the incredible things that we have done in government, whether that is the Royal Commission into Family Violence, whether that is the Royal Commission into Victoria’s Mental Health System, whether that is the support we have for workers or the investment in infrastructure that is getting Victorians from A to B so they can live in a safe, secure, quality home. They can get the education, the training and the skills to go out and get good-quality jobs, well-paid jobs so they can support their families. They can look after their families, and those families can go into quality early education. They have got the health services and the public transport, and of course we are looking after the environment and the climate that we all depend on to ensure that future generations have the quality of life that we and those before us have had.

I want to start to talk about the region of Eastern Victoria, because there are so many investments that I do not think anybody could memorise them all. That is how much this government cares about early education and that is how much we are investing. Woodland Early Learning Centre in Mount Eliza is open; Lucknow Primary School, open; Leongatha Early Learning Centre, \$2 million – that is exactly what it says right here. Foster Prom Coast Centre for Children is open. Gumnuts Early Learning Centre in Sale – I went along for the opening of that. That was magic – absolutely magic. The community are coming together and the kids are coming together and getting better outcomes and better outcomes for regional Victorians because regional Victorians, in fact all Victorians, know exactly your position on education.

It was very good to hear Minister Tierney giving you a piece of her mind while you were having your say, Mr McCracken, because she was exactly right. You ripped the guts out of TAFE. Most of you would not know where a TAFE is let alone have ever attended one, and that is why you will never

invest in them – because you are philosophically opposed to people getting the training and skills that they need. Then you turn around and you abandon workers, and there is no foresight to the industries that workers can work on or the training that they need to deliver that work.

The Herd Intergenerational Learning Centre in Mornington, an incredible place with an aged care facility and child care coming together with a glass window between the two, is ahead of its time. Two sisters that saw work that was going on in Seattle years ago made an investment. The state government, along with the aged care facility provider, got on board. That is such an incredible program that is bringing young and old together and getting incredible results for both of them.

Korumburra Primary School – we are going to have 66 places onsite at the school. I know that the community is absolutely delighted about that and that we are looking at the growth of a regional town. Towns are growing everywhere. This is what people talk to me about: the growth and opportunity that has been occurring in our regions for the best part of – more than – two decades, since Bracksy came in and said, ‘You know what? We’re not going to ignore the regions. We’re not going to rip the guts out of them. We’re going to invest in them.’ That is exactly what we are doing. Another example: Yarram Early Learning Centre – \$2 million for another 66 spots there. It is sensational. Tootgarook Primary School, Lakes Entrance Primary School and Mirboo North Early Learning Centre are absolutely rapt, as is another one in Sale. There is so much going on.

I want to take an opportunity to focus on the workers. The workers in this sector are incredible, beautiful people. They are setting up our kids, the future of Victoria, to ensure that from that early age – and this cannot be overlooked – emotional and academic development is occurring in our three-year olds and four-year olds as they head off to primary school. It gives them exactly what this is about: the best start to a best life. That is why it is transformational. It is transformational for people, it is transformational for families, it is transformational for communities and it is a fantastic thing for our economy. The productivity of our state for future generations to come will benefit from this investment in our young.

As I said before, the current benefits are massive. In a time of inflation investing in people getting back to work is just so incredibly important to our families and is such an incredibly popular policy that we have taken and are implementing. It is \$14 billion of investment. It is just so, so valuable. Minister Tierney, through our TAFE program, is ensuring that we are training the workers and instilling in them the skills to deliver that platform. We are talking thousands and thousands of workers delivering for the children and the families of this state. We are just upskilling and upskilling the sector, and it is a fantastic thing.

We know those opposite are there talking out of the sides of their mouths. They do not want to see that investment made because, we know – I will keep coming back to it – there is no purpose, there is no plan. It is not in their political DNA to believe in anything other than the free market. That is why Victorians know they can never look to the Liberal coalition for a plan. They can never look to the Liberal opposition to deliver, because they are ideologically opposed to it. That is their position. They have an ideological opposition to ever doing anything. They will sit on their hands, whether it is in state politics or in federal politics. We saw that in 10 years in federal politics they did nothing. It does not matter what policy area you look at – whether it is jobs, whether it is investment in research, whether it is the housing situation we find ourselves in or whether it is planning to ensure there are skilled workforces – that side never have the plan, because it is fundamentally not in their DNA. It is not in their DNA, and nor will it ever be. That is why people just will not vote for them, because they know that they have no plan, they have no purpose and they will never, ever deliver.

I have got 2½ minutes left. There are a few other things I would like to wrap up for the year. I do want to again in all seriousness acknowledge Dr Bach’s leaving. He has made lots of valuable contributions, and I think it is important that despite our political differences of opinion, as he discussed, being able to work with ministers and being able to work across the aisle to get outcomes for the people of Victoria is incredibly important. I will not say anything more, as on the other side I am not sure if they

are talking about him or about me. Hopefully they are talking about me and not him, because I want him to go out carried on shoulders, as he should be.

**A member** interjected.

**Tom McINTOSH:** I was going to talk about footy, actually. I was going to leave that to my last 30 seconds.

**A member** interjected.

**Tom McINTOSH:** I do. I have to, actually. I have actually been asked to say it. To reflect on the year, as I said in a members statement, Collingwood footy club, the culture that they had, a history where there had been racism, sexism and homophobia – turning that all around, with the pinnacle of that being Bobby Hill with four goals and a Norm Smith medal in the grand final, was absolutely incredible. When we invest in culture we get outcomes, and we have seen that through Craig McRae and Darcy Moore.

**Bev McArthur** interjected.

**Tom McINTOSH:** Absolutely. They acknowledged there was a cultural issue, and they took that culture head on, and that is what this side has done. What happened this week? This week we got 50 per cent of this place for women in Parliament, and I tell you what, it is not through the help of you lot over there. It is this side that has led the way. This side has led the way, and we now have 50 per cent women in Parliament. We have still got a lot of work to do on diversity. We have got a lot of work to do, and we will keep at it, and I hope we do it together.

To wrap up, the Best Start, Best Life motion –

**Bev McArthur:** You'd have to put a skirt on, Tom, to get down on the front bench.

**Tom McINTOSH:** I'd look pretty good. Best Start, Best Life is an incredible investment in our state. It is an investment in our children, it is an investment in our families, it is an investment in our workers and it is an investment that we are absolutely dedicated to making because the economic benefits to our young, to our families and to the productivity of this state are going to flow for years and years to come. Despite their lack of purpose, despite their lack of a plan and despite their ideology, we will deliver for Victorians.

**The PRESIDENT:** Mr McCracken was on the end of some pretty vigorous interjections, and then Mr McIntosh has been on the end of some pretty vigorous interjections, so I reckon the ledger is even. I will call Mr Luu, and he will be heard in silence.

**Trung LUU (Western Metropolitan) (18:03):** Thank you, President. I rise to speak on this motion taking note of the government's announced Best Start, Best Life reform. I welcome this initiative, which will assist my constituents in the west and benefit children in my area and help them on their way to flourishing in life. I am concerned, however, about the government's ability to fully deliver this program as many programs and promises have been cancelled in recent times. I have said many times in this chamber and will not stop saying it until the government starts taking it seriously: the west, Western Metropolitan Region, is the fastest growing area in Victoria, and one of the fastest growing areas in the whole country. The population growth has been incredibly rapid in the last decade and shows no sign of stopping anytime soon. Every service is under pressure – the trains and the buses are packed, the roads are congested, the schools are bursting at the seams. For so long this government has neglected my electorate in the west because they consider it a safe Labor seat.

Any investment in the west is at the bottom of their priority list. When it comes to kinders and early learning centres you will not be surprised to learn the west is lagging behind the rest of Victoria. Most of the people that move here are young families or young couples planning to start a family. That means in the west we have more kids than other areas. In Victoria and Australia at large about 6 per cent of the population are children up to four years of age, but in Wyndham, for example, 9 per cent

of the population are children up to four years of age. We have more kids than other areas, so we need more kinders in these rapidly growing areas. The government knows about this growth, and it should be proactively delivering infrastructure, including facilities like kinders and primary schools, before the growth happens. But they have spent years neglecting the west, breaking promises and cancelling infrastructure.

Just look at the critical transport infrastructure that has been promised for the west and then cancelled: airport link, a new Keilor station, Sunshine station upgrade to a superhub – cancelled, postponed. When will it start? We do not know. Extra tracks from Sunshine to the CBD – not there. Electrification of the train lines to Melton and Wyndham Vale – cancelled. School infrastructure is what we need in the west. This motion has promised to provide the Best Start, Best Life reforms. It is the same story for the kinders and early learning centres mentioned in this motion. The government say they will deliver 50 government owned and operated early learning centres. How many will the west actually get? Will they promise new kinders for the west? Will they delay and eventually cancel them again?

Let me give some examples of this government neglecting the west in investment in critical school infrastructure which they promised for the west in recent times. I visited two schools earlier this year, Rosehill Secondary College and Tarneit Senior College. In Rosehill, outdoor activities were deemed too dangerous for students because of waterlogged play areas after heavy rain, a drainage problem. Whenever it rained or we had heavy weather, their playground was waterlogged, so it was fenced off. Proper drainage in public school grounds should be a matter of basic facility management, but this important work has been forgotten. I raised this matter earlier this year in this chamber. Tarneit college – another matter I raised earlier was their sporting facilities. Tarneit has over 1,100 students, with only one soccer pitch to play on and one unshaded courtyard. It is supposed to be a newly developed school. Right next to the college is a block of vacant land fenced off, and since it was developed in 2012 it has been empty. They need funds to develop a sporting oval, but they have been waiting since 2012. This motion is about early childhood learning, rather than secondary colleges, but I bring these up as examples of the neglect the government has for the western suburbs when it comes to basic school facilities and infrastructure and in relation to education and childhood learning development.

Forsyth Creek – let me give an example of neglect in childhood learning. In Truganina three out of four schools in the area are expected to be over capacity. Despite this situation, the government decided to cancel the planned building of the Forsyth Creek primary school on the Ellarook housing estate. Again, I raised this matter earlier this year. They cancelled a primary school in one of the fastest growing areas, where the existing schools are already over capacity. Internal Department of Education planning documents state that Truganina needs an additional 250 student places in its school network in the area, yet they decided to cancel a planned primary school in that area.

This government is announcing a plan to build kinders and early learning centres at the same time as it is breaking promise after promise after promise to build primary schools in my electorate in the west, so I ask: how many kinders will we actually get in the most rapidly growing area of Victoria? Given its track record, can we be confident in this government keeping its promise? Is the kinder program going to actually be completed, or is it just another program to announce to generate some publicity and generate some social media before they start cutting the program again?

In closing, we welcome the investment in early childhood centres in this motion. It is the most important stage in the life of a child for learning fundamental skills that will benefit them for the rest of their life. I hope the government follows through on its promise. I hope they deliver this critical infrastructure in the west for my constituents. But given the government's track record, I do not hold my breath. I am concerned that the west again will get this promise of new services only to have the promise broken again.

**Ryan BATCHELOR** (Southern Metropolitan) (18:11): I am very pleased at any stage of proceedings in this parliamentary year to rise and talk about early childhood education, in particular to speak to Ms Watt's motion:

That this house notes that the Allan Labor government leads the nation in early childhood through its Best Start, Best Life reforms by:

- (1) delivering 50 government owned and operated early learning centres;
- (2) establishing free kinder, saving families \$2500 for each child every year; and
- (3) introducing pre-prep, a play-based learning program for every four-year-old ...

I had the privilege a couple of times throughout this parliamentary sitting year, 2023, of being on the record about the importance of early learning and about high-quality early learning services here in Victoria, and I think the benefits that high-quality early learning brings to our children, the developmental benefits that we fundamentally know come from high-quality early learning, really cannot be disputed. On these matters the science is definitely in. The neurological science, the neural pathways that are formed and the better neural pathway formulation that occurs in young children when they are in high-quality learning environments have been comprehensively studied in recent years and comprehensively proven to lead to better developmental outcomes and to better educational outcomes. And what we have seen from multigenerational studies in various parts of the world, including in the United States, is that those initiatives have generational outcomes for children in that those children who are participating in high-quality early learning programs are much more likely to be employed in their adult life and not only are much more likely to complete secondary schooling but are much more likely to go on and participate in further vocational or tertiary education.

There is absolutely no doubt that investments that we make in children before they go to school, supporting their development as well as providing them with care environments, but particularly supporting their education and development, are investments that absolutely benefit those children but also our broader community, because investment in what is in its crudest and coldest terms human capital formation is fundamentally about providing a rich learning environment that allows their brains to develop in more sophisticated ways. That has been proven again and again and again by developmental science both here in Melbourne, where we have some absolutely world-leading developmental scientists and children's researchers – Murdoch Children's Research Institute is just one – and also in other parts of the country. Obviously, the leading work that is happening in Western Australia by the Telethon Kids Institute, led for many years by Professor Fiona Stanley, has proven again and again and again the absolute benefits these sorts of high-quality, rich learning environments have for the development of young children.

So I think from a science level it is irrefutable that the sorts of initiatives that this government, the Allan Labor government, is making such a significant priority for our state are ones that can and do have significant benefits and we should absolutely be supporting. That is the fundamental reason why investment in early learning is so important – because it benefits the children of our community – and we should need no further reason than that, I think, to justify why the government's investments are so critical.

The way that the state Labor government is investing in our children is multifaceted. Obviously we know that the package of programs, our Best Start, Best Life reforms, are a significant package of measures designed to benefit our young children. A key part of that is our demonstration of the state government's own enthusiasm for children and early learning by establishing 50 government owned and operated early learning centres, which is not only supporting children's development but looking at those parts of our community, those areas across Greater Melbourne and regional Victoria, where there are the greatest shortages of access to high-quality early learning and care, where access to child care or access to early learning is the lowest. Where we have these child care shortages, the government is stepping in and stepping up to the plate and building the very facilities that residents in these communities need. What we are doing with these services is trying to, where possible, co-locate

them with our schools so that we can provide a seamless transition across all the early learning centres. I have spoken a lot this year about the benefits of early learning. I could spend all day and all night doing it, but I might sit down right now.

**Lee TARLAMIS** (South-Eastern Metropolitan) (18:17): I move:

That debate on this motion be deferred until the next day of meeting.

**Motion agreed to.**

### *Bills*

#### **State Taxation Acts and Other Acts Amendment Bill 2023**

##### *Council's and Assembly's amendments*

**The PRESIDENT** (18:17): We have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Duties Act 2000**, the **Fire Services Property Levy Act 2012**, the **First Home Owner Grant and Home Buyer Schemes Act 2000**, the **Land Tax Act 2005**, the **Local Government Act 1989**, the **Property Law Act 1958**, the **Sale of Land Act 1962**, the **Treasury Corporation of Victoria Act 1992**, the **Valuation of Land Act 1960** and the **Windfall Gains Tax Act 2021** and for other purposes' the Assembly:

- (1) agreed to the amendments made by the Council; and
- (2) made further amendments with which agreement is requested.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (18:18): I move:

That the message be taken into consideration forthwith.

**Motion agreed to.**

**Amendments as follows:**

1. Insert the following New Clauses to follow Clause 27 –

**27A What is the rate of land tax?**

For section 35(3) of the **Land Tax Act 2005** substitute –

“(3) Subject to section 88EB, the rate of vacant residential land tax is –

- (a) if the land was not liable for vacant residential land tax in the preceding tax year – 1%;  
or
- (b) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year – 2%; or
- (c) if the land was liable for vacant residential land tax in the last 2 preceding tax years – 3%.

**Note**

For the purposes of the vacant residential land tax, the taxable value of the land is the capital improved value of the land as at the relevant date – see section 19(1A).”.

**27B Holiday home exemption**

For section 88A(1)(a) of the **Land Tax Act 2005** substitute –

“(a) in the year preceding the tax year –

- (i) the owner of the land or a vested beneficiary of a trust to which the land is subject used and occupied other land in Australia as a principal place of residence; and
- (ii) the owner of the land or a vested beneficiary of a trust to which the land is subject, or a relative of the owner or vested beneficiary, used and occupied the land as a holiday home for a period of at least 4 weeks (whether continuous or aggregate); and”.

2. Insert the following New Clause to follow Clause 28 –

**28A New sections 88EA to 88EC inserted**

After section 88E of the **Land Tax Act 2005** insert –

**“88EA Land becomes residential land during third year preceding tax year and has not been used or occupied or changed ownership**

- (1) Land is exempt from vacant residential land tax for a tax year if –
- (a) at the commencement of the third year preceding the tax year the land was not residential land within the meaning of section 34B(1); and
  - (b) during the third year preceding the tax year the land becomes residential land within the meaning of section 34B(1); and
  - (c) during the second year preceding the tax year the land is exempt from vacant residential land tax under section 88D; and
  - (d) during the year immediately preceding the tax year the land is exempt from vacant residential land tax under section 88E; and
  - (e) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year –
    - (i) the land has not been used or occupied; and
    - (ii) the land has not changed ownership; and
  - (f) the Commissioner is satisfied that during the period referred to in paragraph (e) the owner of the land made genuine attempts to sell the land at or below the price that they expected to receive when construction commenced on the land.
- (2) To obtain an exemption from vacant residential land tax under this section, the owner of the land must –
- (a) apply to the Commissioner for the exemption on or before 15 January of the tax year; and
  - (b) give the Commissioner any information the Commissioner requests for the purpose of enabling the Commissioner to determine whether the land is exempt from vacant residential land tax under this section.

**88EB Residential land that has not been used or occupied or changed ownership for more than 3 years**

- (1) Land is eligible for a concessional rate of vacant residential land tax of 1% for a tax year if –
- (a) in a preceding tax year, the land becomes residential land within the meaning of section 34B(1); and
  - (b) in a tax year after the tax year referred to in paragraph (a) but preceding the tax year, the land is exempt from land tax under section 88EA; and
  - (c) for the period from which the land becomes residential land within the meaning of section 34B(1) up to the tax year –
    - (i) the land has not been used or occupied; and
    - (ii) the land has not changed ownership.

**88EC Publication of report on exemptions and concession**

- (1) The Commissioner must publish on the Commissioner’s website an annual report of the following information for the 12 month period to which the report relates –
- (a) for each postcode in Victoria, the number of –
    - (i) exemptions granted under each of sections 88D, 88E and 88EA; and
    - (ii) concessions granted under section 88EB;
  - (b) the total amount of vacant residential land tax that was not payable because of the grant of the exemptions and the concessions referred to in paragraph (a).”.

3. Clause 30, line 15, omit “the commencement day, the land is” and insert “31 December 2023 the land was”.
4. Clause 30, line 27, omit “the commencement day, the land is” and insert “31 December 2023 the land was”.



5. Clause 30, line 33, omit “2023;” and insert ‘2023.’.
6. Clause 30, page 24, lines 1 to 3, omit all words and expressions on those lines.
7. Insert the following New Clause to follow Clause 34 –

**‘34A What is the rate of land tax?’**

For section 35(3)(a), (b) and (c) of the **Land Tax Act 2005** substitute –

“(a) for residential land within the meaning of section 34B(2B) – 1%; or

(b) for any other land –

- (i) if the land was not liable for vacant residential land tax in the preceding tax year – 1%; or
- (ii) if the land was liable for vacant residential land tax in the preceding tax year but not the tax year preceding that tax year – 2%; or
- (iii) if the land was liable for vacant residential land tax in the last 2 preceding tax years – 3%.”.

**Lizzie BLANDTHORN:** I move:

That the further amendments made by the Assembly be agreed to.

**Evan MULHOLLAND** (Northern Metropolitan) (18:19): Just a brief contribution: the Liberals and Nationals will not be agreeing to these amendments.

**Council divided on amendments:**

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

*Noes (15):* Matthew Bach, Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell

**Amendments agreed to.**

**The PRESIDENT:** A message will be sent to the Assembly informing them accordingly.

*Announcements*

**Parliamentary officer**

**The PRESIDENT** (18:26): Before people go – I am a bit worried Dr Bach might have started a run-on – I have been informed that for another one of our fine attendants, Jim Bowman, who has been with us for six years, this is his last sitting day as well. On behalf of the whole chamber, I am sure you all agree that we wish Jim well into the future and thank him for his great service.

*Adjournment*

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:27): I move:

That the house do now adjourn.

**I Cook Foods**

**Georgie CROZIER** (Southern Metropolitan) (18:27): (646) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to the I Cook Foods matter. Today it has been found, on the legal costs for the I Cook Foods matter, that the government will have to pay for the legal costs. The Supreme Court ordered the state government to pay the majority of I Cook Foods’ costs following the 10-day civil trial, and they will not require I Cook Foods to pay any of the costs racked up by the Department of Health, according to the *Herald Sun*.

I want to just say that I brought this issue into the house in April 2019, because at that time Ian Cook wrote to me and he was concerned about the closure of his business in Dandenong. We had two parliamentary inquiries on this matter, and I am very, very concerned about what happened throughout those parliamentary inquiries, because over the course of these recent court cases we know what occurred. The evidence that we got in those inquiries was not the evidence that the courts heard, and I believe that the Department of Health willingly knew what they were providing to us and willingly knew that they were not going to give us the evidence that that inquiry needed to have, because Mrs Painter was in fact free of listeriosis. She had been treated effectively with antibiotics and did not die of listeriosis as was claimed by Dr Sutton, the Department of Health and indeed the government. In fact she died of acute pulmonary oedema, and she had suffered from very severe chronic heart disease – had a long history of 15 years.

I am really concerned. As we know, in the first inquiry Dr Sutton provided evidence that was incorrect, and then he came back into the second inquiry and had to correct the record. We know from what has happened in the courts that there was an injustice done – that I Cook Foods was shut down by the department illegally. What we now know is that the department has cost the taxpayer millions of dollars in legal fees to defend their appalling track record on this very, very significant saga. The action I am seeking from the minister is that they provide a full account of the legal costs and how much it has cost the taxpayer, because every single Victorian deserves to understand exactly how much the department has paid out defending a case that was rotten to the core in the first place. The injustice that was done to the Cook family is one of the most shameful periods in the state's history.

#### **Food security**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (18:30): (647) My adjournment matter tonight is to the Treasurer, and I ask that he take action to ensure that Victorians can afford basic groceries this festive season. This holiday season many Victorians will be paying more and more for their Christmas food and their groceries and they will be getting less and less in their trolley. We just need to acknowledge we are all very privileged here. Let us be real, we have substantial incomes and we really cannot be claiming to be currently facing too much difficulty when it comes to paying for our groceries. But I am certainly hearing from many people from my region and from across the state who are really struggling, and I think we have an obligation to listen to these experiences and to take action. Summer and the festive season are upon us, a time that for many is supposed to be all about friends and family and celebrating and food. But let us be honest, it is difficult to enjoy the festive season if you are already struggling. How are people supposed to afford the extra expense of the Christmas feast or another holiday meal when week by week they have barely enough to get by?

Food is essential. We cannot live without it. We do not thrive if we do not have access to healthy food. It has such a broad impact on our general health and wellbeing that our state government really should be doing everything in its power to make sure that everyone has access to fresh, healthy and affordable food, yet Foodbank has reported that this year food insecurity has risen by 10 per cent from just last year, and it is now affecting people who have never previously been impacted. Within these figures there is some even more worrying information. Forty per cent of people who rely on disability pensions or who are carers, those who are experiencing homelessness or live in social or mobile housing are facing severe food insecurity.

Governments collectively have the power to act, to make sure that people can access fresh and healthy food. Our state government could do a whole range of things to address this, and unfortunately they currently are not. To all my colleagues in this place, while I do wish you a happy holiday, I also say: remember, many in the community will not be able to enjoy the festive season as we are able to. We must do more for them – we must.

#### **State Electricity Commission**

**Evan MULHOLLAND** (Northern Metropolitan) (18:33): (648) My adjournment is directed towards the Minister for the State Electricity Commission, and the action I seek is for the minister to

clarify the investment of a quarter of a billion dollars in a foreign-owned investment and advise of the criteria. We saw today that Equis Australia's battery farm in Melbourne, also known as the hub, will be the first project funded under the SEC. The company itself stated last year it had already received project approval – interesting. This is basically, I think, another broken promise. We have an existing project which was already supported by the private market. The broken promise is that the government announced before the election that the SEC would be about government-owned, government-controlled power generation, making electricity prices cheaper for Victorians. Well, this is now only a 38 per cent funding investment in a private battery hub. That is a broken promise because, as far as I remember, Mr Andrews went out to the electorate saying it would be government owned and government controlled. While there might be a case for this kind of investment – I do not think there is when there is already a private market going on – this is not what Labor actually promised. They have been telling porkies. There is not any kind of business case regarding this project either, and given they have already stated that the private market was going to fund this project, why do Victorians need to stack up for a 38 per cent share in this project? A year since the SEC was announced, we have seen a 25 per cent rise in electricity prices, and the only investment they have made from the SEC is into a project the private sector was going to fund anyway.

I ask the minister to clarify also what the SEC actually is. Is it an investment fund? Is it a piggy bank? Is it a retailer? Because I know I have heard members on that side saying they cannot wait to sign up their electricity with the SEC. So will the minister actually clarify whether it is a retailer, a wholesaler, an investment fund or a merchandise outfit supplying bags, jelly beans, hats saying 'SEC' and jackets with the old SEC logo? Maybe they just want to put the SEC logo into the constitution. We know that the structure already existed, even though its assets were sold off, so putting it in the constitution absolutely will not make a difference. The government can still divest from any investments. They are an absolute joke.

### **Breast screening**

**David ETTERS**HANK (Western Metropolitan) (18:36): (649) My adjournment matter is for the Minister for Health in relation to breast screening services for women living in the outer western suburbs of Melbourne. In 2021, 4954 Victorians were diagnosed with breast cancer. It is the second most common cause of cancer-related deaths in Victorian women after lung cancer. We know that screening and early cancer detection increase the chances of successful treatment and save lives. A recent report revealed that areas across Australia with a high multicultural composition tend to have lower rates of cancer screening, putting many culturally and linguistically diverse communities at risk. This is true in my own electorate, which has a highly diverse population and records significantly lower screening rates than other parts of the state.

Several factors prevent women from culturally and linguistically diverse communities in the west from accessing screening services, including lack of awareness, limited transport options, language barriers and a lack of cultural safety for migrant women. So while BreastScreen Victoria has locations in the west which offer a wonderful service, providing free mammograms and follow-up tests, women from culturally and linguistically diverse backgrounds are all too often not accessing these services. They are, however, much more likely to visit their local community health centre, where the GPs and nurses are known and trusted by the community, translation services are available and a sense of cultural safety is afforded to women from CALD communities. They are best placed to encourage women to get themselves screened. If women are unable to travel to screening locations, why can't the screening come to them? We know that BreastScreen Victoria has mobile bus services which operate in regional Victoria. With additional funding they could bring their mobile screening bus to the women of Melbourne's west. So the action I seek is that the Minister for Health ensure additional funding is provided in the next state budget for the expansion of BreastScreen Victoria mobile services into Western Metro Region.

### Timber industry

**Melina BATH** (Eastern Victoria) (18:38): (650) My adjournment matter this evening is for the Treasurer, and the action I seek is for the Treasurer to work with his Commonwealth counterpart to ensure fairer taxing of displaced redundant workers who have been paid out with lump-sum payments because of the native timber industry shutdown, abandoning the science of forestry and abandoning the social and economic benefits of native timber. Tragically, Treasurer, your government is in the process of shutting down our world-class hardwood industry. Collateral damage to harvest and haulage and mill workers includes staff associated with those industries. They are now facing yet another punishment. In the process, redundant workers are being paid out with lump-sum packages. Lump-sum packages, of course, have this unintended and abhorrent consequence: staff, and particularly long-term staff, are being hit with significant tax bills as a result of these payouts and moving to a higher tax bracket. For example, a redundant mill office manager who has worked in the same job for 40 years has now got a tax bill of \$30,000. Another former employee has been in the industry for 30 years and has worked in a number of different processing organisations. He was entitled to a fully capped redundancy payment of \$150,000, plus another \$50,000 for the years that he has worked. He now faces a tax bill of \$56,000, which equates to 28 per cent tax. To quote the mill manager where this gentleman works, it is:

... yet another kick in the guts to all of these timber industry employees who have had their industry shutdown and lost their jobs but now coughing up large amounts of money in tax on a Government redundancy.

I am sure the Treasurer will have sympathy for these hardworking Victorians who through no fault of their own are now faced with an uncertain future, the loss of their livelihoods and potentially displacement from their communities, as they have to now go and find another job somewhere else. So, Treasurer, I ask for you to collaborate with your Commonwealth equivalent, the Commonwealth Treasurer, to find a solution and ensure these good people are not further punished.

### Royal Children's Hospital

**Bev McARTHUR** (Western Victoria) (18:40): (651) My adjournment matter is for the Minister for Health and concerns the Royal Children's Hospital's quiet update of their standards of care to endorse a radical expansion of the gender-affirming approach without considering the latest evidence. As the nation's leading paediatricians in gender-affirmative medicine and surgery, the Royal Children's Hospital have cemented their commitment to the narrow-focused practice of gender affirmation rather than adopting a multidisciplinary model, which many interstate and global children's hospitals are moving towards.

Two leading experts in their field – George Halasz, a Monash Medical Centre child and adolescent psychiatrist, and Andrew Amos, an academic psychiatrist who was a leading trainer with Queensland's health department – have called on doctors to resist the pressures of activism in a rush to affirm children distressed by gender dysphoria. They called for doctors to reflect upon the ethics of the affirmation model, in which powerful hormone drugs are given to children and surgical intervention is performed on minors. They called on doctors to observe the Hippocratic oath – first do no harm – and to reject widespread subordination of clinical governance to social and political goals. Halasz and Amos also warn Australian doctors to heed the cautionary tale of the many compensation cases made in response to the healthcare scandal at Britain's Tavistock National Health Service gender identity clinic.

What we need is greater clinical accountability and transparency in guidelines at the Royal Children's Hospital. We do not need an obstinate, unscientific blind trust in the gender-affirmation model resembling a form of radical social activism. It is outrageous that the Royal Children's Hospital did not consider any recent studies and emerging evidence in the past three years when drafting new guidelines. I encourage the Royal Children's Hospital to look to the New South Wales Children's Hospital at Westmead gender clinic and the doctors who have analysed and questioned the success of a gender-affirming approach. In a rare academic study of the outcomes for gender-dysphoric children,

it was identified 88 per cent had at least one comorbid mental health condition. More than 50 per cent were diagnosed with behavioural disorders or autism. One in five children who were seen later had their gender-related distress resolved. Almost one in 10 diagnosed with gender dysphoria later discontinued their transitioning process. As a result, the doctors concluded that a neutral therapeutic stance was needed to provide a much more diverse range of treatment options and pathways as an alternative to medical gender transition.

I call on the Minister for Health to ensure the Royal Children's Hospital are providing the best possible standards of care by considering recent research which supports a neutral multidisciplinary approach to children with gender dysphoria.

### **Pharmacotherapy services**

**Trung LUU** (Western Metropolitan) (18:43): (652) My adjournment matter is for the Minister for Health. The action I seek is for the minister to improve access to drug treatment and rehabilitation services in the west. A report recently released by the Coroners Court in Victoria into drug overdose deaths revealed that after the City of Melbourne the Brimbank local government area had the highest number of deaths by drug overdose in Victoria. That is in my electorate. Outside the CBD three of the top five local government areas for drug overdoses are in the west – Brimbank, Maribyrnong and Greater Geelong. My constituents in the west are wondering what the government is doing about this serious issue.

We in the west are constantly reminded that the west is not getting the same level of service delivery. For example, one treatment pathway for people with opioid addiction is pharmacotherapy. This uses an alternative drug like methadone to help people transition off using more harmful drugs. If a resident in Sunshine goes to the federal government Health Direct website and searches for 'pharmacotherapy treatment for drugs of dependence', the nearest locations are South Yarra, then Northcote and then Preston.

Residents in the east and north have access to this service, but there is nothing in the west. I ask the government why they are neglecting the west. We need to prioritise the improvement of services around livability, transport and health for my constituents. The action I seek is that the minister expand access to drug treatment and rehab services in the west.

### **Regional infrastructure**

**Gaelle BROAD** (Northern Victoria) (18:46): (653) My adjournment is to the Premier, and the action I seek is for the Premier to ensure a fair allocation of new infrastructure funding by the state government to regional areas. Under Labor's leadership just 13 per cent of new infrastructure spending has gone to regional projects, although 25 per cent of Victoria's population lives in regional Victoria. Because of this neglect over many years, Victoria's roads and bridges are not keeping pace with economic growth in regional areas. The state government has failed to prioritise key regional projects, and now federal Labor are doing the same. The federal minister Catherine King took over 180 days to do a 90-day review of federal infrastructure projects.

It is hard to believe that the \$208 million that had already been committed by the former coalition government for the Shepparton bypass project was scrapped. Greater Shepparton is a food bowl, and 25 per cent of the state's trucks are registered in the region. The bypass remains a top priority for the local community, and I know that my colleague Kim O'Keeffe has raised this matter with Minister Pearson to ensure that it continues.

Likewise, the community of Yarrawonga are also in need of major infrastructure works. Next year the Yarrawonga bridge will be 100 years old. It was built incorrectly. Legend has it that the bend in the bridge is due to the fact that it was not built correctly – the levels were out – and that the engineer killed himself on the bridge. The bridge is now sinking and has over 10,000 vehicles cross it every day. The bridge is not wide enough to accommodate the size of today's heavy transport vehicles, and

many a truck driver has lost a side mirror, along with those towing caravans, because it is a very popular tourist region. Tim McCurdy invited me to visit the site to meet with locals and the Moira shire, and there is strong community support for this project.

I ask the Premier to listen to the experts and that rather than progress the Suburban Rail Loop, which has no business case and presents a budget black hole, priority be given to rebuilding regional roads and bridges. Our regions supply food for our tables and export food and fibre to the world. To invest in our regions would bring strong economic returns to our state, and it is time that regional Victoria received our fair share of state government funding.

#### **Stalking law reform**

**Renee HEATH** (Eastern Victoria) (18:48): (654) This is my last opportunity of the year to speak in this chamber. This week I was very happy to see the bill pass to make sure that Denyer the serial killer never walks the streets again. I spoke with some of Nat's family after the bill was passed, and they said that it was just amazing to see that things changed just like that – years of pressure and years of that stress gone in a minute.

I want to acknowledge that for those that have lost loved ones this coming month is going to be a difficult time. When you have lost loved ones, the pain that you feel and the grief that you feel is more acute during times when everyone else is celebrating, so I want to use this opportunity to bring up for one last time the inquiry that was done into stalking laws. Another family that I will be thinking of at this time of year is Celeste Manno's family. I think of her mum Aggie, for whom on this Christmas Day there will be one empty seat at her table. I ask that in the new year the Premier and the government make sure that it is an absolute priority that we look at and address those 45 recommendations that were made by the Victorian Law Reform Commission to strengthen Victoria's stalking laws.

#### **Responses**

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (18:49): There were nine adjournment matters raised this evening, and they will be referred to the relevant ministers.

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

**House adjourned 6:50 pm.**